

RIGHT TO FOOD NOT ARMS: BEEFING TO UPDATE SECOND AMENDMENT INTERPRETATION¹

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I. INTRODUCTION

A. Billy Graham and Andrew Johnson

Reverend Billy Graham has a gun in his museum.² It is an artifact from his ministry—a nonfunctioning gun crafted by a gang member for self-defense on the streets.³ He took the gun in honor of the lad's conversion to his religion.⁴ The minister went onto save many souls.⁵ The museum is situated next to his and his wife's final resting place.⁶ The

¹ MAURY, Season 21, Episode 110, May 7, 2019. Bob Dylan, "Hurricane," Youtube.com, *Available at* https://www.youtube.com/watch?v=bpZvg_FjL3Q.

² Billy Graham Library, Charlotte, North Carolina, *visited in August 2018*.

³ Billy Graham Library, 2018.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

spirit is abundant.⁷ Even at the gate, men are kind.⁸ Breaking that serenity however, is one man, an employee at the compound, bearing an arm in public for no good reason.⁹ The gun inside the museum is authorizable under the new interpretation of the Second Amendment proposed by this Article, the armed man's gun at the gate is not.¹⁰

The reverend introduces all visiting souls to the concept of animal rights.¹¹ When one first enters his museum, his glorious haven for the Lord, one is greeted by animatronics, a lifelike cow and a cute cat, who perches.¹² The message is in stark contrast to the sale of meat within the edifice.¹³ Graham was a farmer, and he loved his cows.¹⁴ This is part of the

⁷ *Id.*

⁸ *Id.*

⁹ See *infra* Section II. *Printz v. United States*, 521 U.S. 898 (1997). *United States v. Lopez*. Alfonso D. Lopez, Jr., 514 U.S. 549 (1995).

¹⁰ Billy Graham Library, 2018. Jax Hunter, *The First Ten Amendments or The Bill of Rights*, Revolutionary War and Beyond, Available at www.revolutionary-war-and-beyond.com/first-ten-amendments.html.

¹¹ Billy Graham Library, 2018.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

message of the new Second Amendment interpretation: survive, but harm none.¹⁵

Similar to Graham, President Andrew Johnson delivered a compassionate, and yet protective, speech while acting as the Governor of Tennessee.¹⁶

Looking at this vast crowd, [...] and reflecting through what a storm of persecution and obloquy they are compelled to pass, I am almost induced to wish that, as in the days of old, a Moses might arise who should lead them safely to their promised land of freedom and happiness.¹⁷

Americans have suffered through crime waves, but others' crimes are no excuse for ever-present and lethal threats in the home, wild, or public.¹⁸ Despite chaos and crime sprees during his era, Johnson aspired for people to defend themselves, yet allow peace and goodwill to predominate.¹⁹ Present-day Americans may receive instruction from him as they

¹⁵ *Id.*

¹⁶ *Id.* Andrew Johnson, *Moses Speech*, National Park Service, Available at <https://www.nps.gov/anjo/learn/historyculture/moses-speech.htm>.

¹⁷ *Id.* Numbers 27:12.

¹⁸ Johnson, National Park Service.

¹⁹ *Id.*

hope for harm to be phased-out of society.²⁰ Johnson said, “let them defend themselves as all men have a right to do.”²¹ He echoed the Declaration of Independence, which says, “We must, therefore, acquiesce in the necessity,” “and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.”²² President Johnson said, “I speak now as one who feels the world his country, and all who love equal rights his friends.”²³

The Second Amendment represents a universal truth that all are entitled to survive without violence.²⁴ Food, not arms such as guns, is necessary for survival.²⁵ Thus, the Second Amendment’s greater purpose may be right to food.²⁶ The right to food is a universal right (i.e., human right).²⁷ Despite terms relegating rights exclusively to humans or

²⁰ *Id.* Jax Hunter, *The 2nd Amendment*, Revolutionary War and Beyond, Available at www.revolutionary-war-and-beyond.com/2nd-amendment.html.

²¹ Johnson, National Park Service.

²² United States Congress, *Declaration of Independence*, July 4, 1776.

²³ *Id.*

²⁴ *E.g.*, U.S. Const. am. VIII.

²⁵ *Infra* Section II.

²⁶ U.S. Const. am. II.

²⁷ *Id.*

worlds beyond, the meaning of a right in this sense is that it is unassailable, like an “unalienable right.”²⁸ A right to food is innate.²⁹ The government is obligated and obligates citizens to feed dependent minors.³⁰ Satisfaction of innate needs through enforcement of rights may deter some crime and reduce threat and resolve to shoot.³¹ Without guns,

²⁸ *Id.* United States Congress, *Declaration of Independence*, July 4, 1776. President Barack Obama used the term to denounce the murder of multiple elementary school students. Valerie Strauss, *Are Our Rights 'Inalienable' or 'Unalienable'?*, WASHINGTON POST, July 4, 2015, Available at https://www.washingtonpost.com/news/answer-sheet/wp/2015/07/04/are-our-rights-inalienable-or-unalienable/?utm_term=.e4c580cd3ab2. Larry Buchanan, Josh Keller, Richard A. Opiel Jr., & Daniel Victor, *How They Got Their Guns*, THE NEW YORK TIMES, February 16, 2018, Available at <https://www.nytimes.com/interactive/2015/10/03/us/how-mass-shooters-got-their-guns.html>. A mass murder allegedly was perpetrated by Adam Lanza, the son of a gun owner. *Id.* “His mother, Nancy Lanza, a gun enthusiast, **legally obtained and registered a large collection of weapons** and would often take her sons to shooting ranges.” *Id.* Adam allegedly used Nancy’s gun to kill her before committing mass murder. *Id.*

²⁹ Anne C. Bellows, *A Systems-Based Human Rights Approach to a National Food Plan in the USA*, RENEWABLE AGRICULTURE & FOOD SYSTEMS, 1 (2019).

³⁰ Cal. Crim. Code § 2084 (2019). Associated Press, *Mom Accused of Starving Son, 3, to Death Found Guilty*, ABC News, May 3, 2019, Available at <https://www.abc15.com/news/region-central-southern-az/tucson/mom-accused-of-starving-son-3-to-death-found-guilty>. Riley Snyder, *Hillary Clinton Says Supreme Court Gun Decision Dealt with Protecting Toddlers*, Politifact, October 19, 2016, Available at <https://www.politifact.com/truth-o-meter/statements/2016/oct/19/hillary-clinton/hillary-clinton-says-supreme-court-gun-decision-de/>.

³¹ *Infra* Section III.

those opposing the use of force and violence, such as against animals (e.g., deer and sows), may equally be protected from demise as those who have failed to be sensitive to violence and those who feel that they have been put to the disastrous and unsustainable task of eliminating competition and aggregating resources by force.³²

B. Map

This Article argues that, in the United States, a right to food can be found under the Second Amendment.³³ Although humans may have presumed that during dire situations people may take by force what they need to survive, the Second Amendment may be reimagined as the founders' guarantee to food.³⁴ Guns no longer may be used to

³³*Infra* Section III.

³³*Infra* Section III.

³⁴ Analisa Packham & Jillian B. Carr, *SNAP Benefits and Crime: Evidence from Changing Disbursement Schedules*, 101 REV. ECON. STATISTICS 310 (2019); Jessica Goldstein, *Study on Food Stamp Distribution and Theft Underscores Hunger Crisis in Illinois*, World Socialist Web Site, July 28, 2017, Available at <https://www.wsws.org/en/articles/2017/07/28/snap-j28.html>.

take or respond to taking.³⁵ The states and nation are well-defended and government institutions are capable of responding to threat and loss.³⁶ As uses for weapons become obsolete and correlate with crime, right to food may be interpreted within the Second Amendment instead of distorting its original essence or repealing it altogether.³⁷ An individual right to bear arms is an exaggerated interpretation of the Second Amendment.³⁸ The purpose was to

³⁵ U.S. Const. am. V. The Angry Anarchist, "Crazy L.A. Gun Fight Erupts During Riot," February 11, 2010, *Available at* <https://www.youtube.com/watch?v=PmsKGhLdZuQ>. In reference to neighborhood rioting, involving looting and gun warfare at the grocery mart, a senior citizen moaned then cried. "This is the United States. How come they let that happen to that place? Why didn't they guard? They're running out of there with the food. I don't—I've got to do some shopping—I don't have any food in the house." *Id.* A group of business owners fired shots at a crowd of thieves, and then fire was returned by a car of bandits. *Id.*

³⁶ See, Statista, Per Capita Expenditure for State Funded Police Protection in the United States in 2015, by State (in U.S. Dollars), September 2015, *Available at* <https://www.statista.com/statistics/306656/us-police-expenditure-per-capita/>. U.S. Coast Guard, Protecting our Marine Life, GoCoastGuard.com, *Available at* <https://www.gocoastguard.com/about-the-coast-guard/discover-our-roles-missions/living-marine-resources>.

³⁷ Caroline Burke, *This Study on Gun Laws & Mass Shootings Suggests There's a Clear Connection*, Bustle, *Available at* <https://www.bustle.com/p/this-study-on-gun-laws-mass-shootings-suggests-theres-a-clear-connection-16821544>.

³⁸ District of Columbia v. Heller, 554 U.S. 570 (2008). Jax Hunter, *The 2nd Amendment, Revolutionary War and Beyond*, *Available at* www.revolutionary-war-and-beyond.com/2nd-amendment.html.

ensure the means to oppose and overcome systemic failure (e.g., tyranny, government treachery, and foreign invasion).³⁹ It was a collective right.⁴⁰ According to this new interpretation, it may guarantee survival to the people and individuals.⁴¹

Food supply, available through the government or nonprofit organizations, is believed by many people throughout the world to be an innate right guaranteed to all, including non-human life.⁴² Like any right, it is not unlimited.⁴³ Yet, concerns about the parameters cannot stall the process of uncovering the contemporary and functional purpose of the Second Amendment.⁴⁴ Furthermore, evidence of self-sustenance⁴⁵ (i.e., breastmilk) may not satisfy

³⁹ Hunter, *The 2nd Amendment*.

⁴⁰ *Heller*, 554 U.S. 570.

⁴¹ *Infra* Section III.

⁴² Human Rights Council Res. 15/9, U.N. Doc. A/HRC/RES/15/9 (Oct. 6, 2010); Human Rights Council Res. 18/1, A/HRC/RES/18/1 (Oct. 12, 2011); Human Rights Council Res. 21/2, A/HRC/RES/21/2 (Oct. 9, 2012); Human Rights Council Res. 24/18, A/HRC/RES/24/18 (Oct. 8, 2013); Human Rights Council Res. 27/7, A/HRC/RES/27/7 (Feb. 10, 2014).

⁴³ *Contra*, Adam Winkler, *Is the Second Amendment Becoming Irrelevant*, 93 IND. L.J. 253 (2018). Human Rights Council Res. 34/21 A/HRC/34/L.21 (Mar. 23, 2017).

⁴⁴ *Contra Heller*, 554 U.S. 570.

⁴⁵ The Constitution protects the right to eat that which is ejected or loosened from one's body. Carmen M. Cusack, TWINS AND

the aspirational purpose of the Second Amendment, which is to guarantee food to those without any means for survival.⁴⁶ In order to address the need for food and reestablish certainty of survival once guaranteed by the Second Amendment, which is now being used to promote unnecessary ownership of deadly weapons, this Article presents Constitutional jurisprudence and builds a new analysis.⁴⁷ Section II of this Article revisits the framers' original concerns about violent systemic failure.⁴⁸ Rather than dismiss

DEVIANCE: LAW, CRIME, SEX, SOCIETY, AND FAMILY (2016). Carmen M. Cusack, *Boob Laws: An Analysis of Social Deviance within Gender, Family, or the Home (Etudes 2)*, 33 WOMEN'S RTS. L. RPTR. 197 (2012). Carmen M. Cusack, *Placentophagy and Embryophagy: An Analysis of Social Deviance within Gender, Family, or the Home (Etude 1)*, 1 J. L. & SOC. DEVIANCE 112 (2011). Self-sustenance is evident in placentophagy, embryophagy (e.g., eating a miscarriage), lactation, and secretion. *Id.* Secretions include semen and menstruated blood and tissue (i.e., meat). *Id.* See, *Semen Health Benefits: It Really Does Have All the Nutrients of a Protein Shake*, HUFFINGTON POST, June 5, 2013, Available at https://www.huffpost.com/entry/semen-as-superfood-protein-shake-health-benefits_n_3389375; "Nutritional Value in a Serving of Semen," Go Ask Alice, Available at <https://goaskalice.columbia.edu/answered-questions/nutritional-value-serving-semen>; Maanee Chrystal, "My Reasons for Drinking My Menstrual Blood," Play Ground, Available at www.playground.plus/food/my-reasons-for-drinking-my-menstrual-blood_22943707.html; and Hermann Leberecht Strack, THE JEW AND HUMAN SACRIFICE, 25 (1909).

