



Written by [Bob Adelman](#) on March 17, 2023

Ten Republican Senators Offer a Bill to Codify Heller and Bruen Decisions Into Law

At first blush, [the bill](#) (which has not yet been assigned a bill number) offered by Senator Lindsey Graham (R-S.C.) on Tuesday to “codify” the Supreme Court’s decisions in *Heller* and *Bruen* into federal law should please law-abiding gun owners, who think they might be able to rest a little easier over threats to their rights to “keep and bear arms” as guaranteed by the Second Amendment to the U.S. Constitution.

Currently, those decisions only relate to the particular or instant cases and are not federal law. Only Congress can enact such laws, and that’s what Graham and the other nine Republicans on the Senate Judiciary Committee said they hope to accomplish. It would make it vastly more difficult for future Supreme Courts to overturn those two decisions if they were codified into law and not just precedents supporting future decisions.

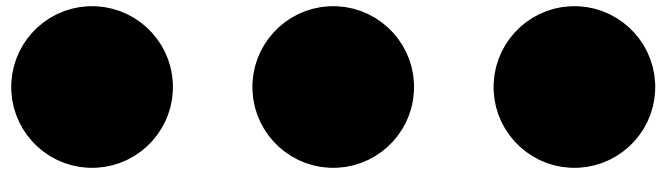
Graham has unanimous support from the other nine Republican senators on the committee — Chuck Grassley (R-Iowa), John Cornyn (R-Texas), Mike Lee (R-Utah), Ted Cruz (R-Texas), Josh Hawley (R-Mo.), Tom Cotton (R-Ark.), Thom Tillis (R-N.C.), Marsha Blackburn (R-Tenn.), and John Kennedy (R-La.) — as reflective of support for the Second Amendment and the Supreme Court’s decisions in those two landmark cases.

[Said Graham:](#)

I am very pleased that all Senate Judiciary Republicans are speaking with one voice when it comes to supporting the Second Amendment rights recognized by the Supreme Court in the *Heller* and *Bruen* decisions.

Now more than ever, it is important that Congress recognize and support that the Second Amendment is an individual right and that the right to bear arms to defend oneself is an integral part of American society.

The bill, the “Respect for the Second Amendment Act,” is barely six pages long and makes it clear that (if enacted into law) states or municipalities enacting laws that transgress the new norm — being “consistent with the United States’ historical tradition of firearm regulation” — would be in violation of those decisions now codified into law.



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From the bill:

No person ... may enforce ... any ... regulation that prohibits ... the right of an individual to lawfully ... possess, own, carry ... a privately owned firearm or ... ammunition unless the law ... is consistent with the United States' historical tradition of firearm regulation.

Infringements are enforceable by the U.S. attorney general, or in civil court by the individual citizen whose rights were infringed, with legal fees paid by the government entity issuing the regulation.

It's pretty straightforward, according to the National Rifle Association's (NRA) Brian Calabrese: "On behalf of our millions of members, we thank Senator Graham for sponsoring legislation to reinforce *Bruen* in federal law."

For staffers at Gun Owners of America (GOA) and the National Association of Gun Rights (NAGR), however, the bill is greatly flawed. In a conversation with GOA's director of federal affairs, Aidan Johnston, *The New American* was told that his group felt the bill didn't go nearly far enough in protecting citizens' Second Amendment rights. By referring only to decisions in *Heller* and *Bruen*, it fails to provide the actual text of the Second Amendment: "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."

By that standard, every law and every piece of legislation, including laws that created the National Firearms Act of 1934 and the Gun Control Act of 1968, would be declared unconstitutional. By default, according to Johnston, Graham's bill, if passed, would cement into place those egregious assaults on the Second Amendment.

In speaking with staffers at the NAGR, *The New American* learned that the group considers Graham's bill as just "political cover," with Graham hoping observers wouldn't remember his often weak and inconsistent support of the Second Amendment. That goes as well for Cornyn, whose support for the Second Amendment has been very inconsistent during his time in Congress. NAGR said this makes the offering of the bill "highly suspect."

In reality, the bill has little chance of being passed into law. As long as the Senate is controlled by communists masquerading as Democrats, Graham's bill is DOA.



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