

MARY McGRORY

Part 5/21/95
**Guns & Us:
American
Visigothic**

NOTHING MORE unhelpful has occurred since the Oklahoma City explosion than the Supreme Court decision to strike down the Gun Free School Zones Act, a four-year-old law that forbids guns within 1,000 feet of a school.

The urgency of the prohibition hardly needs demonstration, but it was brought home again last week by an 8-year-old pupil at an Anne Arundel school. He brought a semiautomatic handgun to class. It was loaded. This is happening all over America, but a majority of the Supreme Court, which apparently inhabits another planet, decided that the ban—enacted in 1990 in a bill sponsored by Sen. Herb Kohl (D-Wis.) and former congressman Ed Feighan of Ohio—was unconstitutional and that its citation of the commerce clause was not kosher.

Kohl calls the decision “legal nitpicking.” White House Counsel Abner Mikva, who is presiding over the preparation of another bill that can skirt the constitutional hazards, says it is “not even good pedantry.” Robert Kennedy cited the commerce clause as justification for federal action during the tense days of the Freedom Riders crisis. Chief Justice William Rehnquist wrote last week’s majority opinion. He was joined, not surprisingly, by Antonin Scalia, Sandra

See McGRORY, C3, Col. 1

Mary McGrory is a Washington Post columnist.

McGRORY, From C1

Day O’ Connor, Clarence Thomas and Anthony Kennedy. Rehnquist warned, as so many of his fellow conservatives have, about the overweening power of the federal government and the importance of preserving and protecting states’ rights.

Justice Stephen Breyer, dissenting, called the majority opinion “extraordinary” and did so in open court. He also made the case that commerce would certainly be affected if our children could not be properly educated due to the violence in their schools. Justice David Souter, whose prose and reasoning continue to demonstrate the advantages of a classical education, wrote in a separate dissent, that he agreed with Breyer that “the commercial prospects of an illiterate State or Nation are not rosy.” He warned that the court’s first rejection of the commerce clause in 60

years, could return the court to the “untenable jurisprudence” of the New Deal years. He suggested that the court should be wary of over-reaching, putting itself above Congress as the arbiter of what is good for the country.

America’s love affair with the gun rages on. Even in Oklahoma City, where the worst consequences of unrestrained weapons acquisition, as practiced by mad militias, are evident in shattered buildings and broken hearts, the attachment to firearms is unabated. The state legislature is looking to final passage of a bill favoring concealed weapons.

Gun control advocates disconsolately sort through the tragedies that have failed to provide the final straw in reducing violence: the assassinations of the Kennedy brothers and of Martin Luther King, the repeated assaults on presidents. It is never quite enough for those who find identity in a weapon.

The right was incensed when President Clinton suggested that violent rhetoric against the government was dangerous. They damn and blast bureaucrats and all their works, but they cannot see how this could have anything to do with a wacko’s decision to bomb them. They are like people who are casually antisemitic and derogate Jews at every opportunity but who, on being shown pictures of Auschwitz, cannot make the connection. There were no guns at the Murrah building, they huff.

But Oklahoma has had an effect, however minuscule it may be. We should not have to be grateful that the planned vote to lift the ban on assault weapons—which was passed only last year—is off the schedule for now. Senate Majority Leader Bob Dole had vowed to do right by the automatics but has put the vote off indefinitely in consideration of the national outrage. The good news is that brave senators

are taking on the National Rifle Association, and that in the NRA the president has met an organization which does not trigger his compulsion to compromise.

The NRA has been coming under heavy fire for the incendiary literature it has been circulating in its campaign to arouse gun-lovers to new furies over the assault weapon ban. With its wonted, Visigothic tact, it did not even desist while the bodies were being carried out of the ruins.

Sen. David Pryor (D-Ark.) said in the Senate that the NRA’s fund-raising letter was “a revolting example of hateful incendiary, irresponsible speech.” In a confrontation with Pryor on the “McNeil/Lehrer Newshour,” NRA vice president Wayne LaPierre conceded that his words may have been “a tiny bit overblown.” In the melancholy kingdom of gun control, this is progress.