

The Effect Domestic Terrorist Attacks Have on The State's Interpretation of The Second Amendment

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During the time frame of 2005 through 2020 there were approximately 82 domestic terrorist attacks that occurred in the United States that led to the death of over 700 people. All states in the U.S have experienced at least one domestic terrorist attack throughout their history which is why the Second Amendment and firearm laws have become one of the most controversial and important topics in politics. In my research, I determined if domestic terrorist attacks created a shift in perspective on the state's interpretation of the Second Amendment. To assess the answer to my question I chose at least one attack from each year (all from different states) based on the fatalities and injuries the attack created. After that, I analyzed the state's firearm laws in which the attack occurred a year prior to the attack and a year after the attack. By doing this I was able to see if the state had strong or weak firearm policies prior to the attack and if these policies were revised after the attack happened. Based on the state's reaction, proposals, and law revisions I was able to identify if domestic terrorist attacks effect the state's interpretation of the Second Amendment.

The Second Amendment was ratified into the Constitution in 1791. Since then it has been one of the most controversial topics in politics that has caused a great division among citizens and politicians. This amendment protects the rights of citizens to “bear arms” by allowing them to own firearms such as guns. Due to the domestic terrorist attacks that have occurred throughout the history of the United States, many question whether this amendment has actually helped protect its citizens or if it has endangered them instead. According to the official website of the FBI, a domestic terrorist attack can be defined

as a violent act committed by an individual or group (that reside within the United States) with the purpose to create a domestic influence that is either political, cultural, religious, social, or racial. (FBI Terrorism Reports & Publications 2002/2005) Domestic terrorist attacks can take shape in many forms such as in kidnappings, bombings, assaults, and much more, but for the purpose of this research I will be focusing primarily on shootings since they are becoming more common by the day. Many Americans have knowledge of at least one domestic terrorist attack that has occurred in the United States and

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it has created a fear that can not be relieved by the security of the justice system. The Second Amendment was established with the intention to give people the security to protect themselves with firearms against unlawful violence, but many citizens have interpreted this amendment in different ways. Some citizens have taken their questions and doubts about the usage, security, and purpose of the Second Amendment all the way to the Supreme Court. In the 1934 case of *United States v. Miller*, the Supreme Court discussed the purpose and the limits of the Second Amendment. They ruled that the “obvious purpose” of the Second Amendment is to “assure the continuation and render the effectiveness” of our state militia forces. This means that individuals were able to own certain types of firearms for their protection, free from government regulation, as long as it was in the state’s approved listing of firearms.

RESEARCH QUESTION

The Second Amendment has remained the same since its establishment in 1791, but it has been adapted differently throughout all the states in the U.S. Some states have stronger firearm laws than others and many wonder if this is a result based on the domestic terrorist attacks that have occurred in the United States. In this paper, I will be addressing the question of how have domestic terrorist attacks that have occurred throughout the history of the United States shaped the state’s interpretation of the Second Amendment?

ARGUMENT

The Second Amendment, in theory, is supposed to give citizens the right to bear arms in order to keep the security of a free state. It is also supposed to enable its citizens to be able to protect themselves against violence such as the one that occurs in domestic terrorist attacks. I believe that given the history of the domestic terrorist attacks that have occurred throughout the history of the United States, the state’s interpretation of the Second Amendment will change based on the aftermath of the attack. I believe we will be able to see this change through

the revisions made in their firearm laws.

LITERATURE REVIEW

According to the founders, “the Second Amendment is a natural right embedded in personhood and is antecedent to the social contract that sets up a state but this right remains with the person following the establishment of the state that allows them to use the proportional force necessary to resist aggression.” (Sangero 2010) Based on that statement, the Second Amendment could be interpreted as a self-defense right against terrorist attacks because the right to bear arms derives from the constitutional right to self-defense which is also protected under the Ninth and Fourteenth Amendments. In this section of my thesis I will discuss the idea behind the Second Amendment, the changes the court case of *District of Columbia v. Heller* made, I will provide some legal scholars interpretation of the Second Amendment, and lastly I will briefly provide some information regarding some of the most deadliest domestic terrorist attacks that have occurred in the United States.

The Idea Behind the Second Amendment

The Second Amendment was established with the sole purpose to provide every citizen the right to own a firearm that they can use on an occasion that requires self-defense. There have been many theories on what the framers believed when they established the Second Amendment but that is something we will never really know. (Yaskyy 2000) Some legal scholars argue that the framers of the Second Amendment intended for every American citizen to have the right to own guns, free from interference by the federal government. They believe that the reason for this is because, for the founders, the Second Amendment was primarily about the allocation of military power rather than for the protection of the states’ militia. (Yassky 2000) This is why many people interpret the second amendment in many ways. Some people see it as an individual right and others see it as an inevitably binding military right. The federal courts could agree that the Second Amendment protects the state’s

interest in maintaining its militia. For this reason, it gave them the power to decide their own requirements and expectations regarding their firearm laws. Nelson Lund, a university professor at George Mason University, implies that the Second Amendment “silently repeals or amends two separate provisions of the Constitution: the clause giving the federal government virtually complete authority over the militia, and the clause forbidding the states to keep troops without the consent”. (Lund 2003) I believe he said this because the states do give citizens the right to own a firearm for personal protection, but none of the legal weapons a person can own will be able to overthrow a military approved weapon. Although the state does hold almost complete authority over how they want to legislate firearm laws, they are not allowed to forbid any eligible citizen the right to own a gun.

