



The Second Amendment in National Parks

The Second Amendment prohibits Congress from passing laws that interfere with a citizen's right to bear arms. A recent amendment proposed by Senator Tom Coburn (R-Okla.) to the "Protecting Americans from Violent Crime Act" allows Americans to carry firearms into national parks.



Two exceptions were carved out in the bill: (1) It did not allow people to carry firearms that were otherwise prohibited, and (2) It did not allow people to carry firearms if they would not have been allowed to carry firearms in their home state.

The new law had been pushed for years by Coburn with the support of Second Amendment rights supporters. In addition to the Second Amendment arguments, advocates of the change noted that the patchwork of state laws regulating guns meant that Americans in national parks would have a difficult time knowing which laws governed them while in national parks, which span state borders. Congress in July 2009 rejected efforts to provide in federal law that individuals who were allowed to carry firearms in one state could carry their firearms across state boundaries.

The new federal law has run into problems with environmentalists, and several states — Maine, for example — have tried to override this federal law. The Maine Legislature passed in April a bill to prohibit the open carrying of firearms in national parks, and Governor Baldacci signed the bill into law (which will take effect in July, 2010.) The bill was pushed by conservation groups who feared unauthorized hunting in national parks. A similar federal measure was enacted in May 2009 through an amendment by Senator Coburn to the Credit Card Holder's Bill of Rights. The United District Court for the District of Columbia, however, issued an injunction against the 2009 law. The 2010 law is crafted to adhere to the 2008 Supreme Court decision that struck down District of Columbia's ban on handguns as violating the Second Amendment right to bear arms.

Americans like Jerry Ruth are very happy with the new federal law. He was attacked by a grizzly bear in Yellowstone National Park recently. Ruth, a retired Baltimore police officer, was carrying a .41 Magnum revolver when the female grizzly attacked him. Although mauled by the grizzly mother, Ruth was able to pull out his revolver and shoot the grizzly three times, killing it. His wife prefers to use a hot pepper oil spray (also known as "Bear Spray") to stop grizzly attacks. The spray is reported to work about 85 percent of the time. Killing the attacking bear with a gun, however, works 100 percent of the time. Park authorities agree that "Bear Spray" would not have stopped the bear attacking Ruth.

The application of this new federal law, so far, has not resulted in any illegal hunting. No one, including the bill's supporters, question the right to regulate hunting in national parks or to enforce laws against poaching. The hunting of people by animals, however, has been definitely stopped in at least one case: Mr. Ruth — alive because the Second Amendment is not yet dead.



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