⁴⁶ *Contra*, Winkler, *Is the Second Amendment Becoming Irrelevant*.

⁴⁷ *Heller*, 554 U.S. 570.

⁴⁸ *Infra* Section II.

that history, it takes Justice Antonin Scalia's tack by delving into the Second Amendment's grammar.⁴⁹ Then, it argues against interpretations extending the Second Amendment to include an individual right publicly to carry an arm or privately possess a gun.⁵⁰ To fortify values undergirding the Second Amendment and modernize its effectiveness, Section II argues in favor of a collective right and an individual right to food.⁵¹ This section discusses *stare decisis* to persuade the United States Supreme Court to renegotiate its position in *District of Columbia v. Heller*.⁵² Section III discusses the innate right to food, including care of pets and working animals.⁵³ It argues the need for plant-based, vegan, and healthy food and fresh drinking water for all creatures as well as appropriate living conditions for plants.⁵⁴ Section III discusses philosophy,

⁴⁹ Hunter, *The 2nd Amendment*.

⁵⁰ *Heller*, 554 U.S. 570.

⁵¹ *Contra, Heller*, 554 U.S. 570.

⁵² *District of Columbia v. Heller*, 554 U.S. 570 (2008).

⁵³ Dog Time, *Food Stamp Program for Pets Helps Low-Income Families*, Available at <https://dogtime.com/trending/17373-food-stamp-program-for-pets-helps-low-income-families>.

⁵⁴ *Infra* Section III.

economics, and politics regarding cultivation of healthy plants, climate change, accords with humans in other countries and animals, supplemental assistance and pet food, and armed conflict. Section III discusses ethical treatment of animals by grocery stores, owners, and the government. It explains why hunting is not only unprotected by the United States Constitution, it is an indication of mental illness and uncondusive to proliferation of rights and stability.⁵⁵ It offers suggestions to the government about how to generate charitable donations and save money to provide food for needy individuals. Section IV concludes.⁵⁶

⁵⁵ CARMEN M. CUSACK, *FISH IN THE BIBLE: PSYCHOSOCIAL ANALYSIS OF CONTEMPORARY MEANINGS, VALUES, AND EFFECTS OF CHRISTIAN SYMBOLISM* (2017). CARMEN M. CUSACK, *FISH, JUSTICE, AND SOCIETY* (2018). National Conference of State Legislatures, "State Constitutional Right to Hunt and Fish," April 20, 2017, *Available at* www.ncsl.org/research/environment-and-natural-resources/state-constitutional-right-to-hunt-and-fish.aspx. State laws that promote hunting are recent and controversial. Hunting laws do not reflect longstanding tradition, health, or predominate American culture.

⁵⁶ *Infra* Section IV.

II. SECOND AMENDMENT: HELLER V. DISTRICT OF COLUMBIA⁵⁷

A. Framers' Intent

The United States Constitution was amended in 1791 to include the Bill of Rights.⁵⁸ The second of the original ten amendments says, “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.”⁵⁹ It granted to the people a right to defend states from ominous threats, such as federal tyranny, treachery from within the government, and foreign invasion.⁶⁰

In *Heller v. District of Columbia*, the United States Supreme Court ruled that a litigating police officer could not be denied a permit to possess a private handgun in his home in the District of Columbia.⁶¹ Justice Scalia inventively analyzed commas within the Second Amendment and

⁵⁷ *Heller*, 554 U.S. 570.

⁵⁸ *Heller*, 554 U.S. 570; Hunter, *The 2nd Amendment*.

⁵⁹ U.S. Const. am. II.

⁶⁰ *Heller*, 554 U.S. 570; Hunter, *The 2nd Amendment*.

⁶¹ *Heller*, 554 U.S. 570.

hypothesized that two types of clauses were interpretable.⁶² He opined that the comma placement suggested that the Second Amendment did not limit a right to bear arms to the defense of a state.⁶³ He suggested that an individual right was discernable.⁶⁴ Instead of following the original framework to find that arms should only be used to defend the state during a dire emergency, he found that the litigant, a police officer, could carry an assembled weapon within his home for personal self-defense.⁶⁵ According to this opinion, there is no right to bear an arm inside one's home for any purpose other than self-defense.⁶⁶ Because Justice Scalia took a linguistic tack, grammar may be analyzed to defeat his proposition.⁶⁷ The phrase "well regulated" violates a hyphenation convention.⁶⁸ The proposition that the Second Amendment is grammatically well-

⁶² *Heller*, 554 U.S. 570.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ U.S. Const. am. II. "What is the Adjective for Regulate?," Word Hippo, Available at <https://www.wordhippo.com/what-is/the-adjective-for/regulate.html>.

developed is therefore flawed.⁶⁹ Some liberties were taken in its writing; but, the general purpose remains clear.⁷⁰ The Second Amendment is not an enigma.⁷¹ This defies the validity of Justice Scalia's notion that grammatical interpretations could be precisely wielded to unsheathe this mystery.⁷²

Self-defense is not the type of defense envisioned by framers when they guaranteed a right to the people.⁷³ Private gun ownership could be analogized to a right to imply threats inside and outside the home.⁷⁴ The presence of guns inherently may threaten and demand submission (i.e., "weapons effect").⁷⁵ Founders did not intend for people to have access to weapons in order to steal, kill, hunt, intimidate, terrorize, threaten, or cause harm.⁷⁶

⁶⁹ U.S. Const. am. II. *Heller*, 554 U.S. 570.

⁷⁰ Hunter, *The 2nd Amendment*.

⁷¹ Hunter, *The 2nd Amendment*.

⁷² *Heller*, 554 U.S. 570.

⁷³ U.S. Const. am. II.

⁷⁴ *Id.*

⁷⁵ Brad J. Bushman, *The "Weapons Effects,"* PSYCHOL. TODAY, January 18, 2013, Available at <https://www.psychologytoday.com/intl/blog/get-psyched/201301/the-weapons-effect>.

⁷⁶ Stephanie Pappas, *Guns Don't Deter Crime, Study Finds*, Live Science, July 6, 2015, Available at <https://www.livescience.com/51446-guns-do-not-deter-crime.html>.

Despite claims by the unambitious majority in *Heller*, the Second Amendment was not included to devise a way for guns to be turned on people who enter others' occupied edifices.⁷⁷ Combatting crime is a role for law enforcement.⁷⁸ Yet, even they do not frequently use or unholster weapons.⁷⁹

Unlike the era during which the framers were uncertain as to whether the young nation would survive, America is presently stable, individuals typically are safe, and homes are secure.⁸⁰ In spite of lengthy debates, notions about framers' intent are superfluous because guns are not necessary due to improved security measures, abundance (e.g., iPhones), and peacefulness between states and the federal military.⁸¹ In short, this amendment

⁷⁷ *Id.* See e.g., Fla. Stat. § 810.02 (2018). *Heller*, 554 U.S. 570. John Timmer, *Guns At Home More Likely To Be Used Stupidly Than In Self-Defense*, Ars Technica, April 27, 2011, Available at <https://arstechnica.com/science/2011/04/guns-in-the-home-lots-of-risk-ambiguity/>.

⁷⁸ Associated Press, *NYPD Using Firearms At Lowest Rate On Record*, December 20, 2018, Available at iceone.com/firearms/articles/482431006-NYPD-using-firearms-at-lowest-rate-on-record/.

⁷⁹ *Id.*

⁸⁰ U.S. Const. am. III, U.S. Const. am. IV.

⁸¹ See *Id.* Daniel Mejia & Pascual Restrepo, *Crime and Conspicuous Consumption*, 135 J. PUB. ECON. 1 (2016).

expressed the forebearers' potential need to defend from violent collapse.⁸² Americans presently do not face that grave concern, and possibility of an invasion cannot override safety concerns or more promising implementations of the Second Amendment because the doctrinal foundation continues to bear merit.⁸³

In addition to framers' intent, other data sufficiently demonstrates the context in which the Second Amendment originated.⁸⁴ Traditionally, the Second Amendment has been limited to military uses for weapons.⁸⁵ It discusses the militia (e.g., state guard).⁸⁶ American colonists were influenced by British law, which limited and prevented individuals

⁸² U.S. Const. am. II.

⁸³ *South Dakota v. Dole*, 483 U.S. 203 (1987). *Gibbons v. Ogden*, 22 U.S. 1 (1824). U.S. Const. am. XIII. U.S. Const. am. II.

⁸⁴ *Id.*

⁸⁵ Reportedly, "75% of young adults cannot join the military because they lack the education and skills to qualify, have criminal records, or are physically unfit due to overweight and other health problems." Barbara Bennett Woodhouse & Charles F. Woodhouse, *Children's Rights and the Politics of Food: Big Food Versus Little People*, 56 FAM. CT. REV. 287, 295 (2018). *Aymette v. State*, 21 Tenn. (2 Hum.) 154 (1840). Mark Anthony Frassetto, *To the Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second Amendment*, 43 S. ILL. U. L.J. 61, 65 (2018).

⁸⁶ U.S. Const. am. II.

from carrying weapons, such as daggers and firearms, in public.⁸⁷ Any right to bear arms was defined by scenarios involving emergencies, and sometimes, exigent situations on private property.⁸⁸ The government opposed disturbances caused by private ownership of weapons.⁸⁹ For example, charges were brought against citizens appearing in public with firearms to defend their property, such as disputed slaves residing on others' property.⁹⁰ The United Kingdom strictly controls handguns in response to a massacre that occurred in the 1990s.⁹¹ It may be deduced that the British opinion of handgun control continues to influence Americans.⁹²

⁸⁷ Frassetto, 43 S. Ill. U. L.J. 61.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ State v. Huntly, 25 N.C. (3 Ired.) 418 (1843). Frassetto, 43 S. Ill. U. L.J. 61.

⁹¹ Kim Lacapria, *No School Shootings in the United Kingdom Since Handguns Were Banned?*, Snopes, February 16, 2018, Available at <https://www.snopes.com/fact-check/dunblane-school-shootings-ban/>.

⁹² *Id.*

B. Handgun Possession and Safety

Prior to *Heller*'s lawsuit, the city had already permitted the police officer to possess a handgun through his employer.⁹³ The officer possibly may have been incentivized by his employment status to legalize handgun possession and the carrying of an assembled rifle within the home.⁹⁴ Prior to the ruling, private gun ownership could officially be sanctioned by the District of Columbia.⁹⁵ Those demanding to possess permitted weapons effectively were precluded from living in the city, which aspired to be gun-free.⁹⁶ In reality, the Court concluded that the gun owner could demand that the city tolerate gun warfare.⁹⁷ The law preventing the government from supporting gun possession was stricken.⁹⁸ The Court failed to describe in its opinion why the officer required a personal handgun unrelated to his

⁹³ *Id.*

⁹⁴ *Id.* Justice Policy Institute, *United States Continuing to Overspend on Police, Despite Decreasing Crime Rates*, May 22, 2012, Available at www.justicepolicy.org/research/3906.

⁹⁵ *Heller*, 554 U.S. 570.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

profession in his home.⁹⁹ Any lethal threat may have been met with a response from the officer whether on-duty or off-duty.¹⁰⁰ Because he could possess a permitted, unassembled or locked rifle in Washington D.C., his claim raises disquieting questions.¹⁰¹ Did he believe that he needed an unlocked and assembled weapon for self-defense?¹⁰² Did he envision a scenario that he could not report to his employer or another appropriate law enforcement agency?¹⁰³ Did his fantasy or fear require him to use a handgun spontaneously to shoot someone inside his home?¹⁰⁴

The Court said that a handgun ban was impermissible because Americans prefer to use handguns.¹⁰⁵ Not only did the Court's logic bootstrap

⁹⁹ *Id.*

¹⁰⁰ *Id.* *NYPD Using Firearms At Lowest Rate On Record*, December 20, 2018. *But see*, Ben Nuckols, *Off-duty Baltimore Police Required to Carry Guns—Even to Bars*, THE STAR, December 6, 2010, *Available at*

https://www.thestar.com/news/world/2010/12/06/offduty_baltimore_police_required_to_carry_guns_even_to_bars.html.

