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Jesus and the Second Amendment

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Jesus and the Second Amendment

by Fred Galves

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The US Supreme Court recently addressed a gun carry law, in *New York State Rifle & Pistol Assoc. v. City of New York* (argued on Dec. 2, 2019). The case should have been considered entirely moot because the law at issue, which limited carrying personal arms in public, had long since been repealed by the NY legislature. Remember the "actual case or controversy" constitutional requirement, making moot cases non-justiciable? Oh yeah, that.

Regardless, there is now a concern that the Court might use this case, or one like it, to expand the *D.C. v. Heller* decision, wherein Justice Scalia found a generally unregulated right to keep a firearm in the home, dismissing the "well-regulated militia" language of the Second Amendment. Many observers worry that the Court might use the *NYS Rifle* case to create another new gun right, to carry firearms *outside of the home* ("have guns, will travel"). So, when a Christian Evangelical friend of mine recently revealed to me his Jesus-based, religious justification for absolute guns rights, I was a bit mortified.

"Seriously?" I asked ..., "so, you actually believe that Jesus would not only be anti-free health care for the poor, but also would be a big pro-gun rights supporter?" I doubted that Jesus would say that His feeding of the hungry and healing of the sick was some kind of misplaced "socialism"—how dare those losers in the Bible ask Jesus for free food and free health care, instead of getting a job and paying for it themselves? But even more alarming, would Jesus really want for us all to carry guns around in public—like the "wild, wild West"—with a gun in every holster? I wanted to be respectful of my friend's Jesus

argument, by taking it quite seriously, especially given our prolific gun violence in the US.

Consider the mass shootings in: Las Vegas, 2017 (58 killed, 527 injured); Orlando, 2016 (49 killed, 50 injured); Virginia Tech, 2007 (32 killed, 17 injured); Sandy Hook, 2012 (26 killed); a Walmart in Texas, 2019 (22 killed, 26 injured); ... just to, literally, name a few. Would these mass shootings either have not occurred, or at least have been greatly mitigated, if the victims had their own guns to shoot back at their attackers—because, as the old NRA mantra goes: "*The only way to stop a bad guy with a gun... is a good guy with a gun*"? After all, in the December 29, 2019 church shooting in White Settlement, Texas, a volunteer church security guard ("hero") used a gun to kill a shooter, who *only* managed to kill two church goers, one of whom was another volunteer guard, and injured three others.

So, would "gentle Jesus, meek and mild" really want for all of us now to have very easy access to guns? Moreover, are Jesus's Biblical teachings to "turn the other cheek" (Matthew 5:39), be "humble and gentle" (Ephesians 4:2), and to "love your enemies" (Matthew 5:44), really just a bunch of liberal, "snowflake" ideas that should be ignored? Peter, a disciple of Jesus, once drew a sword to protect Jesus; however, in Matthew 26:52, Jesus told Peter to put the sword down, and then said "*... for all they that take the sword, shall perish with the sword,*" which hardly seems like any endorsement of prolific gun rights.

In trying to discern what Jesus actually would think about the Second Amendment, some historical context might help.

In 1791, when the Framers ratified the Second Amendment, the most common arm to bear at the time was a flintlock single-action musket. Thus, their “original intent” involved a gun that was clearly incapable of the same easy mass shooting deaths that a modern firearm is capable of, presenting yet another interpretation problem. As technology improves, how far should we go beyond muskets? If there is a right to bear arms (ignoring the “well-regulated militia” clause, suggesting that the *states*, not just the *federal* government, should also be able to have a militia or police force), then why limit the *scope and power* of the types of arms to which we have a *personal* constitutional right?

In other words, where is the reasonable stopping point on the types of arms to which we citizens are entitled? This is not only a Second Amendment issue, but also a biblical issue. If Jesus thinks it is a good idea for me to have a gun, then why wouldn't Jesus just love the idea of me having a bazooka—really, what could go wrong? Again, perhaps *only* a “well-regulated militia” (a military army or a state guard) should possess such weaponry, but not private citizens, who might use them mistakenly, or irresponsibly, not to mention what a truly evil perpetrator might do with them. Where is the constitutional limit to these arms?

As criminals gain access to ever more lethal weaponry, shouldn't every law-abiding citizen be entitled to an equal and balanced amount of such weaponry? If so, does that mean I get to have my own flame-thrower (a *real* “firearm”)? If that would be “going too far”... why? Maybe it would be because some arms are just *too* dangerous to allow private citizens to own, despite the Second Amendment. And therein lies the problem: how do we distinguish an arm that is *merely* “dangerous” (OK to possess/a constitutionally protected right), from a weapon that is *too* dangerous” (not OK to possess/not a constitutionally protected right)? Of course, we could go to the other extreme, and ban all guns entirely; but if we did that, then we might also have to ban all knives, because they too can be used to kill, as well as all baseball bats. Such a sweeping ban on all guns would appear to go too far, because often people kill others with whatever they can find, including their own bare hands. That is a fair point. But still, what is, and is not, an “acceptable” Second Amendment risk?