District of Columbia v. Heller (2008)

In 1976, the District of Columbia made a code that made it illegal for citizens to carry an unregistered firearm and it also prohibited the registration of handguns. Owners of a lawfully registered firearm were able to carry their firearm if they kept it unloaded, disassembled, or bound by a trigger lock. If the owner of the firearm was located in their home, a place of business, or a place where firearms are being used for legal recreational activities then they did not have to follow that code. In 2007, Dick Anthony Heller, a D.C special officer who was authorized to carry a handgun while on duty, applied to keep a handgun at home. His request was denied so he decided to sue the District of Columbia and his case made it to the Supreme Court. In 2008, the Supreme Court’s decision in District of Columbia v. Heller, they overturned the District of Columbia’s firearm code which effectively banned handguns in the district. (Sangero 2000) The court ruled that it was an individual right for citizens who wish to keep a gun in their home for personal security to be allowed to do so with the protection of the Second Amendment. Since the District of Columbia was governed directly by laws adopted by Congress, it took a second

Supreme Court ruling, McDonald v. Chicago, to extend this right to the states. (Choo 2014) The ruling of District of Columbia v. Heller proposed a new footing and limit to the right to bear arms and it defined the right to bear arms as a person’s inalienable right to self-defense.

Some Legal Scholar’s Interpretation of the Second Amendment

There are many interpretations legal scholars have on the Second Amendment. According to legal scholar Shannon Frattaroli, there is a lot of misinformation about the meaning of the Second Amendment due to personal ideologies. (Frattaroli 2003) Some legal scholars believed that the Second Amendment was an individual right that empowered individuals to own guns to defend themselves from violence and, if necessary, to be able to counter government tyranny. They believed this individual right to bear arms traced back to the 1689 English Bill of Rights and that when the amendment said “militia” it did not mean a select group like the military but rather for the whole people. They also believed that the Second Amendment was largely intended to give the slave-owning southern states assurance that the new government would not try to disarm the South’s militias. (Mooney 2000) Other legal scholars believe that the main difference between our view on the second amendment and the Founding Fathers’ view differ because they would have never argued “that the individual had a right to bear arms outside the ranks of the militia.” (Frattaroli 2003) They argue that the Founding Fathers could not have possibly advocated for an armed militia without also providing for an armed citizenry from which the militia would be drawn. Some legal scholars believe that the Founders put great stress during the creation of the Second Amendment because they wanted to create strong state militia’s and wanted citizens to have the right to keep and bear arms without having to serve in the militia. Legal Scholar, Robert Shalhope, believed that having an amendment that gives individual citizens the right to bear arms could create a more ‘secure’ state with the freedom of security. (Shalhope 1984) Aside

from the various different perspectives that legal scholars have on the Second Amendment, there are also very unique interpretations, perspectives, and theories. Some legal scholars such as Joelle Polesky believed that the Second Amendment was set up to give individuals the right to train as a militia. She believed that the militia grew out of an old English custom that was adopted by the colonies, altered to conform to the American experience, and eventually incorporated into the Second Amendment. She also believed that our Second Amendment right could lead to the creation of more terrorist groups or individuals. Although there are some flaws in her theories (such as the creation of paramilitary organizations not being protected by the Second Amendment) she believed that militia members could seek constitutional refuge under the First Amendment which guarantees everyone the right to freedom of speech and association. (Polesky 1996) Other legal scholars such as Robert Sprecher, believed and actually referred to our Second Amendment as a 'lost' amendment because he stated that "it fails to broaden the scope to determine if it was made for the state's militia or for the right of the individual to keep and bear arms." He believed that the rights of the individual citizen would be different today if the Second Amendment did not exist because citizens would rely almost completely on courts and law enforcement agencies to protect their rights. (Sprecher 1965) Based on his beliefs I realized that citizens truly are starting to forget that there is law enforcement that is available just a call away in case of an emergency. People are taking matters into their own hands and are starting to purchase firearms in case they come across a situation that requires self-defense. Owning a firearm comes with a great responsibility and the sole purpose of the Second Amendment was to be able to provide citizens with a tool they can use to defend themselves. Unfortunately, this fundamental right has divided the nation because it has created an appalling gun issue in this country. The Second Amendment is one of the most controversial topics between citizens and politicians and the courts have tried to

determine which "arms" are constitutionally protected, which "people" are permitted to keep and bear them, and in which ways those arms and people can be regulated. Many legal scholars believe that the cities along with the courts are the ones to blame for this because in rural areas gun crime and gun control are relatively rare but the gun culture is strong. According to legal scholar Joseph Blocher, "from colonial Boston to the nineteenth-century guns have consistently been regulated more heavily in cities and the Second Amendment doctrine and state preemption laws have created longstanding and sensible differences between urban and rural gun use and regulation". (Blocher 2013) This has created public fear in rural areas because there is clear public concern and mobilization around the issues of gun violence and how regulation has surged, and it is not only in connection with mass shootings but also in connection with all the violence going on around the country. The Second Amendment is an important subtext for the protection of owning a firearm but it has put state legislatures in debates over the proper limits of government power in firearm registration, background checks, and computer databases containing information regarding firearms possession and sale. The purpose of these requirements is to prevent gun violence to arise and to help keep citizens safe during a moment where self-defense is necessary but many legal scholars have questioned whether guns are effective in self-defense and whether it is prudent to keep one for that purpose. (Cook and Pollack 2017) Many public debates about gun policies have argued about the effectiveness guns play in the role of self-defense but these debates have never focused on the safety of children and youth, instead, they have been centered on what the real meaning of the Second Amendment is. The youth gun violence that exists in the United States is far greater than in some developed countries and this is because children and adults have easy access to guns. This has led to many tragic consequences such as firearm homicides, suicides, and even unintentional shootings have been imposed among young people. Some states' gun policies are endangering this

country's children and youth because they are at risk of perpetrating or being victimized by gun violence. Gun violence affects everybody, but especially young people, and the gun laws that are in place now have not reduced the number of youth gun injuries and deaths. (Reich 2002) The Second Amendment can provide individuals with the resources needed for self-defense but it also could be accidentally giving children easy access to these weapons. The American culture of gun violence has increased over the years and based on previous domestic terrorist attacks legal scholar, Charles W. Collier believes that we will never have a tough gun bill because our cultural extremes set definite limits on what realistically can be done within the culture. He believes this is who and what we are, that we bring this tragedy upon ourselves, and that we cannot help doing so. He believes that "the notion of tough gun laws in America is the product of wishful and delusional thinking". (Collier 2014)