¹⁰¹ *Heller*, 554 U.S. 570.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

its conclusion, it bestowed upon the masses legitimacy for having turned against the elected government's authority.¹⁰⁶ The Court envisioned an individual right in its response to rebellion.¹⁰⁷ It surmised that because Americans use handguns and would like to break Washington's law, then the government must permit them.¹⁰⁸ The acquiescent Court found a new right to further their alleged collective demand.¹⁰⁹ However, the *Heller* Court was overreactive.¹¹⁰ "Although handguns make up only 34% of firearms, approximately 80% of firearm homicides are committed with a handgun."¹¹¹ The Court's opinion exaggerated interest in handgun possession and owner responsibility.¹¹² It also overestimated their safety when it dismissed the need for trigger locks.¹¹³ Trigger locks provide a moment

¹⁰⁶ *Id.*

¹⁰⁷ *Heller*, 554 U.S. 570.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Heller*, 554 U.S. 570.

¹¹¹ Illinois Council Against Handgun Violence, Handgun Data & Statistics, Available at www.ichv.org/handgun-data-and-statistics/.

¹¹² *Heller*, 554 U.S. 570.

¹¹³ *Id.* Julie Pace & Erica Werner, *Joe Biden Meeting With Video Game Industry On Guns*, HUFFINGTON POST, January 11, 2013,

to cooldown prior to instantaneous violence, deterrent for children, and safety measure for accidents (e.g., cats).¹¹⁴ “Women face an especially high risk of handgun violence. In 2008, 71% of female homicide victims were killed with a handgun.”¹¹⁵ Many Americans are repelled by the potential consequences of handguns.¹¹⁶

Handgun owners may desire destructive means to an end.¹¹⁷ The city permitted the plaintiff to own a handgun.¹¹⁸ The plaintiff’s credibility as an officer of the law should not have persuaded the Court of his intentions or allowed it to infer that keeping a gun inside one’s home yielded safety or stability.¹¹⁹ Following a handgun purchase, suicide has been

Available at https://www.huffpost.com/entry/joe-biden-video-games_n_2454915.

¹¹⁴ Handgun Data & Statistics, *Available at* www.ichv.org/handgun-data-and-statistics/. "Summary Of State Child Access Prevention Laws," *Available at* leg.wa.gov/Senate/Committees/LAW/Documents/SummaryOfStateChildAccessPreventionLaws.pdf.

¹¹⁵ *Id.* CARMEN M. CUSACK, MUTATED SYMBOLS IN LAW AND POP CULTURE (2018).

¹¹⁶ *Heller*, 554 U.S. 570.

¹¹⁷ Handgun Data & Statistics, *Available at* www.ichv.org/handgun-data-and-statistics/.

¹¹⁸ *Heller*, 554 U.S. 570.

¹¹⁹ *Id.*

found to be the primary cause of death.¹²⁰ “In the first week after the purchase of a handgun, the firearm suicide rate among the purchasers was 57 times as high as the adjusted rate in the general population.”¹²¹ After District of Columbia banned handguns in 1976, firearm homicides declined 25% and firearm suicides decreased by 23% as a result of the ban.¹²² District of Columbia has been credited for having a lower youth suicide rate than any state in America because of this policy.¹²³ The Second Amendment was never intended to facilitate youth violence, harm, or suicide.¹²⁴ Gun control measures protect them, adults, and all occupants of the home, including animals, from intended and unintended ramifications.¹²⁵

¹²⁰ *Id.*

¹²¹ Handgun Data & Statistics, *Available at* www.ichv.org/handgun-data-and-statistics/.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

C. Aspirational Purpose

In *Heller*, the majority of United States Supreme Court justices appeared to accept the reasoning of a vociferous gun lobby when they discussed a private right to bear handguns inside one's home in the District of Columbia.¹²⁶ The Court, namely Justice Scalia, simulated profound interest in grammar.¹²⁷ He appeared to parse through phrases and punctuation.¹²⁸ His analyses were loose.¹²⁹ In spite of his connection to avid gun owners, apparently including the litigant, he opened the door to more intriguing and sturdy possibilities for peace and a

¹²⁶ *Id.* National Rifle Association (NRA), About, *Available at* <https://home.nra.org/about-the-nra/>. The most widely known gun lobby is the National Rifle Association (NRA). *Id.* Its goals are to educate the public about rifle safety. *Id.* It works with state fish and wildlife services (FWS), which have programs in place to control and improve human conduct in nature. *Id.* CUSACK, FISH, JUSTICE, AND SOCIETY. NRA teaches youngsters to avoid contact with weapons. *Id.* Although it is unlikely that children will encounter guns, the NRA teaches them that if they find a gun, then they should adhere to the following procedures: "STOP. DON'T TOUCH. RUN AWAY. TELL A GROWNUP." NRA, *Available at* <https://home.nra.org/about-the-nra/>. NRA educates police officers about gun safety. *Id.* Their organization was founded so that soldiers safely could practice shooting training. *Id.*

¹²⁷ *Heller*, 554 U.S. 570.

¹²⁸ *Id.*

¹²⁹ *Id.*

nation without guns.¹³⁰ His jargon is evidence that the Second Amendment was intended to record a duty by the American government.¹³¹ Their duty was to use the Second Amendment to empower the people.¹³² It may be used in any manner appropriate for the society in which we live.¹³³

Like the Fifth Amendment has been the bedrock of substantive due process, the Second Amendment is a flexible law intended to guide American citizens, not bind them to revolutionary mentalities.¹³⁴ People, who need care in dire circumstances, may seek redress from their government in the form of emergency assistance.¹³⁵ Under a useful interpretation, Americans may rely on their Second Amendment right until permanent care becomes accessible through private means, including

¹³⁰ *Id.*

¹³¹ *Heller*, 554 U.S. 570.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.* *Bowers v. Hardwick*, 478 U.S. 186 (1986); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); *Roe v. Wade*, 410 U.S. 113 (1973).

¹³⁵ U.S. Const. am. I.

charities, such as churches and orphanages.¹³⁶ There is no need to contemplate dystopian conundrums in which the populace is forced into criminal conduct to aspire for incarceration in order to receive a hand-out from the government.¹³⁷ Hunger causes people to experience desperation and could cause them to break the law (e.g., starvation results in revolution); and, satisfying hunger is the government's duty.¹³⁸

Civic and non-profit programs already help humans and animals.¹³⁹ Therefore, this interpretation must provide for animals, who are in human habitats, but cannot directly access food.¹⁴⁰ For instance, families may have food, but require supplemental

¹³⁶ *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).

¹³⁷ O. Henry & John Steinbeck, "Charles Laughton & Marilyn Monroe - 'The Cop and the Anthem' ('Full House')," *Available at* <https://www.youtube.com/watch?v=temSJCZwUIU>.

¹³⁸ Nomaan Merchant, *Hunger, Fear and Desperation in the Wake of an ICE Raid*, Truth Dig, July 9, 2018, *Available at* <https://www.truthdig.com/articles/hunger-fear-desperation-what-came-of-an-ordinary-ice-raid/>.

¹³⁹ Society for the Prevention of Cruelty to Animals (SPCA), Our History, *Available at* <https://www.spcai.org/about-spcai/our-history/>. Barbara J. Starmans, *Society for the Prevention of Cruelty to Children*, The Social Historian, *Available at* <https://www.thesocialhistorian.com/suffer-the-children/>.

¹⁴⁰ SPCA, *Available at* <https://www.spcai.org/about-spcai/our-history/>.

nutrition for animal companions, working animals, and others in their care and under their management.¹⁴¹ Another example is emergency supplementation for victims and aggressors of domestic violence.¹⁴² Some housing may welcome pets and provide food for them.¹⁴³ However, domestic violence need not be a requirement in order for pets and animals to receive compassion.¹⁴⁴

¹⁴¹ Chris Morris, *Online Petition Asks USDA to Allow Food Stamps to Be Used for Pet Food*, FORTUNE, January 30, 2018, Available at fortune.com/2018/01/30/food-stamp-petition-pet-food/.

¹⁴² Pet and Women Safety Act of 2017, S. 322 (115th). Amanda Kippert, *PAWS Act Provides Federal Protections for Survivors' Pets, Domestic Shelters*, Available at <https://www.domesticshelters.org/articles/pets/paws-act-provides-federal-protections-for-survivors-pets>. “The PAWS – Pet and Women Safety – Act was signed into law late last year as part of the 2018 Farm Bill, expanding existing federal domestic violence protections to include pets and authorizing \$3 million a year in grants for emergency and transitional housing assistance for survivors with pets.” *Id.* “The Act also makes sure vet bills are a part of crime victim compensation on a federal level. But perhaps the most visible change will come in the form of pet-friendly emergency shelters—the PAWS funding will allow either government agencies or private agencies to provide shelter for survivors with pets.” *Id.*

¹⁴³ Purina, *Creating Safe Havens for People & Pets*, Available at <https://www.purina.com/about-purina/better-with-pets/pet-welfare/domestic-violence-shelters>.

¹⁴⁴ Doris Lin, “Free Dog Food and Cat Food,” ThoughtCo., September 13, 2018, Available at <https://www.thoughtco.com/free-dog-and-cat-food-127751>. Persistent harassment may subside when those participating in interpersonal instability feel defeated by the temporary loss of a friend (i.e., pet). Pets may not only need shelter because of threats or violence, but also because the person seeking

Survival is a right under the Second Amendment.¹⁴⁵ Programs sponsored in whole or in part by the government, including 501(c)(3) status, should recognize this and often abide by it.¹⁴⁶ This is the aspirational purpose behind the Second Amendment.¹⁴⁷

The Second Amendment does not require Americans to wait inside their homes until violence erupts, including intimate partner violence or invasion by foreign soldiers.¹⁴⁸ The Constitution

shelter is the pet's primary or exclusive caregiver. Some aggressors are victims, as well. Stigmas may slow healing.

¹⁴⁵ U.S. Const. am. II.

¹⁴⁶ Humane Society, "Are You Having Trouble Affording Your Pet?," Available at <https://www.humanesociety.org/resources/are-you-having-trouble-affording-your-pet>. Internal Revenue Service (IRS), "Exemption Requirements - 501(c)(3) Organizations," November 28, 2018, Available at <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501c3-organizations>.

¹⁴⁷ U.S. Const. am. II.

¹⁴⁸ CARMEN M. CUSACK, HAIR AND JUSTICE (2015). Restrictions may be placed on gun ownership. *United States v. Knight*, 574 F. Supp. 2d 224 (2008). "Heller certainly does not eliminate the crime of false statements." *Id.* at 226. A ban should have applied to gun owners who cohabit with those opposing guns in the home. Gun owners should never have been permitted to keep guns in common areas used by people who are not registered or invite nonresidents into common or private areas of the home in which a gun is stored. "Reducing domestic violence is a compelling government interest." *Id.* at 226. *B.W. Foster v. Preston Mill Company*, 268 P.2d 645 (1954); *Hollywood Silver Fox Farm v. Emmett* [1936] 2 KB 468. Gun ownership is an inherently dangerous activity. *Preston*, 268 P.2d 645;

does not urge people violently to protect what little food they may have inside.¹⁴⁹ It requires the government to effectuate methods to protect people from starvation, including individual and group tyranny.¹⁵⁰ Tyrants may no longer benefit from staunch and passive aggressive intentions to deprive, take, or force another to take.¹⁵¹ The plaintiff in *Heller* was a gun permit applicant and a police officer wishing to keep a weapon inside his home in the District of Columbia. Police have been linked with higher rates of domestic violence, including

Silver Fox, 2 KB 468. *Preston* callously discusses why a tree logging operator's dynamite blasting could not be blamed when a nervous mother killed her young on a mink farm. *Preston*, 268 P.2d 645. In *Silver Fox* an alleged, and yet wicked, animal rights activist fired several gunshots to alarm foxes in a breeding camp. *Silver Fox*, 2 KB 468. The activist intended to coerce the foxes to terminate breeding to save the future of the fox and end that cruelty. *Id.* All four parties to the tort actions acted wrongly, though the courts sided with the logger and the fox farmer, respectively. *Preston*, 268 P.2d 645; *Silver Fox*, 2 KB 468.

¹⁴⁹ U.S. Const. am. II.