Drawing a distinction between acceptable and unacceptable weapon risks, may work at the extremes, where we probably

can and should risk private citizens owning knives (as there are many useful, nonlethal reasons to allow citizens to own knives), but not risk private citizens owning flame-throwers, as well as hand grenades, poison gases, or their own flying predator drones. The Second Amendment must have some limits. If someone were to use a shoulder-fired missile to kill hundreds of people with a single shot, would gun rights advocates still say, “*shoulder-fired missiles don't kill people, people kill people*”? OK, but shoulder-fired missiles sure make killing a lot of people all at once much easier. That being so, perhaps citizens should not have legal access to such weapons, and a ban on them should not be deemed unconstitutional, not to mention a ban on thousands of rounds of ammunition (unless of course you are a very bad shot). Unfortunately, the overall point about the difficulty of attempting to draw a meaningful bright-line distinction, inside a wide spectrum of choices, remains stubbornly apparent.

The extreme examples (kitchen knives versus flame-throwers) present an easy call to make. But at what exact point do we cross over from arms for citizens that pose “acceptable risks” (knives), to arms for citizens that pose “unacceptable risks” (flame-throwers)? A bright-line distinction is not defined in the Bible, nor in the Constitution, and trying to define that line would be to engage in pure speculative interpretation, informed chiefly by one's own subjective political and/or religious opinions and values.

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What about mental health issues and violent movies as the cause(s) of gun violence, instead of easy access to guns? But other countries have mentally ill people, and just as many violent movies, and none of them seem to have a mass shooting epidemic like we do in the US. But whatever the cause(s), we know that having far fewer mass shootings is at least possible; that is, our rash of mass shootings is not inevitable, because virtually no other country in the world has the high gun violence rates that we do. So, I'm just not sure Jesus would think that more access to guns, especially weapons of mass destruction, is the answer.

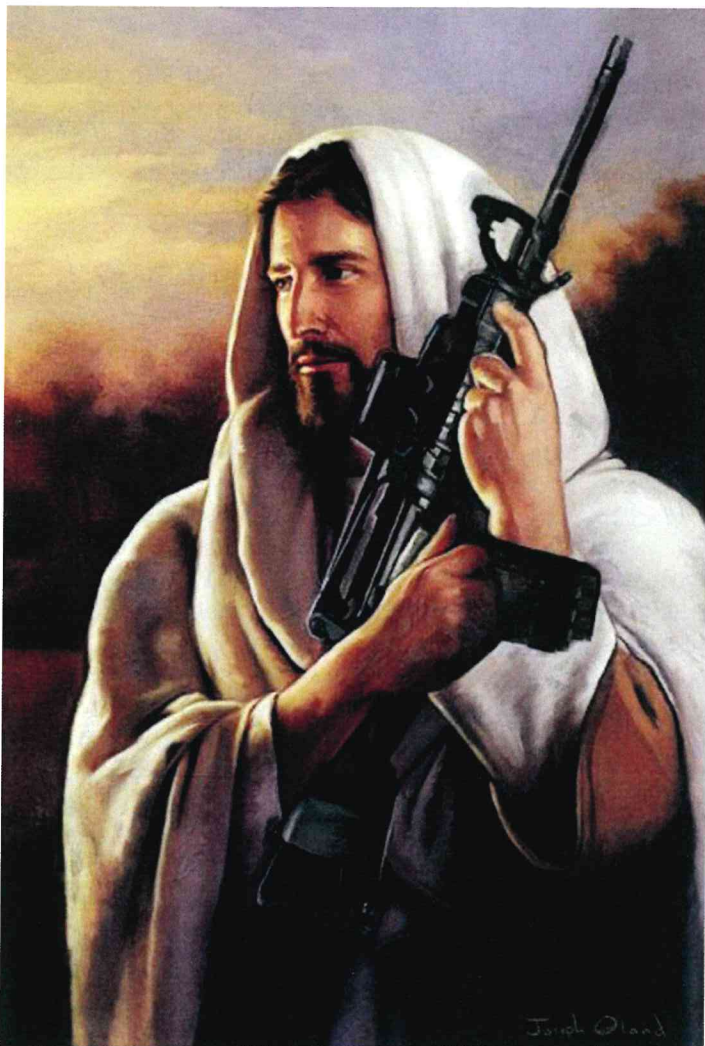


Still, some would argue that as technology marches on and weapons advance, Jesus would want for us to "keep up with the times" by arming ourselves with the very same powerful modern weaponry with which criminals and terrorists are arming themselves. So, does that mean that we have an ever-expanding right to bear arms given ever-changing technology? Why are machine guns illegal, but assault rifles are legal, even though both are lethal weapons of war? If you pull the trigger once to spray bullets, then that is TOO dangerous; but if you pull the trigger many times to spray bullets, that quickly and automatically reload as you shoot, then that is NOT too dangerous. Why, according to Jesus, is that THE proper place to draw the line—*very, very fast* shooting (a fully automatic machine gun), as opposed to just *very fast* shooting (a semi-automatic assault rifle)? This dividing line seems arbitrary, and practically meaningless to victims.