Domestic Terrorism in the United States

While domestic terrorism is not new to the United States, Americans are more frequently becoming victims of terrorism on American soil than they were in the past. Since the 1970's domestic terrorist attacks have both historically and contemporarily operated on American soil and have often targeted the U.S. government. (Vohryzek-Bolden 2003) Throughout our history, the number of domestic terrorist attacks outnumber the international terrorist attacks that have happened in the United States. Many citizens will most likely encounter a domestic terrorist attack at one point in their life and almost all citizens can name at least one that has occurred in the last couple of years. A historic domestic terrorist attack that can easily be remembered occurred on April 19, 1995, in Oklahoma City. During this time the Alfred P Murrah Federal Building was bombed and there were also a numerous amount of suicide attacks happening in Sri Lanka. On March 29, 2010, two suicide bombers blew themselves up in the Moscow subway, killing 40 and injuring over 60 people. The most remembered terrorist attack that we will never forget occurred on September

11, 2001. Since this terrorist attack occurred the number has not gone down. (Enders 2011) A race-related terrorist attack that just recently occurred happened on March 2021. It was known as the Atlanta Spa Shooting which resulted in eight deaths. This shooting was conducted by a white 21-year-old male named Robert Aaron Long. He shot five people of Asian descent at Youngs Asian Massage in Cherokee County, then later drove 30 more miles down to south Atlanta to shoot three more women of Asian descent at Gold Spa and one more woman across the street. (NPR 2021) The weapon used for this attack was a 9mm semi-automatic pistol, which is a legal and protected firearm for citizens to have under the second amendment. On August 3, 2019, a mass shooting occurred at a Walmart store in El Paso, Texas. It was conducted by a white male gunman called Patrick Crusius who shot and killed 23 people and injured 27 others. The Federal Bureau of Investigation declared this domestic terrorism and a hate crime because he was targeting people of Hispanic descent. (NPR 2019) On December 14, 2012, in Newtown, Connecticut there was a shooting known as The Sandy Hook Elementary School shooting. This shooting was conducted by a 20-year-old white male called Adam Lanza who shot and killed 28 people, including twenty children between six and seven years old, six adult staff members, his mother, and then himself. Adam Lanza obtained this gun through a gun-making company called Remington Arms. This company created and sold a Bushmaster assault-style AR-15 rifle (which is a military-grade Bushmaster) and sold it to a civilian who suffered from mental health issues. This weapon was later used during this incredibly tragic domestic terrorist attack. Sadly there have been prior domestic terrorist attacks on schools but the Sandy Hook Elementary School shooting became the worst school shooting in U.S history. It was so horrific that the government decided to demolish the school... (NPR 2021) There have been many domestic terrorist attacks that have occurred throughout the history of the United States but there have also been single killings that have occurred by weapons that are protected under the Second

Amendment. The Second Amendment is supposed to be a right that citizens have so that they can bear arms on an occasion that requires self-defense but there are more cases of domestic terrorist attacks and killings than of self-defense. This is why many citizens become divided when gun issues and policies are conversed about because they have seen the tragedy guns have brought to our society. According to the PEW Research Center, three decades of polling show that the public's support for the regulation of firearms is strong, deep, and widespread. A large majority of the people believe that the policies that control the manufacture and sale of guns, increase gun safety, and restrict criminals from acquiring firearms need to be enforced. This general support for gun control is specifically intended to prevent children from getting access to guns and to reduce youth gun violence. Americans strongly favor most measures to regulate firearms and even most gun owners believe that there should be a set of common-sense regulations to control firearms. Although there is a strong support for gun control, most Americans oppose outright bans or severe limits on gun ownership. (Smith 2002) The boundaries of the Second Amendment do not coincide with the boundaries of gun control. The Second Amendment does not reach or prohibit all direct burdens imposed by gun control, it can only invalidate some burdens imposed by civil suits or other gun-neutral laws of general applicability which is why there needs to be a more comprehensive and integrated revision of the Second Amendment. (Blocher and Miller 2016)

METHODOLOGY

This thesis uses a qualitative research design to determine whether or not there is a correlation between the Second Amendment and domestic terrorist attacks. This method is the most appropriate because I will create a variety of case studies to see if there is a correlation between the state's interpretation of the Second Amendment and domestic terrorist attacks. To test this relationship I created a case study for 17 domestic terrorist attacks that all occurred

in different states (except for 1) during the time frame 2005 and 2020. According to a database created by the "Mother Jones" committee, there have been approximately 82 tragic events in the United States between 2005 and 2020 that can be identified as domestic terrorist attacks. I chose at least one attack from each year all from different states based on the fatalities and injuries the attack created. After choosing the domestic terrorist attack the case studies were broken down into 3 sections. I first started by putting the name of the state and the party they voted for in the presidential elections during that time frame. This was important to know because typically the party affiliation the state identifies with gives us a general idea of what their belief is towards the Second Amendment and gun control. After that, I named the domestic terrorist attack and proceeded to give a summary of the state's firearm laws that were in place a year prior to the domestic terrorist attack. This information was gathered through the state's official legislative website and it focused primarily on the requirements for firearm licensing, firearm registration requirements, and the waiting period to purchase a firearm. The second part of the case studies consisted of a brief explanation of the domestic terrorist attack. The brief explanation started with the date, location, name of the shooter(s), and the number of victims that suffered from this attack. The last part consisted of any revision the state made on their firearm laws or any introduction of new laws that were made. This information was gathered primarily using reliable newspaper sources such as The New York Times, L. A Times, NPR, and more. If no information was found through these newspaper sources then I went back to the official legislative website and searched for any differences in the state's firearm laws a year after the domestic terrorist attack occurred. In order to learn the state legislature's mindset on the Second Amendment, I had to analyze my case studies to see how they responded. To do this I created a list where I placed states based on the ones that created change and the ones whose firearm laws remained the same. Based on the state's response I was able to see if the

state's interpretation of the Second Amendment changed based on the changes they made. If gun control remained the same after casualties occurred then there was clearly no change in the state's interpretation of the Second Amendment. If changes were made but the changes reflected on their original Second Amendment jurisdiction then there was also no shift in perspective. The only way to know if there was a change in perspective is if the state's laws enforced more gun control when the state is known to be an advocate for more guns. This qualitative research approach is going to help me get a better understanding of whether there is a correlation between the state's interpretation of the Second Amendment and domestic terrorist attacks. This is important to know because after these tragic events occurred the state's response played a crucial role in how gun policies were sustained and whether gun control was enforced. This research method relies solely on the cause and effect that the series of domestic terrorist attacks created and it will help me determine whether or not the state's interpretation of the Second Amendment correlate with domestic terrorist attacks.

