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Lock & Load? The 2nd Amendment Arrives on Campus

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Lock & Load? The 2nd Amendment Arrives on Campus

Thanks to the U.S. Supreme Court's watershed decision regarding the Second Amendment in June, state lawmakers, university policymakers and campus safety personnel nationwide face a conundrum that must be answered in a prudent way. The solution will greatly impact the daily lives of everyone on campus.

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The Second Amendment ruling of the U.S. Supreme Court in the case of *District of Columbia v. Heller* has left public colleges and universities unclear as to whether they have the constitutional authority to ban guns. The court concluded that the Second Amendment protects the right of American citizens to possess a loaded gun at home and interprets the ambiguous and vexatious text in the amendment to implicitly preserve the right of Americans to exercise self-defense. With a court challenge already filed in Washington, D.C., against the city's ban on semi-automatic weapons, student litigation battles may loom on the constitutional horizon.

Colleges continue to struggle considerably with how to identify students who pose a threat to their campuses and keep their communities safe from violence. The cautious position of the International Association of Campus Law Enforcement Administrators (IACLEA) with regard to guns on campus is that there is "potential for accidental discharge or misuse of firearms at on-campus or off-campus parties where large numbers of students are gathered or at student gatherings where alcohol or drugs are being consumed, as well as the potential for guns to be used as a means to settle disputes between or among students. There is also a real concern that campus police officers responding to a situation involving an active shooter may not be able to distinguish between the shooter and others with firearms." This position statement recognizes the unique challenge that a youthful population and high risk environment can present to campus safety.

In response to the existing security climate on college campuses, evidently the majority of large universities have already restricted or banned guns. Consider for example, a 2003 survey by the Alliance for Justice, a Washington, D.C., advocacy group. It found that 82 of 150 of the biggest universities in the country banned all firearms on campus.

Indeed, what is obvious about the future Second Amendment landscape on public college campuses is this: Some students might challenge current or future university guns bans. If they should prevail in such litigation, which is unlikely, then campuses will become less safe rather than safer. Lamentably, guns in the hands of students are a potential tragedy waiting to happen.

Some parents with college bound children may want them to have the ability to possess a firearm for self-protection in the unlikely event of an active shooter on campus. However, we foresee that the majority of parents when shopping for the appropriate educational experience for their children will consider not only Clery Act crime statistics but the campus gun policy prior to making a final selection. As a consequence, some colleges might lose some of the best and brightest rising college freshmen because they cannot produce an environment sufficiently safe to gain parental approval.

A public college could gain a competitive recruiting advantage or disadvantage based on the way it crafts its gun policy. Those that allow students to possess a gun in their dormitory rooms or campus apartments might accrue such a benefit. Private colleges, as private property owners that are not technically subject to the new found freedom under the Second Amendment, might have an inherent advantage over public colleges in this policy-making context.

Now is the time for state lawmakers, university policymakers and campus safety personnel to re-evaluate campus firearms policies, thereby ensuring compliance with the new Second Amendment landscape carved out by the Supreme Court. Here's an overarching caution to consider in this judicially inspired policymaking dilemma: A liberal gun control policy might be tantamount to providing a future active shooter easy access to a gun or escalating a relatively benign fraternity spat into a shooting massacre.

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