¹⁵⁰ *Id.*

¹⁵¹ Scott Martelle, *Gun And Self-Defense Statistics That Might Surprise You -- And The NRA*, L.A. TIMES, Available at <https://www.latimes.com/opinion/opinion-la/la-ol-guns-self-defense-charleston-20150619-story.html>. There are more guns than humans in the United States, yet only a fraction of Americans are registered gunowners. *Id.* More guns are stolen annually than are used in self-defense. *Id.*

incidents involving guns in the home.¹⁵² Like any other, they too may assault spouses, children, and pets.¹⁵³

It is noble to extend the Court's dicta beyond conversations about the home and upcoming pushes to entrench within the public revolutionary visions through open-carry legislation.¹⁵⁴ Improbable interpretations resting on fear of the present-day United States military are inaccessible and would be cumbersome.¹⁵⁵ Rather than strike the doctrine, it should be reworked.¹⁵⁶ Furthermore, in opposition to

¹⁵² National Center for Women & Policing, "Feminist Majority Foundation, Police Family Violence Fact Sheet," Women and Policing, *Available at* womenandpolicing.com/violenceFS.asp. "Unfortunately, an early analysis of the Domestic Violence Gun Ban on police officers shows that law enforcement officers have been able to circumvent the ban and retain their weapons....Part of the reason for the lack of enforcement is that police officers plead to a charge other than domestic violence." *Id.* Officers do not "notify police departments that a court order is in effect against an officer." *Id.* The "threat of losing their gun and job can also motivate police officers" to silence victims. *Id.* "There is evidence that some officers convicted of domestic violence have their records expunged and remain on the department." *Id.*

¹⁵³ Sophie B. Mashburn, *For The Love of Dogs: Why Every State Should Include Pets in Civil Protective Orders*, 9 J. L. Soc. DEVIANCE 1 (2015).

¹⁵⁴ Frassetto, *To the Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second Amendment*.

¹⁵⁵ U.S. Const. am. II.

¹⁵⁶ *Id.*

those instituting among civilians militaristic attitudes and paramilitary agendas, it shall be noted that most military members are completely unarmed on their bases.¹⁵⁷ Frequently, they interact with members of the public visiting their bases without the presence of any arms.¹⁵⁸ Many police officers are also unarmed, for example during enforcement of traffic regulations as a result of alleged infractions and while sitting in classrooms or grocery shopping while wearing a uniform.¹⁵⁹ Many avoid weapon-use, even during criminal confrontations, which are nonviolent.¹⁶⁰

¹⁵⁷ LCDR Matthew Waranius, PE, “Armory Move Project: United States Coast Guard,” Duke University, May 10, 2019. Hamdi v. Rumsfeld, 542 U.S. 507 (2004).

¹⁵⁸ *Id.*

¹⁵⁹ *NYPD Using Firearms At Lowest Rate On Record*, December 20, 2018. Sgt. A. Merica, *Baltimore Schools to Police: You Can’t Carry Guns Here*, LAW ENFORCEMENT TODAY, January 23, 2019, Available at <https://www.lawenforcementtoday.com/baltimore-schools-to-police-you-cant-carry-guns-here/>. Nuckols, *Off-duty Baltimore Police Required to Carry Guns—Even to Bars*.

¹⁶⁰ *Id.*

D. Reversal

1. Stare Decisis

The Court should reverse *Heller* and put to rest a right to bear arms.¹⁶¹ It ought to devise a new path for ensuring survival. Many lower Courts have already controverted it and future Justices may agree to dispense with it.¹⁶² The Court has reversed itself in response to contemporary jurisprudential conundrums.¹⁶³ For example, Court-discovered substantive due process under the Fifth Amendment was solidified when *Lawrence v. Texas* reversed *Bowers v. Hardwick*.¹⁶⁴ The cases indisputably demonstrate that the Court is willing to reach an alternate conclusion despite its prior holding.¹⁶⁵ Therefore, the Court could should reverse its

¹⁶¹ *Heller*, 554 U.S. 570. Mashburn, J. L. SOC. DEVIANCE 1 (2015). Frassetto, *To the Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second Amendment*.

¹⁶² See e.g., Knight, 574 F. Supp. 2d 224.

¹⁶³ *Infra* note.

¹⁶⁴ *Bowers v. Hardwick*, 478 U.S. 186 (1986). *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹⁶⁵ *Stenberg v. Carhart*, 530 US 914 (2000). *Gonzales v. Carhart*, 550 US 124 (2007).

plurality and make strides toward the aspirational Second Amendment.¹⁶⁶

2. Aspirational Meaning Is Similar to a Penumbra

Amendments' meanings unfurl over time.¹⁶⁷ For example, the Fifth and Fourteenth Amendments were held to encompass substantive due process.¹⁶⁸ "In other words, the First Amendment has a penumbra where privacy is protected from governmental intrusion."¹⁶⁹ In *Griswold v. Connecticut*, a case guaranteeing to married people a right to receive information about contraception from a medical doctor, the Court said that the Bill of Rights is multifaceted.¹⁷⁰

¹⁶⁶ *District of Columbia v. Heller*, 554 U.S. 570 (2008). CUSACK, *MUTATED SYMBOLS IN LAW AND POP CULTURE* (2018).

¹⁶⁷ *Bowers v. Hardwick*, 478 U.S. 186 (1986). *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹⁶⁸ *Griswold v. Connecticut*, 381 U.S. 479 (1965).

¹⁶⁹ *Id.* at 483. David Masci, Ira C. Lupu, F. Elwood, & Eleanor Davis, *A History of Key Abortion Rulings of the U.S. Supreme Court*, Pew Forum, January 16, 2013, Available at <https://www.pewforum.org/2013/01/16/a-history-of-key-abortion-rulings-of-the-us-supreme-court/>. The other amendments bolster them.

¹⁷⁰ *Griswold*, 381 U.S. 479.

The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. See *Poe v. Ullman*, 367 U.S. 497, 516-522 (dissenting opinion). Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers ‘in any house’ in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the ‘right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.’ The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: ‘The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.’

The Fourth and Fifth Amendments were described in *Boyd v. United States*, 116 U.S. 616, 630, as protection against all governmental invasions ‘of the sanctity of a man’s home and the privacies of life.’ We recently referred in *Mapp v. Ohio*, 367 U.S. 643, 656, to the Fourth Amendment as creating a ‘right to privacy, no less important than any other right carefully and particularly reserved to the people.’¹⁷¹

Applying that Court’s findings to the issue at bar, under several amendments, including the Second and Ninth Amendments, food is a right.¹⁷²

My conclusion that the concept of liberty is not so restricted and that it embraces the right of marital privacy though that right is not mentioned explicitly in the Constitution is supported both by numerous decisions of this Court, referred to in the Court’s opinion, and by the language and history of the Ninth Amendment. In reaching the conclusion that the right of marital privacy is protected, as being within the protected penumbra of specific

¹⁷¹ *Id.* at 484-485.

¹⁷² *Id.*

guarantees of the Bill of Rights, the Court refers to the Ninth Amendment....I add these words to emphasize the relevance of that Amendment to the Court's holding.¹⁷³

Within the Second Amendment, as written, Justices may find a right to overpower oppressive circumstances and end desperation—a right to food.¹⁷⁴

A right to food exists in the United States under the Contract Clause of the Constitution, yet using the Second Amendment will be key.¹⁷⁵ Although the right to food has sometimes been pejorated in societal contexts by those utilizing jargon correlating with antipoverty campaigns, the right extends to all people.¹⁷⁶ The right to provide food to children and the right for children to be fed is evident under the

¹⁷³ *Id.* at 486-487.

¹⁷⁴ See, Natasha Tracy, *The Desperation of Mental Illness and Depression*, May 1, 2012, Available at <https://natashatracy.com/bipolar-disorder/desperation-mental-illness-depression/>.

¹⁷⁵ U.S. Const. Art. I § 10, clause 1. U.S. Const. am. II.

¹⁷⁶ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

Fifth and Fourteenth Amendments.¹⁷⁷ The right to be given equal access to food exists under the Fourteenth Amendment.¹⁷⁸ Religious food is guaranteed under the First Amendment.¹⁷⁹ However, articulation of specialized groups does not subsume the right.¹⁸⁰ It exists in all contexts and is activated by need and application to government programs or

¹⁷⁷ *Parham v. J.R.*, 442 U.S. 584 (1979); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Troxel v. Granville*, 530 U.S. 57 (2000); *Wisconsin v. Yoder*, 406 U.S. 205 (1972). U.S. Const. am. V. U.S. Const. am. XIV.

¹⁷⁸ U.S. Const. am. XIV.

¹⁷⁹ CUSACK, HAIR AND JUSTICE. U.S. Const. am. V. U.S. Const. am. I. Moses led the Israelites. Exodus 16:1-36. When the Israelites migrated across the desert, God promised to give them meat, but did not slaughter. *Id.* Another phenomenon was described in the New Testament when Jesus multiplied the loaves and fishes. CUSACK, FISH IN THE BIBLE. Jesus did not kill. In Exodus, God also flavored the Israelites' bread to taste like honey, but did not use bees' nests. Exodus 16:1-36. No maggots or flies were involved as God kept their food fresh while they slept. *Id.* God provided water for the Israelites and their animals as they wandered in the desert. Exodus 17:1-7. Victoria Lam, Leigh Tobiasen, Tanvi Nayar, & Saket Agarwal, "Vegetarianism and Religion," Drexel University, *Available at* <http://www.pages.drexel.edu/~soa29/Religious%20Issues.htm>. Members of religious communities, such as Rastafarians, Seventh Day Adventists, Buddhists, Satanists, Hindus, and Essene Jews, may feel comforted and continue to teach others to ask for forgiveness and believe that a higher power will provide healthy food. Christianity, like Islam and Judaism, "prohibits cruelty to animals. Jesus' central teachings involved love, compassion, and mercy, and it is hard to imagine Jesus looking upon contemporary factory farms and slaughterhouses and then happily consuming flesh." *Id.* "Christians have always striven to minister to poor and hungry people. However, today the inefficiency of meat eating works against that ministry." *Id.*

¹⁸⁰ *Griswold*, 381 U.S. 479.

nonprofit organizations.¹⁸¹ A right ought to be established under the Second Amendment to ensure that government programs can never be closed.¹⁸² Although many government programs are enduring, the right to food must clearly be articulated in discussions about the Second Amendment.¹⁸³

In addition to a right to food under the Second Amendment, Americans (e.g., gun lovers) may continue to possess relics under the First Amendment.¹⁸⁴ The First Amendment may reserve the right symbolically to use guns.¹⁸⁵ Symbolic gun ownership “explores” “philosophical and moral boundaries,” and therefore will have limited possibilities.¹⁸⁶ Billy Graham’s Library is an instructive example.¹⁸⁷ The First Amendment may

¹⁸¹ Supplemental Nutrition Assistance Program (SNAP), “SNAP Eligibility,” United States Department of Agriculture (USDA) Food and Nutrition Service, September 4, 2013, *Available at* <https://www.fns.usda.gov/snap/recipient/eligibility>.

¹⁸² U.S. Const. am. II.

¹⁸³ “The History of Food Banking,” Second Harvest Food Bank of Northwest North Carolina, *Available at* www.hungernwnc.org/about-us/history%20of%20food%20banking.html.

¹⁸⁴ *Griswold*, 381 U.S. 479.

¹⁸⁵ A. M. Wilson, *Witches and Guns: The Intersection between Wicca and the Second Amendment*, 12 J. L. SOC. DEVIANCE 43 (2016).

¹⁸⁶ *Id.* at 45.

¹⁸⁷ Billy Graham Library, 2018.

provide citizens with a right to possess guns that are incapable of firing ammunition.¹⁸⁸ The purpose of these guns would strictly be for use in ceremonies, such as salutes and religious rituals.¹⁸⁹ Thus, the Second Amendment is not the only amendment under which the boundaries may be established.¹⁹⁰ Contrary to the Court's interest in hostile firearm-use inside the home, this implementation would reserve Americans' rights only for dignified symbolism.¹⁹¹

In the case that decisionmakers continue to promote militaristic access to weapons, they may alter the doctrine to respond to originalist and contemporary civilian concerns about totalitarianism.¹⁹² Possible replies to the social conscience include establishment of a public arms locker with a right to receive training for safe emergency-use.¹⁹³ The locker would only be

¹⁸⁸ *Id.* U.S. Const. am. I.

¹⁸⁹ Wilson, 12 J. L. Soc. Deviance 43.

¹⁹⁰ *Supra* Section II.

¹⁹¹ McDonald v. Chicago, 561 US 742 (2010).

¹⁹² U.S. Const. am. II.

¹⁹³ *See e.g.*, Waranius, "Armory Move Project: United States Coast Guard." Base NOLA has an armory and uses a mobile indoor firing range.

accessible to those volunteers, who have trained for a state-declared emergency.¹⁹⁴ Weapons may be stored there and utilized for practice therein at an indoor shooting range; but, not inside homes or ever outside the arms locker without a state-declared emergency.¹⁹⁵ This would remedy the Court's extension of the Second Amendment to states' citizens, who use guns outside militaristic contexts.¹⁹⁶

E. Shifting Focus

Focus on guns will shift following the change.¹⁹⁷ Americans are exposed to reasoning that allows gun

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ U.S. Const. am. II.