RESULTS

Case Studies

Minnesota (Democratic State)

Red Lake Shooting

According to Minnesota's official legislative website, in 2003 Minnesota created a law under Chapter 28 (Senate File 842) named "Personal Protection Act of 2003". Under this law "responsible and competent adults" with no prior criminal record can obtain a permit to carry a pistol that could be lawfully used for self-defense. This law changed the restrictions on the possession of firearms and modified the granting of gun permits. In order to obtain a permit a person must fill out an application then take it to a sheriff where they will check if that person has proper safety training with a pistol, is at least 21 years of age, is a citizen or permanent resident of the United States, and does not have a criminal record. People who obtained this permit were able to carry their firearms anywhere

except on school properties, federal courts, and other federal facilities. Firearms were also provisionally prohibited in state buildings within the capital area, correctional facilities, and state hospitals unless they were granted permission by an officer. Some private establishments also restricted firearms but they can only do so while the person is on their property. Firearm registration was not required and there was a five-day waiting period to purchase a firearm. (Minnesota's Criminal Justice Legislation, 2003)

On March 21, 2005, there was a mass shooting in Minnesota at a Red Lake Indian Reserve High School. Shooter, Jeffery Weise, shot his grandfather, who was a tribal police officer, and proceeded to steal his glock pistol and shotgun which are weapons used by police officers. His shooting spree led to the death of 9 people and left 5 others injured. (FBI's Active Shooter Study, 2014)

After this incident, no new firearm laws were proposed but according to Minnesota's Issues Research Guide, there were several firearms carry bills introduced after the denial of the 2003 Personal Protection Act. This Act was struck down on April 12, 2005, due to a Ramsey County Court decision. Only a little over a month after the Personal Protection Act was shut down, both the Senate and House of Representatives signed Chapter 83 (Senate File 2259) which states, "there is no distinction between "open carry" versus "concealed carry" and people with a valid permit are allowed to carry their firearm using either method". This meant that as long as a person has a firearm permit they could carry a pistol in visible or non-visible form. This law was reinstated because the state legislature believed that people had a right to self-defense/protection. (Minnesota's Issues Research Guide, Last Reviewed August 2020)

Washington (Democratic State)

Capitol Hill Shooting

According to Washington's official legislative website, in 2005 Washington's Revised Code of Chapter 9.41 RCW: Firearms and dangerous weapons, stated that no minors, mentally ill patients, or previously convicted felons could

ever own a firearm. Children aged 14 and up could use a gun at their residence with the permission of a guardian or at an authorized shooting range with a certified shooter coach. A person is allowed to have a firearm in their home, business, or in their car if it is out of sight but they must have a license to carry a concealed pistol at all times. To get a license to carry you must be 21 years of age, must fill out a thorough application, must submit two complete sets of fingerprints, and must have no criminal record/prior convictions. Firearm registration is necessary when purchasing a firearm from an authorized dealer. The waiting period to be able to purchase a firearm is 10 days. (Washington State Legislature, 2005)

On March 25, 2006, there was a mass shooting in a Washington city called Capital Hill. Shooter, Kyle Huff, used a 12-gauge shotgun and a 40-caliber shotgun when he released more than 300 rounds of ammunition. His shooting spree led to the death of 6 people and left 2 others injured. (FBI's Active Shooter Study, 2014)

After this incident, no new firearm laws were proposed and Washington's original firearm laws remained the same.

Virginia (Democratic State) Virginia Tech Shooting

According to Virginia's official legislative website, in 2006 Virginia's Code §18.2-308 states that an ordinary citizen is allowed to have a concealed firearm only at their place of business. Retired or current police officers, judges, or justices are allowed to carry firearms at all times. Certified hunters, members of a target shooting, or members of a weapon collecting organization were also allowed to carry their firearms if they were out of sight and in their car when they were going to an authorized event that permits firearms to be brought. In order to obtain a firearm permit you have to be at least 21 years of age and must fill out an application at the city clerk where they will run a criminal record check and they will also need to take fingerprints. If everything came back clean then the judge can approve a firearm permit. The registration of firearms were not required and there was no waiting period to be able to purchase a firearm.

(Virginia's Legislative Information System, 2006)

On April 16, 2007, there was a mass shooting at Virginia's Polytechnic Institute and State University. Shooter, Seung Hui Cho, used two handguns when he chained the door shut in a classroom building and killed 32 people, wounded 17, and led 6 others to get injured when they jumped out of their class from the second floor. (FBI's Active Shooter Study, 2014)

According to USA Today, after this incident occurred Virginia revised their firearm laws and had them become effective as early as July 2007. The revisions required more requirements to be met for the person applying for a firearm permit. In order for a person to obtain a firearm permit, the court would require that the person seeking the permit demonstrates competence with a handgun by having them either provide evidence of equivalent experience through a shooting organization or from a branch of the military or by having them complete a safety/education course from the NRA or police department. After completion of the course, the applicant must provide a certificate of completion as evidence. A handgun permit must be carried with the permit holder's identification card at all times but they are not allowed to carry their weapon on a property that does not allow them to do so. The state of Virginia created an extensive list of those who do not qualify for a handgun permit and among that list are criminals, persons with misdemeanor charges, dishonorably discharged veterans, aliens, or a person with current or prior mental health issues. Virginia also enabled police officers to obtain much more information on the applicants' mental health through the NICS database which was signed into effect by President Bush less than a year after the shooting. The NICS Improvement Amendments Act gave the state a more extensive reporting on the purchasers' mental health data and it would also allow states to use VCIN to check the applicants' background. (USA Today, 2017)

