

THE SECOND AMENDMENT, AS APPLIED



AM-15 Machine Gun, now apparently legal
to possess in Kansas

The Second Amendment as written and ratified: “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 Second Amendment, as applied by US Federal Judge John W. Broomes of the Kansas District: “~~A well regulated Militia, being necessary to the security of a free State, t~~ [T]he right of the people to keep and bear Arms, shall not be infringed.”

From the top of Broomes’ ruling on Wednesday tossing out a gun possession charge:

This matter is before the court on Defendant’s motion to dismiss based on Second Amendment grounds. (Doc. 26.) A response and a reply have been filed (Docs. 28, 29), and the court held a hearing to establish additional facts about the weapons charged.

The motion is thus ripe for review. The court finds that the Second Amendment applies to the weapons charged because they are “bearable arms” within the original meaning of the amendment. The court further finds that the government has failed to establish that this nation’s history of gun regulation justifies the application of 18 U.S.C. § 922(o) to Defendant. The court therefore grants the motion to dismiss.

And just what were the weapons in question that were charged?

I. Background

Defendant Tamori Morgan is charged with two counts of possessing a machinegun [sic throughout] in violation of 18 U.S.C. § 922(o). (Doc. 1.) Specifically, Defendant is charged with possessing an Anderson Manufacturing, model AM-15 .300 caliber machinegun and a machinegun conversion device. It was established at the hearing that the conversion device is a so-called “Glock switch” which allows a Glock, model 33, .357 SIG caliber firearm to fire as an automatic weapon.

Making machine guns great again. Wonderful.

Just as the Alito-authored *Dobbs* spawned a host of ugly laws, regulations, and ripple effects across the country, the Thomas-authored *Bruen* is now doing the same. Welcome to the Federalist Society Judicial System.

Elections matter, people. Elections matter a lot.