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OP-ED

A conservative case for an assault weapons ban

If we can't draw a sensible line on guns, we may as well call the American experiment in democracy a failure.

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An assault weapon similar to the type used in the Newtown, Conn. shooting. (Joe Raedle / Getty Images / December 18, 2012)

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A blanket ban on assault weapons and high-capacity magazines?

By Larry Alan Burns
December 20, 2012

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"mass shooting," or at least make the perpetrator's job a bit harder.

To guarantee that there would never be another Tucson or Sandy Hook, we would probably have to make it a capital offense to so much as look at a gun. And that would create serious 2nd Amendment, 8th Amendment and logistical problems.

So what's the alternative? Bring back the assault weapons ban, and bring it back with some teeth this time. Ban the manufacture, importation, sale, transfer and possession of both assault weapons and high-capacity magazines. Don't let people who already have them keep them. Don't let ones that have already been manufactured stay on the market. I don't care whether it's called gun control or a gun ban. I'm for it.

I say all of this as a gun owner. I say it as a conservative who was appointed to the federal bench by a Republican president. I say it as someone who prefers Fox News to MSNBC, and National Review Online to the Daily Kos. I say it as someone who thinks the Supreme Court got it right in District of Columbia vs. Heller, when it held that the 2nd Amendment gives us the right to possess guns for self-

Last month, I sentenced Jared Lee Loughner to seven consecutive life terms plus 140 years in federal prison for his shooting rampage in Tucson. That tragedy left six people dead, more than twice that number injured and a community shaken to its core.

Loughner deserved his punishment. But during the sentencing, I also questioned the social utility of high-capacity magazines like the one that fed his Glock. And I lamented the expiration of the federal assault weapons ban in 2004, which prohibited the manufacture and importation of certain particularly deadly guns, as well as magazines that can hold more than 10 rounds of ammunition.

The ban wasn't all that stringent — if you already owned a banned gun or high-capacity magazine you could keep it, and you could sell it to someone else — but at least it was something.

And it says something that half of the nation's deadliest shootings occurred after the ban expired, including the massacre at Sandy Hook Elementary in Newtown, Conn. It also says something that it has not even been two years since Loughner's rampage, and already six mass shootings have been deadlier.

I am not a social scientist, and I know that very smart ones are divided on what to do about gun violence. But reasonable, good-faith debates have boundaries, and in the debate about guns, a high-capacity magazine has always seemed to me beyond them.

Bystanders got to Loughner and subdued him only after he emptied one 31-round magazine and was trying to load another. Adam Lanza, the Newtown shooter, chose as his primary weapon a semiautomatic rifle with 30-round magazines. And we don't even bother to call the 100-round that James Holmes is accused of emptying in an Aurora, Colo., movie theater a magazine — it is a drum. How is this not an argument for regulating the number of rounds a gun can fire?

I get it. Someone bent on mass murder who has only a 10-round magazine or revolvers at his disposal probably is not going to abandon his plan and instead try to talk his problems out. But we might be able to take the "mass" out of

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defense. (That's why I have mine.) I say it as someone who, generally speaking, is not a big fan of the regulatory state.

I even say it as someone whose feelings about the NRA mirror the left's feelings about Planned Parenthood: It has a useful advocacy function in our deliberative democracy, and much of what it does should not be controversial at all.

And I say it, finally, mindful of the arguments on the other side, at least as I understand them: that a high-capacity magazine is not that different from multiple smaller-capacity magazines; and that if we ban assault weapons and high-capacity magazines one day, there's a danger we would ban guns altogether the next, and your life might depend on you having one.

But if we can't find a way to draw sensible lines with guns that balance individual rights and the public interest, we may as well call the American experiment in democracy a failure.

There is just no reason civilians need to own assault weapons and high-capacity magazines. Gun enthusiasts can still have their venison chili, shoot for sport and competition, and make a home invader flee for his life without pretending they are a part of the SEAL team that took out Osama bin Laden.

It speaks horribly of the public discourse in this country that talking about gun reform in the wake of a mass shooting is regarded as inappropriate or as politicizing the tragedy. But such a conversation is political only to those who are ideologically predisposed to see regulation of any kind as the creep of tyranny. And it is inappropriate only to those delusional enough to believe it would disrespect the victims of gun violence to do anything other than sit around and mourn their passing. Mourning is important, but so is decisive action.

Congress must reinstate and toughen the ban on assault weapons and high-capacity magazines.

Larry Alan Burns is a federal district judge in San Diego.

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csmallo17 at 7:30 AM December 21, 2012

I will give up my weapons when the government gives up all of its weapons. Until then, MOLON LABE, slavers.

jg8888 at 7:28 AM December 21, 2012

Sorry if this has been mentioned already. Here's a wake up call for some of you.

In China the gun laws are much stricter than in the USA.

http://en.wikipedia.org/wiki/Firearm_ownership_law_in_China

From 2010 to 2012 there have been numerous fatal mass stabbings, hammer attacks, and cleaver attacks at schools and other places in China

[http://en.wikipedia.org/wiki/School_attacks_in_China_\(2010%E2%80%932012\)](http://en.wikipedia.org/wiki/School_attacks_in_China_(2010%E2%80%932012))

Stop crying about lack of gun control THE REAL ISSUE IS MENTAL HEALTH

Jim Dunbar at 7:09 AM December 21, 2012

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/* Style Definitions */ table.MsoNormalTable{mso-style-name:"Table Normal";mso-tstyle-rowband-size:0;mso-tstyle-colband-size:0;mso-style-noshow:yes;mso-style-parent:"";mso-padding-alt:0in 5.4pt 0in 5.4pt;mso-para-margin:0in;mso-para-margin-bottom:.0001pt;mso-pagination:widow-orphan;font-size:10.0pt;font-family:"Times New Roman";mso-ansi-language:#0400;mso-fareast-language:#0400;mso-bidi-language:#0400;}

krjennings, the articulation and grammatical structure presenting your opinion sheds an enormous light on the education of yourself and the validity of your argument. Thank you for opening your mouth and removing all doubt.

Influential investor Gordon Crawford has left his mark on media 12/21/2012, 5:34 a.m.

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I suggest the following: Form a national lottery of all assault gun owners. Every time a mass murder of the innocent occurs (using an assault rifle), pull a name from the lottery for each victim. Gather those winners and televise the execution of each of those lottery winners (with an AR, of course).

I am a gun owner, particularly for the protection of self, loved ones, and property. In no way can I justify the ownership of an assault weapon. Game animals do not attack in mass and zombies require only a single shot to the head. Only incompetent weapon owners, those unable to achieve and maintain a good bead on their target, need an assault rifle.

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