Illinois (Democratic State) Northern Illinois University Shooting

According to the official legislative website of

Illinois, in 2007 Illinois SB2280 Firearm Laws stated that no person may transfer any type of firearm to any person within the state unless the transferee has a currently valid Firearm Owner Identification card. In order to obtain this Firearm Identification card the applicant must be 21 years old (or 18-20 with a parent who is a cardholder of a FOID permit), must not have a criminal history, prior or current mental health issue, and must pass the background check that is conducted by the police department. A private sale or transfer of a firearm could be made between two individuals if the Police Department conducts a background check on the recipient of the firearm. The record of this should be kept by the trader for 10 years and it should include the date of transfer, description and serial number or other information that identifies the firearm, and the FOID card if the transfer was made in Illinois. Illinois law allows any resident to purchase ammunition from a person outside of Illinois as long as they provide the seller with their Firearm License and Driver's License. Firearm registration was not required in Illinois and the waiting period to purchase a firearm was 24 to 72 hours. (Illinois General Assembly, 2007)

On February 8, 2008, there was a mass shooting at the Cole Hall Auditorium located at Northern Illinois University. Shooter, Steven Kazmierczak, used a shotgun and three handguns when he attacked and killed 5, wounded 21, and injured 3 who fled during the shooting. (FBI's Active Shooter Study, 2014)

After this incident, there were no new firearm laws introduced and Illinois firearm laws and requirements to obtain a permit remained the same. Although no change was made the NICS database that was passed by Congress made a remarkable difference on who was able to qualify to obtain a FOID permit.

North Carolina (Republican State) Carthage Nursing Home Shooting

According to the official legislative website of North Carolina, in 2008 North Carolina's Chapter 14-Article 35: Offenses Against the Public Peace, stated that a person is not allowed to carry any type of dangerous weapon outside

their own premises. Firearms are not permitted on educational properties, on properties where alcohol is sold, on state properties such as courthouses, on others' residencies, and on health care facilities. A person on their own premises can carry a pistol, gun, or handgun if they have a handgun permit issued under Article 54B of Chapter 35. In order to obtain a permit, the applicant must get issued a permit by a sheriff if they meet certain requirements. The applicant must be a citizen and a resident of the state for at least 30 days, they must be 21 years of age or older, and the applicant must not suffer from physical or mental health issues. The applicant must not have any prior, pending, or current criminal charges, must not have any convictions, must not be a fugitive, must not be an addict of any sort of drug, and must not have mental health issues. The police department runs an extensive background check using the NICS database to determine if the applicant meets those requirements. If they do, then the applicant is required to get fingerprinted and they must complete an approved firearm safety training course from a state-approved facility such as the police department or an NRA course. A firearm can be kept out of sight in the permit holder's car if they are going to an event where firearms are allowed and permit holders are allowed to lawfully use their firearm on their premises if they are in a position where self-defense is required. No firearm needs to be registered with the state of North Carolina and there is no waiting period to be able to purchase a firearm. (North Carolina General Assembly, 2008)

On March 29, 2009, there was a mass shooting at Pinelake Health and Rehabilitation Center, a 120-bed nursing home. Shooter, Robert Stewart, used a rifle when he killed 8 people and injured 3 others, one of those being a police officer. (FBI's Active Shooter Study, 2014)

After this incident, no revisions or new laws were proposed in response to what has been the deadliest mass shooting in North Carolina.

Alabama (Republican State)
University of Alabama in Huntsville
Shooting

According to an official document from the state of Alabama, in 2009 Alabama's firearm laws in Title 13A-Chapter 11 Article 3 stated that in order to be able to have a firearm you must obtain a permit from the sheriff's department. Any applicant residing in an Alabama county that is over 19 years of age may issue a qualified, unlimited license to carry a pistol in a vehicle, or a concealed license to carry. A resident could qualify for a firearm permit if they feel and have a good reason to feel fear of injury. The person must not have a criminal record, any misdemeanors or charges, and must not have any mental health issues. The sheriff will look into the applicant's criminal history background through the state, federal, and local data banks and will also fingerprint them. An applicant must provide their name, address, signature, description, and reason as to why they desire a license. A person that does not reside in Alabama but has a firearm license from their state is allowed to carry a concealed weapon. A person without a firearm permit at all may own a gun on their property and may keep it in their car if it is unloaded. A permitted firearm dealer could deliver ammunition, shotguns, and rifles to a residence or to any state that permits the legal sale of firearms. Selling a firearm to a child could get the seller fined no a minimum of \$50 and a maximum of \$500. Firearms do not have to be registered with the state and there is no waiting period to purchase a firearm. (Alabama's Firearms and Weapons Law, 2009)

On February 12, 2010, there was a shooting at the University of Alabama that was committed by a biology professor. Shooter Amy Anderson, "accidentally" killed her brother in 1986 and was accused of sending a "mail bomb" to a Harvard scientist. Both these incidents were not put on her criminal record since no charges were made against her. In 2010, she used a handgun during a biology department meeting in the Shelby Center when she killed three people and wounded another three. After that incident, the case of the 'accidental' killing of her brother

opened up again. (FBI's Active Shooter Study, 2014)

After this incident, there were no revisions or new proposed firearm laws for the state of Alabama.

Michigan (Democratic State)
Grand Rapids Shooting

According to a 2010 Legal Updates information guide from Michigan's Police Department, Michigan's Chapter 28: Act 372 of 1927 states that a person is allowed to carry a firearm in most public places as long as they are doing it with lawful intent. A person with a concealed pistol license (CPL) issued by any state is allowed to carry a non concealed firearm in some places that others without a license cannot such as in a church, court, daycare, etc. It is illegal to carry a concealed weapon in a pistol-free zone even if you have a CPL license. Firearms must be concealed and unloaded when in a vehicle unless the gun owner is going to an event that permits firearms. It is a felony for a person to carry a concealed pistol, for a person to purchase a pistol without a license to purchase, and a felony if the person does not register the pistol. A CPL license does not require you to obtain a license to purchase a gun but the gun owner is still required to register the gun. In order to obtain a CPL license you must be 18 years old or over, a legal alien or citizen, a 6 month Michigan resident, must not have a criminal history, must not have a misdemeanor charge in the last 3 years from the application date, and must not have any current or prior mental illness history. The applicant must also complete firearm training to attain the permit and the applicant must get fingerprinted. There is no waiting period to purchase a firearm in Michigan. (Michigan Police Legal Updates, 2010)