¹⁹⁷ Kelly Riddell, *ATF Culture Shift: Agents Focused More On Regulations, Not Violent Crime*, THE WASHINGTON TIMES, July 23, 2014, Available at <https://www.washingtontimes.com/news/2014/jul/23/atf-culture-shift-agents-focused-more-on-regulation/>. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has experienced a culture shift. *Id.* "Philosophy has shifted to [']guns are the problem, and access to guns are the problem,['] rather than the criminal being the direct indicator of crime." *Id.* "The cultural shift began after the gun-fighting agency merged its regulatory division – which mostly was comprised of government bureaucrats focused on gun registries and dealer approvals – with its law-enforcement division, a group of active police officers focused on violent street-crime." *Id.* Chris

consumers, criminals, and gun-wielding police to captivate them.¹⁹⁸ They reap from pushback to gun control, gun warfare, and commerce.¹⁹⁹ If the Second Amendment is updated, then information about the right to food may be disseminated to help people to understand that it, not gun use, ensures survival during emergencies.²⁰⁰ Those, who fear bodily harm,

Isidore, *Dick's Sporting Goods Will Stop Selling Assault-Style Rifles*, CNN, February 28, 2018, Available at <https://money.cnn.com/2018/02/28/news/companies/dicks-weapon-ban/index.html>. Dick's Sporting Goods Chairman and Chief Executive Officer, Edward Stack, said, "We support and respect the Second Amendment, and we recognize and appreciate that the vast majority of gun owners in this country are responsible, law-abiding citizens." *Id.* "But we have to help solve the problem that's in front of us." *Id.*

¹⁹⁸ Tania Lombrozo, *What Influences Attitudes Toward Gun Control Reform?*, National Public Radio (NPR), October 9, 2017, Available at <https://www.npr.org/sections/13.7/2017/10/09/556627468/what-influences-attitudes-toward-gun-reform>. Michelle Lanz, *Study Shows Impact TV Crime Dramas Have On Perception Of Police Use Of Force*, Southern California Public Radio (SCPR), August 31, 2016, Available at <https://www.scpr.org/programs/the-frame/2016/08/31/51755/cops-on-tv-study-shows-impact-tv-crime-dramas-have/>. Carmen M. Cusack, *Does Size Matter In The Field?: Female Police Bodies In Online Television*, 19 THE QUALITATIVE REPORT 1 (2014).

¹⁹⁹ Riddell, *ATF Culture Shift: Agents Focused More On Regulations, Not Violent Crime*, THE WASHINGTON TIMES.

²⁰⁰ *Gun Threats and Self-Defense Gun Use*, Harvard Injury Control Research Center, Available at <https://www.hsph.harvard.edu/hicrc/firearms-research/gun-threats-and-self-defense-gun-use-2/>. "Victims use guns in less than [one percent] of contact crimes, and women never use guns to protect themselves against sexual assault." *Id.* "Self-defense gun use is rare and not more effective at preventing injury than other protective

may inquire about whether self-defense may be possible under the Second Amendment using alternate weapons, such as stun guns.²⁰¹ Neither forefathers nor forebearers envisioned this or explored this option.²⁰² Like guns, TASER's communicative purpose (e.g., warding-off) is a law enforcement role.²⁰³ No weapon may be used to cause starvation.²⁰⁴ This is immoral; and this form of expression is restricted speech.²⁰⁵ Rights may overlap as Americans focus on a post-crime social

actions." *Id.* "Criminals who are shot are typically the victims of crime." *Id.* "Adolescents are far more likely to be threatened with a gun than to use one in self-defense." *Id.* "Guns in the home are used more often to intimidate intimates than to thwart crime." *Id.* "Firearms are used far more often to intimidate than in self-defense." *Id.* "Most purported self-defense gun uses are gun uses in escalating arguments, and are both socially undesirable and illegal." *Id.*

²⁰¹ CARMEN M. CUSACK, *CRIMINAL JUSTICE HANDBOOK ON MASCULINITY, MALE AGGRESSION, AND SEXUALITY* (2015). *Caetano v. Massachusetts*, 577 U.S. — (2016).

²⁰² Samantha Raphelson, *How Often Do People Use Guns In Self-Defense?*, National Public Radio (NPR), April 13, 2018, *Available at* <https://www.npr.org/2018/04/13/602143823/how-often-do-people-use-guns-in-self-defense>. Self-defense using guns is un-American. "People defended themselves with a gun in nearly [nine-tenths] percent of crimes from 2007 to 2011." *Id.* Americans are conscientious about force, safety, and injury. "The risks of owning a gun outweigh the benefits of having one." *Id.*

²⁰³ CUSACK, *CRIMINAL JUSTICE HANDBOOK ON MASCULINITY, MALE AGGRESSION, AND SEXUALITY*.

²⁰⁴ *See e.g.*, U.S. Const. am. VIII.

²⁰⁵ *Id.*

agenda.²⁰⁶ Because the Second Amendment may communicate a need for and right to food, the aspirational Second Amendment is most useful for effectively reframing food in a post-crime-consumed society.²⁰⁷

Post-crime analysis is important because it moves American consciousness from crime to peacefulness.²⁰⁸ Focus on domestic violence and public carrying, “intrinsically” related to terror, placates to those who would seek to further the interest. Self-defense (i.e., use of weapons) occurring within the home typically connects to domestic violence.²⁰⁹ Furthering the power of the Constitution by claiming a positive stake in intimate partner violence would deprive the general public of their

²⁰⁶ Valerie Strauss, *What Legal Rights Do Students Really Have to Protest During the School Day?*, WASHINGTON POST, March 13, 2018, Available at https://www.washingtonpost.com/news/answer-sheet/wp/2018/03/13/what-legal-rights-do-students-really-have-to-protest-during-the-school-day/?noredirect=on&utm_term=.d07fa76413fb.

²⁰⁷ Winkler, *Is the Second Amendment Becoming Irrelevant*, 93 IND. L.J. 253.

²⁰⁸ Riddell, *ATF Culture Shift: Agents Focused More On Regulations, Not Violent Crime*, THE WASHINGTON TIMES.

²⁰⁹ Frassetto, *To the Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second Amendment*, at 65.

capacity to understand their true rights.²¹⁰ A right to bear arms is an antiquated, misguided, and harmful doctrine in light of public reluctance to tolerate any acts of terrorism and opposition to domestic abuse.²¹¹ Any beneficial interpretation of self-defense in the home solely focuses on a limited number of domestic violence cases in which the victim prevailed by defending herself or himself by using a gun.²¹² Data does not support the lobby's demand for attention and absorptive excess.²¹³ Their theory of crime, and intellectual evasion of real statistics, leads to a waste of penological resources.²¹⁴ Thus, the Second Amendment must be interpreted in light of need-fulfillment, not waste.²¹⁵

²¹⁰ U.S. Const. am. II.

²¹¹ *Heller*, 554 U.S. 570. Mashburn, J. L. SOC. DEVIANCE 1 (2015). Frassetto, *To the Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second Amendment*.

²¹² Police Family Violence Fact Sheet, National Center for Women & Policing, *Available at* womenandpolicing.com/violenceFS.asp.

²¹³ *Id.*

²¹⁴ *See id.*

²¹⁵ *Id.* U.S. Const. am. II.

III. COME *HELLER*²¹⁶ HIGH WATER

A. Right to Food

Preventing progress by denying a new interpretation of the Second Amendment is like structural violence.²¹⁷ “Structural violence describes the rules that inhibit basic human needs. These rules are often long-standing, embedded in socially invented institutions—economic, political, legal, religious, and cultural—that promote rules which prevent people from reaching their full potential.”²¹⁸ Instead, cruelty-free (i.e., plant-based), sustainable, and crime-free homeostasis may be achieved.²¹⁹ Food is abundant when plant life carefully is used to sustain the populace.²²⁰ Gun lobbying that is crime-focused promotes “structural violence that prevents people from reaching their full potential.”²²¹ Some

²¹⁶ *Heller*, 554 U.S. 570.

²¹⁷ Craig G. Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*, U. Or. (2018).

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

²²¹ *Id.* at 24.

“people are not hungry because of a lack of food in the world, but from a lack of money.”²²² Psychosocially training those people to take rather than to plant their own food, buy food at reasonable prices, and eat well-balanced plant-based diets is wasteful and turbulent.²²³ That brand of “[c]apitalism is a socially created form of structural violence, and it is unstable.”²²⁴ An amendment that foresees people taking during crisis, rather than receiving provisions from the government does not foster sustainability.²²⁵ Any economic or political system may benefit from instituting a right to sustainable food.²²⁶

Lack of sustainable resources and processes are becoming crises affecting many markets, such as oil prices and other natural resources contingent on ecofriendly practices, collaboration, and

²²² *Id.*

²²³ *See id.*

²²⁴ *Id.* at 24.

²²⁵ U.S. Const. am. II.

²²⁶ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon.*

reputation.²²⁷ “The crisis is the embedded system of collapses in which emerging from one financial crisis is often like the sun rising, with another financial crisis looming on the horizon. The timing of the next crisis, however, is not as predictable as the rise and fall of the sun. Instead the next collapse lurks in the future ominously.”²²⁸

Americans would benefit from reorientation. First, they should anticipate that some people will receive free food and that this will be guaranteed by the Constitution, not at the government’s discretion.²²⁹ Those who need food may accept charity from corporations and individuals.²³⁰ Second, a consciousness shift could involve the government.²³¹ State and the federal governments may work with individuals to generate proceeds.²³²

²²⁷ Coast Guard Compass, “Sustainability,” *Available at* <https://coastguard.dodlive.mil/tag/sustainability/>.

²²⁸ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon* at 25.

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ U.S. Const. am. VI. U.S. Const. am. XIII § 1.

²³² “Juror Pay,” United States Courts, *Available at* <https://www.uscourts.gov/services-forms/jury-service/juror-pay>. *E.g.*, Fla Stat. § 40.24 (2019).

Sources of income may be derived from the court. Courts often conscript jurors for duty.²³³ This process seems to violate the 13th Amendment of the United States Constitution.²³⁴ It forces people to work for the government.²³⁵ Because jury trials are guaranteed, the government may seek volunteers.²³⁶ A consciousness shift may be necessary to gather a sufficient number of volunteers; although, the Constitution has no requirements about how often a volunteer or juror employed by the government may serve.²³⁷ Thus, volunteers could repeatedly serve. Selection may be randomized.²³⁸ Jurors should have the option to donate any *per diem* paid by the government to the federal or state government to contribute to food assistance, a local charity, or food

²³³ U.S. Const. am. XIII § 1. “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” *Id.*

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ U.S. Const. am. VI. "Volunteer," New York State Unified Court System, *Available at* www.nyjuror.gov/juryQandA.shtml.

²³⁷ U.S. Const. am. VI. "Volunteer," New York State Unified Court System, *Available at* www.nyjuror.gov/juryQandA.shtml.

²³⁸ 28 U.S. Code § 1863 (2019).

bank.²³⁹ Service of process is also guaranteed.²⁴⁰ The system is stark and fails to resolve parties' and witnesses' needs.²⁴¹ Process server culture may be aggressive and clerks may be numb toward the communities' needs. Private companies working with the government may seek volunteers to alleviate their load and reduce costs. It would be beneficial if a website could register volunteers to kindly and politely serve known persons, who agree (e.g., online signature) to be served by the volunteer.²⁴² The sworn volunteer would register with the Court, based on either public records matched according to a logarithm or a search by the volunteer, the volunteer would receive identifying information pertaining to an individual, who is personally known to the server. A link or printable notice would be generated to be

²³⁹ "Juror Pay," United States Courts, *Available at* <https://www.uscourts.gov/services-forms/jury-service/juror-pay>. *E.g.*, Fla Stat. § 40.24 (2019).

²⁴⁰ U.S. Const. am. VI.

²⁴¹ *Infra* note.

²⁴² Process servers volunteer in some cases. *See e.g.*, United Way of Central New Mexico, "Volunteer Process Servers Needed," Rose Family Advocacy, *Available at* <https://www.centerfornonprofitexcellence.org/volunteer-connection/volunteer-process-servers-needed>.

delivered to the person to be served. The person served would sign and notarize or enclose a copy of a photo identification to affirm that process has been served. Only the individual served could agree to be served in this manner. If the individual does not consent prior to the expiration of a 30 day period, then the court may use traditional means to serve the witness or party. The volunteer may receive a small stipend for serving the person, which can be donated. Third, many Americans already recognize that violence is not a solution.²⁴³ Americans should further their interest in antiviolenence reasoning and continue to hone their skills to reduce and eliminate violence.²⁴⁴ Harming animals to acquire food is violence.²⁴⁵ Similar to violence manifesting as

²⁴³ Ashitha Nagesh, *The Harrowing Psychological Toll of Slaughterhouse Work*, METRO, December 31, 2017, Available at <https://metro.co.uk/2017/12/31/how-killing-animals-everyday-leaves-slaughterhouse-workers-traumatised-7175087/>.

