

Why the Federal Government will likely not pass any laws concerning firearms

I have been asked why the Supreme Court decided not take the *Friedman v. Highland Park* case, on appeal, two days ago (December 7th, 2015). Why did they refuse the chance to rule on the Constitutionality of a city's (Highland Park) assault weapon ban...thus deciding the issue once and for all? This supposedly was counter-intuitive in the political wake of the San Bernardino Shooting on December 3rd...only 4 days before the Supreme Court decided **not** to hear the *Friedman v. Highland Park* case.

The Supreme Court has only ruled on **nine** Second Amendment cases and only 5 of them **interpreted** the Second Amendment for legal purposes (the remaining 4 cases only *mentioned* the Second Amendment). I do, however, have to include that another case, *United States v. Lopez* (1995) was a Commerce Clause challenge, to firearms laws, that was heard by the Supreme Court.

...so what is up with the Supreme Court staying out of the Second Amendment? I thought that the Supreme Court interpreted the Constitution for us? Laws, for firearm control and regulation, are the jurisdiction of states under the 10th Amendment (rights guaranteed, to the states, by the Constitution absent existing federal law), as interpreted and practiced by our country.

In fact, there were only 3 Supreme Court case rulings **interpreting** the Second Amendment previous to 1995. Since around 1900 (and arguably far earlier), the Supreme Court has viewed the Second Amendment as a political issue to be decided at the ballot box- not by the Supreme Court as the Supreme Court must abstain from hearing a case if there is a *Political Question* present (this is because the court system only has authority to hear and decide a legal question, **not** a political question).

Congress, and the Executive Branch, are allowed (pursuant to the Constitution) to pass laws that then become binding on the states. However, the federal government has stayed away from doing this since the inception of our country; Congress has only passed 8 firearms bills and the Executive (the President) has only signed one series of Executive Orders concerning firearms; it was President Obama, in January of 2013, who signed 23 Executive Orders on gun safety as a response to Sandy Hook.

...so, yes, there will always be the continuing incidents, and resulting mass fear, about firearms and their legal role in society. People always call for regulation after an unfortunate incident where innocent lives are taken, which is understandable, yet the federal government has been slow, if not nearly absent, in addressing such calls for regulation.