On July 07, 2011, there was a mass shooting in multiple locations in the city of Grand Rapids, Michigan. Shooter, Rodrick Dantzler, used a stolen handgun when he killed 7 people (including 2 children) in two different homes. (FBI's Active Shooter Study, 2014)

After this incident, Michigan did revise one of its firearm laws. In 2010 Section 28.422a of Act

372 stated that “An individual who is licensed under section 5b to carry a concealed pistol is not required to obtain a license under section 2 to purchase, carry, possess, or transport a pistol”. After analyzing the same section in 2012 I realized that it was revised to allow individuals to buy a firearm without the need to obtain a license as long as the firearm is purchased from a licensed dealer that complies with 18 USC 922(t). It was then the responsibility of the licensed dealer to report the purchaser’s signature and weapon license number. This information would be inputted into the pistol entry database and after doing so the person was allowed to carry a weapon around most of Michigan. (Michigan Legislature, 2012)

Colorado (Democratic State) Movie Theater Shooting

According to an official legislative document of Colorado’s firearm laws, in 2011 Title 18 Article 12-Offenses relating to firearms and weapons, states that a person is allowed to carry a weapon in most parts of Colorado if they have a firearm permit (CCW). To attain this permit a person must apply through the police department where they will make sure that they are over 21 years old, are Colorado citizens, have no prior or current criminal record, have no sort of addictions, and have no history of mental health issues. A person that qualifies must show proof of competency with a handgun by providing evidence that shows they have had practice with a firearm. The proof can come from a paper signed by the armed forces or a certificate from an authorized facility that proves that the applicant has completed a training course. It is not necessary to have a permit when carrying a handgun on a person’s private property or vehicle. If a person believes they are in immediate danger then they can be granted an emergency firearm permit which allows them to carry a concealed weapon with them in most places. For the emergency firearm permit, the applicant does not have to submit proof of firearm competency and the applicant can be 18 years old or older. Colorado does not require background checks for all federally

licensed dealers and private sales and Colorado gun owners are not required to register their firearms as long as they are only used at certain firearm events that permit them or in a situation where self-defense is required. There is no waiting period to purchase a firearm in the state of Colorado. (Copy of Citation C.R.S. 18-12-108, 2011)

On July 20, 2012, there was a mass shooting at Cinemark Century 16 movie theater during the showing of the movie “The Dark Knight Rises”. Shooter, James Eagan Holmes, used a rifle, a shotgun, and a handgun when he began shooting after releasing a tear gas canister in the theater. In total twelve people were killed and 58 were wounded. (FBI’s Active Shooter Study, 2014)

According to legislative fellow, Micheal Csere, in his summary of Colorado’s new gun control laws which can be found on Colorado’s official legislative website, Colorado passed 3 new gun control laws after this domestic terrorist attack. Bill 13-1229 required a universal background check with any type of firearm transfer, it created new mental health reportings that would help decide if a firearm applicant can qualify for a permit, and it also created judicial appeals for individuals that are restricted from owning a firearm such as convicted felons. Bill 13-1229 added an additional fee required by the Colorado Bureau of investigation in order to obtain an instant criminal background check on the applicant. Bill 13-1224 prohibited the sale, transfer, or possession of large capacities of ammunition magazines, and it required identification markings on all the large-capacity magazines over 15 rounds. (Colorado ORL Research Report, 2013)

Connecticut (Democratic State) Sandy Hook Shooting

According to the official legislative website of Connecticut, in 2011 Connecticut’s Title 53 Chapter 943-Offenses Against Public Peace and Safety, states that you are allowed to carry martial arts weapons, firearms, and knives under 4 inches around the state (where it is permitted) as long as you hold a permit. To carry a firearm

around the state the state residents could apply for a Connecticut gun permit through their local police department where they will then investigate them and give them a 60-day permit. The police and state will investigate the applicant by looking through their criminal record in search of any prior or current conviction, misdemeanors, and mental health issues. All this information is searched for in the NICS database and if the applicant comes back clear then they must provide their fingerprints and will have to fill out their basic information in order to attain a 5-year permit. A person does not need a permit to carry a handgun in their home or place of business. They are also allowed to carry a weapon in their vehicle as long as it is not used unlawfully. As of April 2012, Connecticut had the “Castle Doctrine” and “Stand Your Ground” laws which allowed the use of firearms in a situation where self-defense was needed. Most weapons do not have to be registered, but weapons such as machine guns and assault weapons do require registration. There is also no waiting period required to purchase a firearm in Connecticut. (Connecticut Judicial Branch Law Libraries, 2011)

On December 14, 2012, there was a mass shooting during school hours at Sandy Hook Elementary School. Shooter, Adam Lanza, used two handguns and a rifle when he shot through the secured front door to enter Sandy Hook. He killed 6 adults, 20 children that attended that school, and wounded 2 other adults inside the school. Prior to the shooting, the shooter also killed his mother at their home. In total 27 people were killed after that incident. (FBI’s Active Shooter Study, 2014)

After this incredibly tragic incident, chief analyst Veronica Rose created an ORL Research Report for the Connecticut laws passed after this incident. On April 04, 2013 law PA-13-3 was passed which created new restrictions to the state’s assault weapons ban which banned over 150 specific firearm models. This law also prohibited the sale or purchase of magazines capable of holding more than 10 rounds of ammunition (like the one used in the Sandy Hook shooting) and it also required universal

background checks for all firearm purchases. Anybody who owned a newly prohibited firearm before that date is allowed to keep them but they had 90 days to register them. The new law also increased the penalties for illegally owning a firearm, limited the number of guns a person can have in a 12 month period, and prohibited people from storing guns on their premises if there is a person living there that is ineligible to possess a firearm such as a child or mentally ill individual. (Connecticut’s ORL Research Report, 2013)

