

8. Firearm Permits

The Second Amendment to the U.S. Constitution reads, “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” The United States Supreme Court has addressed this right several times in the past in cases such as *United States v. Miller*, 307 U.S. 174 and *District of Columbia v. Heller*, 554 U.S. 570, which helped provide some of the guiderails under which most Second Amendment legislation is approached, but some matters remain undecided. For instance, while outlawing handguns was found unconstitutional, the court signaled that states should generally give some latitude in how they license and regulate guns, within constitutional boundaries.

Massachusetts in particular has drawn some fire over the manner in which it has enacted regulations on the licensing of firearm use and according to some analysts has enacted one of the most restrictive licensing regimes in the country.⁴² Massachusetts law requires gun buyers to get a permit before owning most firearms.⁴³ “Each applicant must complete a four-hour gun safety course, get character references from two people, and show up at the local police department for fingerprinting and a one-on-one interview with a specially designated officer. Police must also do some work on their own, searching department records for information that wouldn’t show up on the official background check.”⁴⁴ These requirements have been used to keep folks who don’t have obvious background check red flags like psychiatric hospitalization or prior criminal history, but may have had police visits for domestic disturbance or some other indication that the potential gun buyer may not have the decision making skills and emotional stability the state would hope to see in a potential owner of lethal force.

This outcome may sound like just the sort of outcome sought by survivors of gun violence and politically left-leaning voters would want to see, but some unintended consequences have arisen that may actually give such groups pause. Members of the “Black Lives Matter” (BLM) movement already decry the lack of boundaries to police power, and by giving such institutions even greater power over what Americans have deemed a fundamental constitutional right to anti-government conservatives who fret over government overreach, many citizen groups with concerns about the power of the state may now worry about the growing police powers this policy puts the exercise of one’s Second Amendment rights in the hands of the police.⁴⁵

⁴² See e.g. “This Is The Toughest Gun Law In America,” Jonathan Cohn, HuffPost Politics, May 6, 2018, https://www.huffingtonpost.com/entry/toughest-gun-law-america_us_5aeb27a9e4b041fd2d23d3f7; “These States Have the Most Restrictive Gun Laws in America,” Trisha Phillips, Culture CheatSheet, June 22, 2018, <https://www.cheatsheet.com/culture/these-states-have-the-most-restrictive-gun-laws-in-america.html/> (listing MA as #6 strictest state gun laws); “10 states with the strictest gun laws,” Matthew Hartvigsen, Deseret News, April 17, 2013, <https://www.deseretnews.com/top/1428/0/10-states-with-the-strictest-gun-laws.html> (listing MA as #3 strictest state gun laws).

⁴³ “Apply for a firearms license,” Mass.gov, <https://www.mass.gov/how-to/apply-for-a-firearms-license>.

⁴⁴ “This Is The Toughest Gun Law In America,” Jonathan Cohn, HuffPost Politics, May 6, 2018, https://www.huffingtonpost.com/entry/toughest-gun-law-america_us_5aeb27a9e4b041fd2d23d3f7

⁴⁵ See also, “Permit-to-Purchase Licensing for Handguns,” Johns Hopkins Bloomberg School of Public Health, March 2015, https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/FactSheet_PermittoPurchaseLicensing.pdf.

9. MeToo Far

Sexual harassment law was initially envisioned to encompass a limited scope - it was not aimed to enforce civility code, but to redress actual measurable harms upon people based upon their sex and came at a time when women were often frozen out of entire industries or harassed so strongly/frequently that meaningful participation in the workforce was prevented. Massive strides have been made over the last 30-40 years, but work remains to be done and sexual harassment and even sexual abuse in some industries still festers.

However, with the recent #MeToo movement, some worry that what the U.S. Supreme Court wanted to avoid - the civility code, may now be emerging and impeding personal freedom—one author has termed this more recent #MeToo trend a moral panic, like the Salem Witch Trials (or a more McCarthyism may also be an apropos comparison).⁴⁶ While much good can come from this moral panic insofar as we push the window of acceptable behavior to a more appropriate place, a minority worries that the sanitization of workplaces can sap a lot of the fun out of human interactions and harm the ability of some who are limited in their socialization opportunities of the chance of meeting Mr. or Mrs. Right.

Of course, as exhibited at the funeral services for Aretha Franklin, #MeToo still appears to be an essential movement given the distance women have to go.⁴⁷ Singer, Arianna Grande performed at the services, but found herself the target of jokes about her name and familiar touching by the officiant at the funeral, but many commenting on the services found more to complain about with regard to Ms. Grande's costume choice than the actions of her male colleague, visible to a national audience, and apparently outside the bounds of normal decorum.

Notably, the minister involved in the service apologized and claimed not to have realized where his hand was placed. His actions by no means approach the level of gross misconduct perpetrated by other famous figures like Harvey Weinstein, Bill Cosby, Matt Lauer, and others, but nevertheless, the public was torn between accusing Ms. Grande of failing to comply with the unwritten code for funerary fashion, whereas others focus on the actions of her male colleague in getting familiar with the young singer.

⁴⁶ “The Warlock Hunt,” Claire Berlinski, The American Interest, December 6, 2017, <https://www.the-american-interest.com/2017/12/06/the-warlock-hunt/>

⁴⁷ “Bishop Apologizes to Ariana Grande For ‘Too Friendly’ Grope During Aretha Franklin Funeral,” Jem Aswad, Variety, September 1, 2018, <https://variety.com/2018/music/news/bishop-apologizes-to-ariana-grande-for-grope-aretha-franklin-funeral-1202924472/>.