²⁴⁴ *Id.*

²⁴⁵ *Id.* "Slaughterhouse work has been linked to a variety of disorders, including [post-traumatic stress disorder] PTSD and the lesser-known PITS (perpetration-induced traumatic stress). It has also been connected to an increase in crime rates, including higher incidents of domestic abuse, as well as alcohol and drug abuse." *Id.* "PITS can lead to anxiety, panic, depression, drug and alcohol abuse, increased paranoia, a sense of disintegration, dissociation and amnesia. These" "are part of the 'psychological consequences' of killing." *Id.*

intimidation and threat when a person possesses a gun in a shared home or in a neighborhood among people who oppose guns, privately using animals for food threatens violence and causes harm.²⁴⁶

The government responds to those who harm animals by arresting them and identifying their potential to become murderers and sexual offenders.²⁴⁷ Killing animals is a form of harm consistently recognized as being part of a dark triad and a characteristic shared by some sociopaths and psychopaths.²⁴⁸ Similarly, people who hunt and buy meat (e.g., live lobsters) may be sociopathic and

²⁴⁶ *Renton v. Playtime Theatres*, 475 U.S. 41 (1986). To overcome recent interpretations of the Second Amendment permitting individuals to possess a handgun in a home, the Court may apply the Secondary Effects Doctrine. *Id. Heller*, 554 U.S. 570. CARMEN M. CUSACK, *PORNOGRAPHY AND THE CRIMINAL JUSTICE SYSTEM* (2014).

²⁴⁷ Mark D. Griffiths, *The Psychology of Animal Torture*, *PSYCHOLOGY TODAY*, November 23, 2016, Available at <https://www.psychologytoday.com/us/blog/in-excess/201611/the-psychology-animal-torture>. Nagesh, *The Harrowing Psychological Toll of Slaughterhouse Work*. Roman Gleyzer, M.D., Alan R. Felthous, M.D., & Charles E. Holzer III, Ph.D., *Animal Cruelty and Psychiatric Disorders*, 30 AM. ACAD. PSYCHIATRY L. 257 (2002).

²⁴⁸ See e.g., Richard L. Fellner, "Self-Assessment on Psychopathy/Narcissistic Personality Disorder," *Counseling in Vienna*, Available at https://www.counseling-office.com/surveys/test_psychopathy.phtml.

psychopathic.²⁴⁹ A society that condones these practices cannot continue to participate in a civilization (e.g., world economy) predicated on peace and structural sustainability.²⁵⁰ Taking may be discouraged by society and the government not only because it is violent and cruel, but also because it

²⁴⁹ CUSACK, MUTATED SYMBOLS IN LAW AND POP CULTURE. Nagesh, *The Harrowing Psychological Toll of Slaughterhouse Work*. "People who already are criminals tend to gravitate towards this job. You can't have a strong conscience and kill living creatures night after night....You feel isolated from society, not part of it. Alone. You know you are different from most people. They don't have visions of horrible death in their heads." *Id.* One slaughterhouse worker had repetitive nightmares about chickens haunting him. Then he passed away in in sleep. *Slaughter-House Cases*, 83 US 36 (1873).

²⁵⁰ Nagesh, *The Harrowing Psychological Toll of Slaughterhouse Work*. America's personality may have changed as a result of unsustainable and violent food industry practices.

So someone becomes very depressed, one can usually distinguish between a period when they might have been very outgoing and gregarious, and then they become very withdrawn. There's that change in their personality both subjectively in how they would describe it, and also for people close to them who have known them for a long period of time, objectively there's also a change—so it may come across as irritability, distrust, anger directed both towards themselves and other people. So there's a change in the personality that's sometimes difficult to fully articulate. But there's an understanding that something has shifted. *Id.*

Her "personality" "morbidly" may be viewed. *Id.*

Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

damages capitalism.²⁵¹ Damaged capitalism equates with tyranny.²⁵²

“Any food security, health, or other strategy to meet basic needs that involves privatization” of violence rather than “building up” a sustainable response, will stall “the economy” and fail “to alleviate poverty.”²⁵³ This “is sowing the seeds for crisis. This is not just another economic crisis, but a crisis at the individual level, where people will feel the violence of the” damaged “capitalist free market system.”²⁵⁴ “If the economic structure causes hunger and malnutrition, in a world that has more than enough food to feed everyone, then the economic structure is violent. In a world with abundant food this is morally unjust.”²⁵⁵ If the government continues to spend money on defending guns rather than law enforcement and sustainable food industries

²⁵¹ Coast Guard Compass, “Sustainability.”

²⁵² See e.g., Michelle Malkin, *Petty Tyrant’s Cover-up at Columbine*, CAPITALISM MAGAZINE, January 23, 2002, Available at <https://www.capitalismmagazine.com/2002/01/a-petty-tyrants-cover-up-at-columbine/>. New Jersey v. T. L. O. 469 U.S. 325 (1985).

²⁵³ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*, at 25.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

(e.g., farming best practices), including with trade/sharing partners, then detriments will accumulate.²⁵⁶

B. Global Thinking

Global issues inform Americans about how to change the Second Amendment.²⁵⁷ For example, climate change correlates with unsustainability.²⁵⁸ Inability appropriately to allocate resources correlates with climate change and is partially “responsible for why” “people are food insecure.”²⁵⁹ Many are “surrounded by abundant food,” but splurge on crime (e.g., guns and vices) and non-law enforcement responses to perceived causes and effects of crime.²⁶⁰ Crime all too often correlates with gun use to acquire misappropriated resources; it spreads disease; and harms those within occupied

²⁵⁶ *Id.*

²⁵⁷ U.S. Const. am. II.

²⁵⁸ Coast Guard Compass, “Sustainability.”

²⁵⁹ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*, at 42.

²⁶⁰ *Id.* Guns also spread disease. *Supra* note 1.

dwelling places.²⁶¹ When this occurs, “[f]ood security, in the face of climate change, is an economic privilege most often reserved for the rich.”²⁶² This is one essential reason for changing the Second Amendment.²⁶³ The government should improve its control of food distribution, quality, and access.²⁶⁴ Former concerns about tyranny from foreign invaders are practically irrelevant; and yet, global resource management partners allege that the

²⁶¹ CARMEN M. CUSACK, WAITING: IS IT ABOUT TIME? (2002). Correlations between guns and suicide may be embellished by officials (e.g., law enforcement) when murder is apparent. Carmen M. Cusack, *A Feminist Inquiry into Intimate Partner Violence Law, Policy, Policing, and Possible Prejudices in Alaska*, 5 J. L. & CONFLICT RES. 24 (2013). Patti Sapone, *Guns, Drugs & Poverty Drive US Suicide Epidemic – Report*, RT, June 8, 2018, Available at <https://www.rt.com/usa/429188-suicide-rates-increase-report/>. Caroline Logan, *The Relationship Between Gun Violence and Poverty*, BORGEM MAGAZINE, September 4, 2014, Available at <https://www.borgenmagazine.com/relationship-gun-violence-poverty/>. “Sustainable development efforts are often undermined when gun violence is ever-present in a community. The economy of a government is greatly impacted by gun violence.” *Id.* Marcella M. Alsan, M.D., M.P.H., Michael Westerhaus, M.D., M.A., Michael Herce, M.D., M.P.H., Koji Nakashima, M.D., M.H.S., & Paul E. Farmer, M.D., Ph.D., *Poverty, Global Health and Infectious Disease: Lessons from Haiti and Rwanda*, 25 INFECTIOUS DISEASE CLINICS N. AM. 611 (2011).

²⁶² VanPelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon* at 43.

²⁶³ U.S. Const. am. II.

²⁶⁴ Carmen M. Cusack, *Death Revolution: Eating the Dead to Save Our World*, 4 J. ANIMAL & ENVTL. L. 37 (2012).

United States has invested in imperialistic or tyrannical strategies to resolve conflict.²⁶⁵ Domestically, a serious threat to the people is food control without the foundation of a guarantee.²⁶⁶ The Second Amendment may be treated as something bigger than a means for assisting the government.²⁶⁷ Aspirational Second Amendment values are part of a paradigm for resolving crises within the nation and abroad.²⁶⁸ Americans may produce a mutually assistive reputation by acting as global-minded citizens of the world.²⁶⁹ The world may be relieved that some Americans have shifted consciousness from believing that guns may be used to take and demand inside the home, on the street, in public places, and in foreign nations; and are willing to

²⁶⁵ Carmen M. Cusack, *In Opposition of Cultural Institutionalization of Speech Following U.S. Intervention into Foreign Governments*, 19 BARRY L. REV. 297 (2014).

²⁶⁶ *See id.*

²⁶⁷ U.S. Const. am II.

²⁶⁸ *Id.*

²⁶⁹ *See*, Carmen M. Cusack, “*Cuba Nos Une*”: *Ending The Cuban Adjustment Act*, 11 J. L. & SOC. DEVIANCE 1 (2016).

acknowledge others' crises—some of which correlate with American history and economics.²⁷⁰

Food is abundant.²⁷¹ Thus, reinterpretation of the Second Amendment should not be seen as an economic conquest or diminishment of nature for further resource development to the detriment of the land.²⁷² Reinvention of American “self-image covers the predatory nature of” Americans’ “actions: ripping off the land and destroying a sacred connection with nature.”²⁷³ The aspiration of the Second Amendment is about “stopping the spread of the Evil,” “maintaining our hegemony” to yield American and global stability, and “expanding American access to” food and drinking water.²⁷⁴ Access to fresh water has not directly been

²⁷⁰ See, Carmen M. Cusack, *Irish in the Criminal Justice System*, 6 J. L. & SOC. DEVIANCE 1 (2013).

²⁷¹ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

²⁷² U.S. Const. am II.

²⁷³ Dennis L. Merritt, *Guns and the American Psyche*, 29 ANTHRO. CONSCIOUSNESS 168, 169 (2018).

²⁷⁴ *Id.* Drinking water, including water used to prepare food, may differ from water used for irrigation and sanitation. The U.S. Constitution may generally protect a right to have access to water for various uses. This Article primarily focuses on drinking water.

guaranteed under the Constitution.²⁷⁵ Some advocates argue that access to fresh water is all but guaranteed to every American except the poorest.²⁷⁶ Government utilities demonstrate governmental commitment to participating in water distribution.²⁷⁷ Thus, articulation of a clear right furthers their purpose and assures the weakest members of society that they are equal.²⁷⁸ The Second Amendment could be instrumental in reducing crime and pessimistic outlooks associated with fear of crime relating to a lack of drinking water, resources, and food.²⁷⁹

Climate change is a pressing conversation that should overshadow transnational and national attention to guns.²⁸⁰ The importance of clean water and access to food may be experienced through greater conversations about the world's natural resources.²⁸¹ Although the First, Fifth, Ninth, and

²⁷⁵ Tamar Meshel, *Environmental Justice in the United States: The Human Right to Water*, 8 WASH. J. ENVTL. L. & POL'Y 264 (2018).

²⁷⁶ *Id.*

²⁷⁷ See e.g., Emerald Coast Utilities Authority, *Available at* <https://ecua.fl.gov/>.

²⁷⁸ Meshel, *Environmental Justice in the United States*.

²⁷⁹ Cusack, *Irish in the Criminal Justice System*.

²⁸⁰ *Griswold*, 381 U.S. 479.

²⁸¹ Meshel, *Environmental Justice in the United States*.

Fourteenth Amendments may guarantee access to fresh water and food, the Second Amendment's articulation of authority may guarantee vital resources.²⁸² The United States' domestic need for laws declaring guarantees is imminent because it has been reluctant to declare rights at international conventions and has failed to use federal laws and state powers to enforce clean water access treaty provisions declaring human rights.²⁸³

The USA has taken an 'exceptionalism' approach to human rights. The country participates in the development of human rights instruments from legally binding conventions, to aspirational declarations, to frameworks that support the progressive realization of human rights. But while we in the USA are quick to identify human rights failings in other countries, we tend to avoid ratifying human rights

²⁸² CUSACK, FISH, JUSTICE, AND SOCIETY.