Pennsylvania (Democratic State) Ross Township Municipal Building Shooting

According to the official legislative website of Pennsylvania, in 2012 Pennsylvania’s Title 18 Chapter 61-Crimes and Offenses stated that in order to carry a concealed weapon with you or in your vehicle you must have a license to carry a firearm. A resident may apply for this license through the police department if they are at least 21 years old. The police department will then investigate the applicant’s criminal history, background, prior convictions or misdemeanors, character, and any prior or current mental health issues. In the application, the applicant must state the reason they wish to hold a permit and these reasons include self-defense, employment, hunting and fishing, target shooting, gun collecting, or other proper reason. A resident may apply for an emergency license if they believe they or their child (if they are a minor) are in immediate danger. All requirements still need to be met in order to obtain this permit. Firearm registration is not required in Pennsylvania as they do not keep any records of that since they are not allowed to do so. There is also no waiting period to purchase a firearm in Pennsylvania and a permit is not necessary to buy one. (Pennsylvania General Assembly, 2012)

On August 5, 2013, there was a shooting at a government municipal building in Pennsylvania. Shooter, Rockne Warren Newell, used a rifle and a handgun during a Ross Township meeting when he killed 3 and injured 2 people. (FBI’s Active Shooter Study, 2014)

After this incident, no new firearm laws were proposed and there were no revisions to the current firearm laws. Pennsylvania's firearm laws make it feasible for unqualified individuals to purchase a firearm.

Oregon (Democratic State) In Front of Rosemary Anderson High School Shooting

According to the official legislative website of Oregon, in 2013 Oregon's Volume 04: Chapter 166- Offenses Against Public Order, stated that a person is allowed to carry a concealed firearm in permitted areas around the state as long as they have a concealed handgun license. Loaded but concealed guns are allowed on school campuses as long as you have a license to carry. In order to qualify for this license you had to be a U.S citizen or a legal resident for at least 6 months, must be a resident of the state, must not have any prior convictions or charges, must have no history of mental illness, and must be able to show competence with a handgun by either taking a safety or training course or by showing equivalent experience through an organized shooting competition or military service. If the applicant qualifies then they must get fingerprinted and must provide their personal information such as an address, social security, phone number, etc. Firearm registration is not required in Oregon and there is no waiting period in place to be able to purchase a firearm. (Oregon Legislative Assembly, 2013)

On December 12, 2014, there was a shooting near Rosemary Anderson High School. A student that attended Rosemary Anderson was shot outside of the school campus along with 3 other people. There two shooters involved in this "gang-related shooting" used a handgun during this altercation. (NBC News, 2014)

According to an education foundation website named "Ceasefire Oregon", in 2015 Oregon passed ORS 166.438, 166.434, which is a new law that required Oregon private or unlicensed firearm sellers to conduct a background check on private or unlicensed purchasers. This law also required the purchaser to undergo a background check before buying a gun at a gun

show. (Ceasefire Oregon, 2015)

California (Democratic State) San Bernardino Shooting

According to an information bulletin posted by California's Department of Justice; Bureau of Firearms, California's Title 11 Section 417 stated that a person 21 years or older must obtain a Firearm Safety Certificate (FSC) in order to be able to possess and purchase a firearm from an authorized dealer. To obtain this permit the applicant must meet certain requirements that consist of a clean background check, no prior or current convictions, and no history of mental health issues. The applicant must also provide a certificate from an authorized firearm handling facility that proves that the applicant has safety training with firearms. Upon approval the applicant will need to get fingerprinted in order to receive the certificate that they must carry at all times. Gun registration is mandatory if purchased from an authorized firearm dealer. The authorized firearm dealer must keep record of all sales, must run a background check on the buyer, and must wait 10 days before being able to give the buyer the firearm.

On December 02, 2015, there was a mass shooting and attempted bombing by a married couple at the Inland Regional Center in San Bernardino. Shooters, Syed Farouk and Tashfeen Malik, used multiple rifles and semi-automatic handguns when they killed 16 people and injured 22 others. (The New York Times, 2015)

According to the New York Times, after this incident California introduced five new gun control laws. On April 19, 2016, California legislature passed SB 880 which put measures in place to outlaw assault rifles with detachable magazines, banned possessions of clips holding more than 10 clips, and required homemade handguns to be registered to the state. (California Bill Analysis, 2016)

Florida (Republican State) Pulse Nightclub Shooting and Douglas High School Shooting

According to the official legislative website of Florida, in 2015 Florida's Statute 790.06

stated that the Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or firearms to qualified individuals. In order to qualify the applicant must be at least 18 years of age and must be a resident or citizen of the United States with no prior criminal history or mental health issues. In order to obtain a permit, the applicant must be able to provide proof that they have had safety training or experience handling a firearm. A person who is approved for a permit may carry their firearm in a concealed way and may briefly open carry if it is in a non-violent form or if they are in a situation where self-defense is required. The “Stand Your Ground Law” is also part of Florida’s firearm legislature. There was no waiting period to purchase a firearm and gun registration was not required. (The Florida Senate, 2015)

On June 12, 2016, there was a shooting at a gay club named “Pulse Nightclub”. Shooter, Omar Mateen, used a semiautomatic rifle and handgun when he killed 49, wounded 53, and injured 5 other people in the club. (CBS News, 2016)

No new gun laws were introduced after this incident and Florida’s firearms laws remained the same.

