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April 6, 2009: No Constitutional Right to Shoot Police Officers

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Title: No Constitutional Right to Shoot Police Officers

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4/6/2009--Justice Antonin Scalia's opinion for the Supreme Court in *D.C. v. Heller* (2008), recognizing a right to possess a gun in one's home for purposes of lawful self-defense, had little to do with the paranoid rhetoric that led to the horrific shooting of three police officers in Pittsburgh last Saturday. The shooter, Richard Poplawski, apparently subscribed to hate group websites, denounced Blacks, Latinos and Jews, and fanaticized about President Obama taking away his gun rights. Poplawski was heavily armed and protected by a bullet-proof vest when he gunned down the three unsuspecting officers. After some hours, Poplawski, lacking the courage of his announced commitment to die in a shoot out with police, surrendered. It says a great deal about the Pittsburgh police that Poplawski was permitted to leave his house alive. Aside from Poplawski himself, who is responsible for these shootings? The *Heller* case had nothing to do with the gun-rights rhetoric one often hears in this country. Justice Scalia did not invoke Hitler's confiscation of the weapons owned by the German people. Scalia was nowhere suggesting a right of violent resistance against government authority. All that is protected, wrote Scalia, is the right to bear arms for traditional lawful purposes, such as self-defense within the home. Yet we hear people actually claim that the amendment protects weapons to be used against our own government. Given the *Heller* case, one can no longer deny that there is a constitutional right to bear arms. Undoubtedly some gun control programs are therefore unconstitutional, as was the D.C. law struck down in *Heller* itself. But there is no right to bear arms against the government. And it is time to confront the violent rhetoric, sometimes enunciated by otherwise reputable leaders, that leads someone like Poplawski to shoot police officers in the name of an imagined "right to bear arms." The Second Amendment is not the basis of all our other rights. It is not an ace in the hole on an imagined day that our government becomes a dictatorship. The Court has held that it is a right to hold a criminal at bay while one calls the police. It is not a right against the very same police.