²⁸³ Human Rights Council Res. 15/9, U.N. Doc. A/HRC/RES/15/9 (Oct. 6, 2010); Human Rights Council Res. 18/1, A/HRC/RES/18/1 (Oct. 12, 2011); Human Rights Council Res. 21/2, A/HRC/RES/21/2 (Oct. 9, 2012); Human Rights Council Res. 24/18, A/HRC/RES/24/18 (Oct. 8, 2013); Human Rights Council Res. 27/7, A/HRC/RES/27/7 (Feb. 10, 2014). Meshel, 8 WASH. J. ENVTL. L. & POL'Y 264, 265 (2018).

treaty commitments in the USA and to reject monitoring by external bodies.²⁸⁴

“Moreover, while water has cultural, spiritual, and social values that extend beyond economic interests (for instance, water features prominently in some indigenous cultural traditions), these values have few legal or political protections, particularly with regard to water rights.”²⁸⁵

To keep in step with the rest of the world, the American government must experience a shift in consciousness and policies regarding guns and the right to food.²⁸⁶ Weapons and armament have been cited by international organizations, such as the United Nations, for their role in food insecurity.²⁸⁷ Although the United States has agreed that armed

²⁸⁴ Bellows, *A Systems-Based Human Rights Approach to a National Food Plan in the USA*.

²⁸⁵ Meshel, 8 WASH. J. ENVTL. L. & POL'Y 264, 265 (2018). CUSACK, FISH, JUSTICE, AND SOCIETY.

²⁸⁶ See *infra* note.

²⁸⁷ Human Rights Council Res. 34/21 A/HRC/34/L.21 (Mar. 23, 2017). U.S. Mission Geneva, “U.S. Explanation of Vote on the Right to Food: Explanation of Vote by the United States of America,” U.S. Mission to International Organizations in Geneva, March 24, 2017, Available at <https://geneva.usmission.gov/2017/03/24/u-s-explanation-of-vote-on-the-right-to-food/>.

conflict directly correlates with and causes starvation, it has refused to become a party to agreements declaring that food is a human right.²⁸⁸ America is unwilling to enforce a right to food abroad; and therefore, is unwilling to assert a right to food within in its borders.²⁸⁹ The United States explained its vote against a right to food at the Human Rights Council in Geneva. “We...do not accept any reading of this resolution or related documents that would suggest that States have particular extraterritorial obligations arising from any concept of a right to food.”²⁹⁰ The United States said that it acknowledges a pervasive right to quality of life.²⁹¹ It has maintained this tradition since the Declaration of Independence was memorialized on July 4, 1776.²⁹²

When in the Course of human events
it becomes necessary for one people
to dissolve the political bands which

²⁸⁸ *Id.*

²⁸⁹ *Id.*

²⁹⁰ *Id.*

²⁹¹ *Id.*

²⁹² United States Congress, *Declaration of Independence*, July 4, 1776.

have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all...[creatures] are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.²⁹³

²⁹³ *Id.*

The same document denounced arms.²⁹⁴ The founders complained that the government had turned weapons against the people.²⁹⁵ It “has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.”²⁹⁶ They abhorred the imposition of tyranny effected by “quartering large bodies of armed troops among us.”²⁹⁷

In 2017, America explained, “The United States supports the right of everyone to an adequate standard of living, including food, as recognized in the Universal Declaration of Human Rights.”²⁹⁸ Its conservative position seems to reserve compulsory food distribution by the United States only for Americans.²⁹⁹

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Id.* “Hands” is emphatically capitalized as it correlates with physical harm, like armament and being “taken captive.” *Id.* One female officer at the Broward Sheriff’s Office, a self-described “Jack Russel,” relays the command “Hands!” to ask arrestees to surrender. Cusack, *Does Size Matter In The Field? Female Police Bodies In Online Television.*

²⁹⁷ *Id.*

²⁹⁸ “U.S. Explanation of Vote on the Right to Food,” March 24, 2017.

²⁹⁹ *Id.*

Domestically, the United States pursues policies that promote access to food, and it is our objective to achieve a world where everyone has adequate access to food, but we do not treat the right to food as an enforceable obligation. The United States does not recognize any change in the current state of conventional or customary international law regarding rights related to food. The United States is not a party to the International Covenant on Economic, Social and Cultural Rights.³⁰⁰

Another reason for failing to declare that food is a human right is that the United States was reluctant to agree with other nations that pesticides are harmful, and thus, food should be healthy.³⁰¹ Yet, various pesticides continuously have been blamed for destroying and harming waterways, land, animal and bug populations, farms, villages, and human lives.³⁰² Many pesticides damage foods, including seeds and

³⁰⁰ United States Congress, *Declaration of Independence*, July 4, 1776.

³⁰¹ *Id.*

³⁰² CUSACK, FISH, JUSTICE, AND SOCIETY.

nuts.³⁰³ One example is poppy seeds in California.³⁰⁴ Poppies are not only harmed during food production, but similarly, toxins enter ecosystems through the drug trade and other entry points.³⁰⁵ Drug crops and surrounding environments are exposed by the United States and other governments to herbicides, which allegedly eradicate crops used to produce drugs.³⁰⁶ In addition to eradication, cultivation harms poppies.³⁰⁷ As a food, a drug plant, and nature, it should receive greater attention to its needs from the world.³⁰⁸ Many

³⁰³ *Id. Infra* note.

³⁰⁴ Curtis Clark, "Think Twice Before You Spread California Poppy Seeds," *The Genus Eschscholzia: California Poppies and Their Relatives*, January 22, 2003, *Available at* https://www.cpp.edu/~jcclark/poppy/spreading_seeds.html.

³⁰⁵ *Id.* CUSACK, FISH, JUSTICE, AND SOCIETY.

³⁰⁶ *See generally*, "Poppies, Opium, and Heroin: Production in Colombia and Mexico," *Transnational Institute (TNI)*, April 16, 2018, *Available at* <https://www.tni.org/en/publication/poppies-opium-and-heroin-production-in-colombia-and-mexico>. Christian Parenti, *Flower of War: An Environmental History of Opium Poppy in Afghanistan*, 35 SAIS REV. INT'L AFFAIRS 183 (2015). Jelena Bjelica, "A Low-Risk Crop in a High-Risk Environment: Annual Opium Survey Shows Afghan Poppy Cultivation At A Record High," *Afghanistan Analysts Network*, November 15, 2017, *Available at* <https://www.afghanistan-analysts.org/a-low-risk-crop-in-a-high-risk-environment-annual-opium-survey-shows-afghan-poppy-cultivation-at-a-record-high/>.

³⁰⁷ *Coca and Colombian Environment (COLCOCA Case)*, Schaffer Library of Drug Policy, *Available at* <http://druglibrary.org/schaffer/cocaine/cocaenv.htm>.

³⁰⁸ *Id.* Clark, *The Genus Eschscholzia: California Poppies and Their Relatives*, January 22, 2003.

poppies have been abused for trade in drug wars.³⁰⁹ They may experience landslides and premature death as a result of farming and trade.³¹⁰ “To make access more difficult, the...[farmers] plant their crops on freshly cleared hillsides aiding heavy soil erosion from wind and rain.”³¹¹ These and other poppies are abused and an unaccounted casualty.³¹² They are deprived of many vital resources and quality of life.³¹³ They share space with dissimilar types of plants, are crowded, and need requisite space to spread their leaves.³¹⁴ Thus, crops require special care; and the United States must position itself in favor of healthy plant life.³¹⁵ Its processes should reflect and incorporate its experiences with the War on Drugs.³¹⁶ Global-minded thinking is essential for

³⁰⁹ *Coca and Colombian Environment (COLCOCA Case)*, Schaffer Library of Drug Policy, Available at <http://druglibrary.org/schaffer/cocaine/cocaenv.htm>.

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.*

³¹³ *Id.*

³¹⁴ *Id.* Clark, *The Genus Eschscholzia: California Poppies and Their Relatives*, January 22, 2003.

³¹⁵ *Id.*

³¹⁶ CUSACK, FISH, JUSTICE, AND SOCIETY. CARMEN M. CUSACK, *ABORTION IS THE “A” WORD* (2018).

promoting a right to food under the Second Amendment.³¹⁷

C. Food Fight: Healthy Food for All

Healthy food must be guaranteed by the Second Amendment to continue to promote ethical values in America.³¹⁸ A revised interpretation of the Second Amendment will bar leaders and the public from claiming that hunting may be tolerable in limited cases of starvation.³¹⁹ Food insecurity is the cause of this errant line of reasoning, which leaves open the possibility that society will rely on this premise to regulate other situations.³²⁰ If people were to believe that gun violence is ever excusable, then they may wish to expand the list of exceptions.³²¹ Guaranteed

³¹⁷ U.S. Const. am. II.

³¹⁸ Frank L. Hoffman, "Hunting and Violence: Its Connection to Domestic Violence," All-Creatures.org, *Available at* <https://www.all-creatures.org/sof/hunt.html>. People who kill animals suffer from character erosion. One example is that they "apparently" may "not differentiate between" hunting "and acting out of such aggression in the domestic arena." *Id.*

³¹⁹ *Id.* U.S. Const. am. II.

³²⁰ Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

³²¹ Hoffman, "Hunting and Violence: Its Connection to Domestic Violence."

availability of healthy food is a bottom line to end violent reasoning.³²² Attitudes and reasoning that concede to any potential necessity for hunting in contemporary or prehistoric eras, give way to violence against humans and animals, including bugs.³²³ They presume and imagine counterproductive historical premises, which possibly permit corroded analytical frameworks and damaged perspectives dimming, though not totally deteriorating, the greatest potential for rights under the Second Amendment.³²⁴ A perception that hunting could sustain life is fallacious, limiting, and dangerous.³²⁵ It negates humans' needs for natural foods and fails to comprehend adequate processes for acquiring healthy food.³²⁶

Along with human need to end gun violence, acquire healthy food, and bolster human-human and

³²² *Id.*

³²³ People for the Ethical Treatment of Animals (PETA), "Hunting," Available at <https://www.peta.org/issues/animals-in-entertainment/cruel-sports/hunting/>.

³²⁴ *Id.* U.S. Const. am. II.

³²⁵ *Infra* note.

³²⁶ *Id.* U.S. Const. am. II. Van Pelt, *Food Values and the Human Right to Food: A Sociological Analysis of Food Insecurity in Oregon*.

human-animal relationships as they relate to food, humans must recognize the insufficiency of detrimentally utilizing animals' parts (e.g., cells), time, lives, emotions, housing, accommodations, provisions, status, and byproducts.³²⁷

The hunter often portrays himself as providing for his family through a successful kill and 'harvest.' This posture seeks to ritually reestablish a stereotypical masculine provider role less available now than may once have been. In reality hunting today is typically not a source of provision but actually drains family resources. Deer hunters, for example, spend on average twenty dollars per pound of venison, once all the costs of equipment, licenses, transportation, unsuccessful hunts, and so forth are calculated.³²⁸

³²⁷ Carmen M. Cusack, *Feminism and Husbandry: Drawing the Fine Line Between Mine and Bovine*, 11 J. CRITICAL ANIMAL STUD. 24 (2013). Veterinarians should abide by the credo: "Animals are not ours to eat, wear, experiment on, use for entertainment, or abuse in any way." People for the Ethical Treatment of Animals (PETA), "Issues," Available at <https://www.peta.org/issues/>.

³²⁸ Ashley Capps, *Hunting for Wildlife Population Control and Ethical Eating?*, Free from Harm, Available at <https://freefromharm.org/common-justifications-for-eating-animals/hunting-wildlife-population-control-ethical-eating/>.

Humans should accept the inadequacy of killing and misappropriating animals.³²⁹

There is no Constitutionally guaranteed right to hunt.³³⁰ Any contrary doctrines are perversions.³³¹ A right to food under the Second Amendment must be predicated on a solid understanding that humans are not required or entitled to hunt; and the government cannot and ought not govern wild animals.³³² Yet, it may be of aid to different communities, such as those who are rebounding in a post-crime, unchaotic, unentitled, and gun-free environment to establish protective and mutually beneficial accords fulfilled through policies and law.³³³ Within Americans' right

³²⁹ PETA, *Available at* <https://www.peta.org/issues/>.

³³⁰ *Heller*, 554 U.S. 570. Rebecca Savransky, *Dick Cheney Has Yet To Apologize To The Man He Shot In The Face*, THE HILL, February 11, 2016, *Available at* <https://thehill.com/blogs/blog-briefing-room/269143-dick-cheney-has-yet-to-apologize-to-the-man-he-shot-in-the-face>.

³³¹ *Heller*, 554 U.S. 570.

³³² PETA, *Available at* <https://www.peta.org/issues/animals-in-entertainment/cruel-sports/hunting/>.