Maybe it is unfair to criticize the Bible's lack of a clear answer to a very modern problem (the right to bear the latest and most lethal firearms). Still, what would Jesus say about issues in other modern contexts? For example, what about my constitutional right to travel, given modern vehicles and roadways? I suppose Jesus would want to protect my constitutional right to travel,

but are all laws regulating driving offensive to Jesus, and unconstitutional? We require a license to drive, we have vast and complex rules of the road, and we limit the types of vehicles one can drive—so, why isn't being able to run a red light, or drive my own tank, a violation of my right to travel? It seems like a ridiculous comparison to make, but that is exactly the point, to take the arguments used for the right to bear arms, then substitute them in for the right to travel, and ask, why there should be any difference:

- *"If we outlaw people driving tanks, then they can still use a tractor or a truck, or some other vehicle, even a bike, to run you over and kill you; so, a ban won't work."*
- *"If our kids did not play so many of these violent video games, then they wouldn't get into tanks and hurt people; so, violent videos, not tanks, are the real problem."*
- *"Suspected terrorists on the 'no-fly list' should not be able to board airplanes at US airports, but they should have a constitutional right to own and use their own tank."*



- *“Only crazy people kill using a tank, so this is really just a mental health issue.”*
- *“Stupid Department of Motor Vehicles; tanks don’t kill people, people kill people.”*
- *“A required background check on me would infringe upon my right to own a tank.”*
- *“The police cannot, or do not, respond quickly enough nowadays to threats, so the only way to have real and effective protection out there, is to have your own tank.”*
- *“In light of all that ‘road rage’ in society, ‘the only way to stop a bad guy with a tank... is a good guy with a tank;’ therefore, a tank is necessary for my self-defense.”*
- *“If I have a tank, the evil federal government cannot kill me with the US Air Force, Marines, Special Forces, Navy Seals, Army, nukes, or tank-busting missiles...right?”*
- *“Jesus just really wants me to have a tank.”*

How about allowing guns, but not silencers on guns, because a silencer's only purpose is to conceal the use of a gun; thus,

would prohibiting silencers be a reasonable limit on gun ownership, according to Jesus? So, is there a constitutional right to guns (even with silencers), or is there only a constitutional right to *loud* guns (with no silencers)? What about children, or mental patients, or felons owning guns—why are these prohibitions not considered to be violations of the Second Amendment? Would Jesus think these laws are unreasonable limitations? If criminals can wear bullet-proof vests, then does that mean we have a right to buy armor-piercing, “cop-killer” bullets to defeat them? Where does it end?

I am sure it appears I am completely anti-gun here, but I am not. I am not saying that Jesus would not believe in self-defense, or hunting or target practice (I guess), or the ability to threaten someone with a gun in order to deter someone else from committing violence. I also admit that if someone were going to kill my family, I would rather have a gun, right then, to protect them, than not have a gun. Maybe Jesus would even approve of these gun uses... maybe; but where does it exactly say that in the Bible? Also, should my heightened emotional desire to have a gun, when threatened and afraid, be the standard by which we frame U.S. gun policy? And if the Bible either explicitly or implicitly says that Jesus would approve of such uses, then how is that not undercut by Biblical teachings about nonviolence?

This “Does-Jesus-really-want-me-to-have-a-gun?” inquiry requires a great deal of speculative interpretation about what Jesus might think about the Second Amendment. The difficult thing about asking, “What would Jesus do?” is that very often, we have *no idea* what Jesus would do; and so, we ought not to pretend like we do, as a simple matter of literal Biblical interpretation. I admit that I do not know, either; but my personal guess is that Jesus probably would *NOT* want for us all to walk around, “packing heat.” Alas, how safe would we be if we all had loaded guns pointed at one another, especially when people might be drinking in a bar, or emotionally unstable? Regardless of the reasons to limit gun ownership, or not to limit gun ownership; in the end, we probably should separate our personal religious beliefs, from our public policy choices. Reminiscent of the First Amendment’s, “Separation of Church and State,” perhaps Jesus was onto something when He said, “Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s.” Matthew 22:21. Translation: Maybe try not to use Jesus’s name, nor his teachings, to somehow justify your own personal pro-gun rights political ideology ... as if it were Gospel.