On February 14, 2018, there was a mass shooting in Florida at Douglas High School. Shooter, Nikolas Cruz, used a semi-automatic rifle when he injured 17 people and killed 17 others. (The New York Times, 2018)

According to Dakin Adone, a CNN writer, after this incident, the Douglas High School students demanded gun control to reduce gun violence and Florida responded by introducing a gun control bill named “Majority Stoneman Douglas High School Public Safety Act” which allows law enforcement (with judicial approval) to ban certain people they believe are a danger to themselves or others from owning guns for up to a year, raised the minimum age to purchase a firearm to 21, and extended the waiting period to purchase a firearm to three days. This bill also allowed certain school employees to be armed if they were willing to get proper training and were able to pass psychological and drug exams. Florida also banned bump stocks in response to

this shooting. (Andone, 2019)

Nevada (Democratic State)

Las Vegas Country Music Festival Shooting

According to the official legislative website of Nevada, in 2016 Nevada’s Chapter 202 NRS 202.3657 stated that a state resident over the age of 21 is allowed to apply for a firearm permit if they do not have a criminal history, any current convictions and charges, has no history of mental health issues, and if they show competence with a handgun by either providing a safety course certificate from an authorized institution or evidence of sufficient experience with a handgun from the military, police academy, etc. Once the permit is obtained by the applicant they are allowed to carry a concealed weapon (where permitted). Firearms are not required to be registered with the state and there is no waiting period to purchase a firearm. (Nevada Legislature Law Library, 2016)

On October 01, 2017, the deadliest mass shooting to ever have occurred in the United States happened at a Las Vegas Country Music Festival. Shooter, Stephen Paddock, used 24 different types of firearms (rifles, calibers, revolvers, etc.) which he upgraded when he began to shoot from the 32nd Floor of the Mandalay Bay Hotel. In total, he wounded 411, injured 456, and killed 61 people. (BBC News, 2017)

According to the Los Angeles Times after this incident occurred Nevada’s government introduced Bill 143 which made background checks a requirement for private gun sales. (Los Angeles Times, 2019)

Texas (Republican State)

El Paso Walmart Shooting

According to the official legislative website of Texas, in 2018 Texas Title 10 Chapter 46 stated that any person over the age of 18 may have legal ownership of a firearm and a person of any age is allowed possession of a firearm as long as they are not a felon. In order to be able to purchase a handgun from an authorized dealer, the person must be at least 21 years of age. To be able to open carry your handgun a person must hold

a license to carry (LTC) permit which requires them to have safety training with a firearm, no prior or current convictions/charges, and no history of mental health issues. Texas does not require firearms to be registered in the state and there is no waiting period to purchase a firearm. (Texas State Law, 2018)

On August 23, 2019, there was a mass shooting at a Walmart located in El Paso, Texas. Shooter, Patrick Crusius, used a semi-automatic rifle when he killed 22 people and injured 26 others. (NPR, 2021)

According to NPR.org, after this incident occurred, Texas expanded gun rights by allowing people to open carry handguns without the need of having an LTC permit or training. (NPR, 2021)

New York (Democratic State) Rochester Shooting

In 2019 the New York Safe Act states that it “prevents criminals and the dangerously mentally ill from buying guns, cracks down on illegal guns and bans only the most dangerous assault weapons.” In order to apply for a type of firearm license you must be at least a 21 years old resident, must have no prior felonies, must have no history of mental health issues, and must have a valid reason as to why you wish to obtain a license to carry a concealed weapon. The applicant should expect to wait 4 months to see if they get their license approved. There is no waiting period to purchase a firearm in New York but gun registration is required. Recertification of gun ownership is also required every 5 years. (NY Safe Act, 2019)

On September 19, 2020 there was a shooting at a backyard party in the city of Rochester. Victims on the crime scene say that they could hear over 40 rounds of ammunition being fired. Police to this day have no suspects in custody for this tragedy that resulted in 2 deaths and 16 injuries. The firearm used during the shooting is also unknown. (The New York Times, 2021)

After this incident New York introduced a bill into their New York Safe Act which could hold gun shop owners and manufacturers liable if the weapon they sold was used in a crime. (The New

York Times, 2021)

ANALYSIS OF DATA

After carefully analyzing the firearm laws I was able to make the distinction on which state’s created change...

States that introduced new laws or revised their firearm laws:

1. Virginia
2. Michigan
3. Colorado
4. Connecticut
5. Oregon
6. California
7. Florida
8. Nevada
9. Texas
10. New York

States where no change was created:

1. Minnesota
2. Washington
3. Illinois
4. North Carolina
5. Alabama
6. Pennsylvania

Although some states did introduce or revised their firearm laws after a domestic terrorist attack occurred, the state’s interpretation of the Second Amendment did not change based on the aftermath of the attack. Those states that did revise their laws created revisions that supported their belief of the Second Amendment. States that are pro-Second Amendment rights mostly created laws that allowed more guns and more open carry of them and states that are not as second amendment friendly mostly created firearm laws that enforced gun control. Based on my results I now realize that the impact a domestic terrorist attack has on the state’s interpretation of the Second Amendment is very little, to none because after all the state uses those events to support their beliefs.

CONCLUSION

This thesis aimed to study the political behavior the states have in response to a domestic

terrorist attack. More specifically it was this thesis mission to see whether or not there was a correlation between the state's interpretation of the Second Amendment and domestic terrorist attacks. The results from my data analysis demonstrate that there is no shift in the state's perspective of the Second Amendment and domestic terrorist attacks. I can conclude that my original hypothesis of the state's interpretation of the Second Amendment changing based on the aftermath of domestic terrorist attacks was wrong because the results show that there is a lack of significance in the aftermath of domestic terrorist attacks and a bigger significance in state ideologies. It is clear that the number of victims that result from a domestic terrorist attack is not significant enough to be able to change the state's interpretation of the Second Amendment because of the strong ideologies they have. States that tend to strongly support the Democratic party show stronger support for gun control and states that tend to support the Republican party show weak support for gun control and strong support for more guns. Based on the way these states responded I saw that states used these

tragic events as a beneficiary for their cause to create laws that enforce their belief on the Second Amendment and not for the creation of laws that protect citizens from the violence that has been arising from firearms throughout the years. Finding the changes the states created after a domestic terrorist attack occurred was difficult because some did not have change and others did but there is no true way of knowing if it was in response to the attack or in response to control the people that were demanding change. At first, I was very disappointed because I was not seeing any change in the earlier years. It wasn't until the more recent years that more change was being created but the number of casualties also increased. In the future, I would like to see why some states are more prone to domestic terrorist attacks when they might have the same or very similar firearm laws to a state that is not as prone to these attacks. I would also like to promote others to be able to find more research on this topic because it is an important topic in politics that is not truly addressed until something tragic happens.

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