³³³ Christian Cotroneo, "Monks Buy Hundreds Of Lobsters And Put Them Back In The Ocean," The Dodo, July 11, 2016, *Available at* <https://www.thedodo.com/monks-lobster-rescue-release-canada-1915798305.html>. Lobsters were purchased from grocery stores by monks and then released into the ocean. *Id.* "It doesn't have to be lobsters, it can be worms, flies, any animals; drive slower so we don't run over little critters on the street." *Id.* An accord is exemplified by a road sign. A road in a park leads to a trail head. On it, a road sign

to receive food from the government, there may possibly be no social contract with wild animals; yet, human obligation to sustainability must consider their needs and not deprive them of their position as workers.³³⁴ By way of comparison, when choosing to domicile with a pet, each American has a duty to a pet to conserve, protect, and peacefully cohabit, and avoid incompatible animals.³³⁵

A mental groundwork must be laid prior to the right to food so that recipients understand that they are only to receive healthy plant-based food, not take animals. First, any interpretation yielding a right to possess an arm in a home does not confer a right to slaughter. Second, there is no Second Amendment

may demand that motorists be aware of animals crossing and utilizing road shoulder areas. The road and trail limit the direction, amount, flow, mobility, utility, purpose, conduct, view, contact, disruption, asportation by, and scope of traffic through natural areas. Crimes against, within, involving, utilizing, forbearing, disturbing, perturbing, and among natural elements and nature are also prohibited. In exchange, animals atypically kill humans here, in proportion to elsewhere in the woods.

³³⁴ CARMEN M. CUSACK, *ILLCIT SEX WITHIN THE JUSTICE SYSTEM: USING WEAK POWER TO LEGISLATE, REGULATE AND ENFORCE MORALITY* (2017).

³³⁵ People for the Ethical Treatment of Animals (PETA), "Issues," *Available at* <https://www.peta.org/issues/>.

right to possess arms in public outside the home.³³⁶ Thus, in addition to other jurisprudential underpinnings and limitations, this is one reason why hunting is not guaranteed under or contemplated as a right by the Constitution. No state would like for its citizens or residents to wander about while carrying arms (e.g., guns). States participate in nudging to move people inside; remove guns from the streets; and prevent people from shooting, having access to guns, or becoming affectionately attracted to weapons.³³⁷

A state's willingness to discuss a right to be armed demonstrates aversion to desperation.³³⁸ Preemptive belief that self-defense could be necessary demonstrates such an aversion.³³⁹ Some jurisdictions may hope that federal Courts will find that recent legal conclusions articulating a right to self-defense are not unlimited and can be severed

³³⁶ Winkler, *Is the Second Amendment Becoming Irrelevant*, 93 Ind. L.J. 253.

³³⁷ *Id.* Buchanan, Keller, Oppel, & Victor, *How They Got Their Guns*.

³³⁸ *See e.g.*, Fla. Stat. § 776.013 (2019).

³³⁹ *Id.* McDonald v. Chicago, 561 US 742 (2010).

from any notion of gun possession.³⁴⁰ Rather than threaten the Second Amendment with repeal, progress will refocus constructions of society from adversarial and confrontive to collaborative and harmonious.³⁴¹

Procurement of healthy food will help Americans to avoid a sensation of desperation.³⁴² Health benefits of vegan food are widely known and documented.³⁴³ They include stress and anxiety reduction.³⁴⁴ The justice system already relies on findings to provide sensible and plant-based meals.³⁴⁵ One study analyzed comporment following inmates' transitions to vegan food.³⁴⁶ Members of California's government feared that "500 inmates residing at Victor Valley would

³⁴⁰ *Id.*

³⁴¹ *Id.* U.S. Const. am. II.

³⁴² Christopher Zoukis, *Vegan Diet Impacts Recidivism*, Prisoner Resource, May 20, 2013, *Available at* <https://www.prisonerresource.com/recidivism/vegan-diet-impacts-recidivism/>.

³⁴³ *Id.*

³⁴⁴ Jen Wyglinski, "Does Veganism Help Reduce Stress and Anxiety?," Faunalytics, May 25, 2016, *Available at* <https://faunalytics.org/veganism-help-reduce-stress-anxiety/>. Zoukis, *Vegan Diet Impacts Recidivism*, May 20, 2013.

³⁴⁵ *Id.*

³⁴⁶ *Id.*

probably ‘burn the place down before they became vegetarians,’” however, “85% of the inmates agreed to rooming on the ‘vegan’ side of the complex.”³⁴⁷ Maranatha Private Corrections provided services because of “high” “crime rates and returning inmates.”³⁴⁸ “At the time” “California had a recidivism rate of 95%. During the seven years” Maranatha Private Corrections “had the inmates at Victor Valley on a vegetarian diet the recidivism rate at the prison went down to under [two percent].”³⁴⁹ Thus, to reduce crime and chaos; prevent

³⁴⁷ Providing any food ingredient, which causes an animal to suffer or be killed is unacceptable under the Second Amendment. Harriet Williamson, *PETA Isn't Backing The Vegan Burger That 'Bleeds,'* METRO, July 29, 2018, Available at <https://metro.co.uk/2018/07/29/peta-isnt-backing-the-vegan-burger-that-bleeds-7770845/>. Ligaya Figueras, *Impossible! Vegan Patty Battles To Become The New All-American Burger,* THE ATLANTA JOURNAL-CONSTITUTION, May 24, 2019, Available at <https://www.ajc.com/entertainment/dining/impossible-vegan-patty-battles-become-the-new-all-american-burger/sr7eSfJ0mWzlgAwGZvLSWL/>. Natalie Morris, *Burger King Launches Meatless 'Impossible Whopper,'* METRO, April 2, 2019, Available at <https://metro.co.uk/2019/04/02/burger-king-launches-meatless-impossible-whopper-9090213/>. Jessica Lindsay, *McDonald's Germany Is Launching A New Vegan Burger,* METRO, April 26, 2019, Available at <https://metro.co.uk/2019/04/26/mcdonalds-germany-launching-new-vegan-burger-9320152/>.

³⁴⁸ *Id.*

³⁴⁹ Zoukis, *Vegan Diet Impacts Recidivism,* May 20, 2013.

misappropriation of criminal justice and corrections resources; and improve environmental justice, the government should reinterpret the Second Amendment to benefit the populace rather than terrorize it or fear some members of it.³⁵⁰

To allow the Second Amendment to survive, the government should openly recognize the aspirational interpretation of the Second Amendment.³⁵¹ This includes access to vegan and vegetarian, organic, and wholesome foods for all needy people, bugs, and animals relying on humans and living with them.³⁵² The aspirational Second Amendment is the notion that all amendments can live-up-to the framers' intent as well as develop in light of conversations and ethos reflecting best practices in intellectual and legal arenas.³⁵³ An aspiration is informed by power and desire to be good.³⁵⁴ Thus, the Second

³⁵⁰ *Id.*

³⁵¹ Sam Bloch, *In California Hospitals and Prisons, Vegan Food Is Now a Right, Not a Privilege*, The New Food Economy, September 24, 2018, Available at <https://newfoodeconomy.org/california-vegan-plant-based-prisons-hospitals/>.

³⁵² Bloch, *In California Hospitals and Prisons, Vegan Food Is Now a Right, Not a Privilege*.

³⁵³ See, Exodus 16:1-34; Exodus 20:4.

³⁵⁴ See, *Id.*

Amendment may survive in coming years if it performs according to its purpose, not recent Court dicta.³⁵⁵

The government has already switched focus.³⁵⁶ After California dispossessed people of the idea that they could idly burn tobacco plants in public (i.e., smoke), the state required healthcare providers and corrections facilities to provide plant-based and cruelty-free food.³⁵⁷ The California Health and Safety Code requires in § 1265.10 all health facilities to provide “wholesome” and “healthy” vegan food, and the California Penal Code requires all correctional facilities to provide “entire” “plant-based” “meals that contain no animal products or byproducts, including meat, poultry, fish, dairy, or eggs.”³⁵⁸

³⁵⁵ U.S. Const. am. II.

³⁵⁶ Cal. Health & Safety Code § 1265.10 (2019). Cal. Crim. Code § 2084 (2019).

³⁵⁷ Cal. Health & Safety Code § 1265.10 (2019). Cal. Crim. Code § 2084 (2019).

³⁵⁸ Cal. Health & Safety Code § 1265.10 (2019). Cal. Crim. Code § 2084 (2019).

A human right to food is not enough.³⁵⁹ The Second Amendment must cover all species (e.g., agricultural working animals).³⁶⁰ Grants and emergency resources are available to some species and groups, such as farm animals.³⁶¹ Plans should be guaranteed to stimulate the economy and help all creatures to survive without cruel conditions during hardship or when resources diminish.³⁶² Animals under human control are required by law to be fed.³⁶³ This implies a right to be fed or a right for humans to have food to give to bugs and animals.³⁶⁴ Although humans are not required to care for non-human companions, those who do, are required to feed them.³⁶⁵ Impoverished individuals are not discriminated against by laws requiring the poor and needy to rehome or surrender companions.³⁶⁶ Like children, pets and other animals may be

³⁵⁹ *See supra*, Section III.

³⁶⁰ U.S. Const. am. II.

³⁶¹ CARMEN M. CUSACK, ANIMALS AND CRIMINAL JUSTICE (2015).

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ *Id.*

³⁶⁶ *Id.*

accommodated.³⁶⁷ The United States government provides nutritious supplementation during hardship and on long-term bases for those who lack parents.³⁶⁸ Similarly pets and those relying on humans must receive guarantees.³⁶⁹ Any person relying on the government for food may ask the government to supply food in the interim before food can be permanently acquired to feed beloved, dependent, and hardworking creatures.³⁷⁰ Food may be supplied to non-humans by humans, who require the government's assistance.³⁷¹

After receiving food through Supplemental Nutrition Assistance Program (SNAP) (i.e., food stamps), humans undoubtedly share food with animals.³⁷² Yet, the government bars animals from

³⁶⁷ CUSACK, ANIMALS AND CRIMINAL JUSTICE.

³⁶⁸ CARMEN M. CUSACK, LAWS RELATING TO SEX, PREGNANCY, AND INFANCY: ISSUES IN CRIMINAL JUSTICE (2015).

³⁶⁹ *Id.* CUSACK, ANIMALS AND CRIMINAL JUSTICE.

³⁷⁰ CUSACK, LAWS RELATING TO SEX, PREGNANCY, AND INFANCY. CUSACK, ANIMALS AND CRIMINAL JUSTICE.

³⁷¹ *See*, CARMEN M. CUSACK, LAWS, POLICIES, ATTITUDES AND PROCESSES THAT SHAPE THE LIVES OF PUPPIES IN AMERICA: ASSESSING SOCIETY'S NEEDS, DESIRES, VALUES AND MORALS (2016).

³⁷² Morris, "Online Petition Asks USDA to Allow Food Stamps to Be Used for Pet Food."

qualifying to receive SNAP benefits.³⁷³ Therefore, humans may not disclose to the government that animals eat food purchased through SNAP.³⁷⁴ To ask impoverished people suffering hardship to lie or hide from the government is meanspirited.³⁷⁵ To assist poor people and people in need to abide by the law and assist those willing to provide for animals in need is an American spirit.³⁷⁶ The government should allot a portion of free and low-cost healthy food to animals; for example, to feed pet spiders or other creatures.³⁷⁷ Healthy food for animals may include vegan and non-vegan food. SNAP currently permits people to buy meat, which may be fed to animals.³⁷⁸ This should not change if animals require

³⁷³ Supplemental Nutrition Assistance Program (SNAP), “What Can SNAP Buy?,” United States Department of Agriculture (USDA) Food and Nutrition Service, *Available at* <https://www.fns.usda.gov/snap/eligible-food-items>.

³⁷⁴ *Id.*

³⁷⁵ *Id.*

³⁷⁶ Morris, “Online Petition Asks USDA to Allow Food Stamps to Be Used for Pet Food.” Wild Earth, Health, *Available at* <https://wildearth.com/blogs/news/tagged/health>.

³⁷⁷ Morris, “Online Petition Asks USDA to Allow Food Stamps to Be Used for Pet Food.” Wild Earth, Health, *Available at* <https://wildearth.com/blogs/news/tagged/health>.

³⁷⁸ *Id.* Animals may indicate that they prefer primarily vegan, vegetarian, omnivorous, or carnivorous diets. Humans ought to be sensitive enough to provide food to suit their needs. In contrast,

meat, yet meatless pet food is available.³⁷⁹ However, the governments' allowance should no longer be used to torture animals (e.g., expensive and unnecessarily cruel live lobster tanks). Although living animals, including shellfish, may currently be purchased using SNAP money, a consciousness shift can eliminate and then reutilize this funding.³⁸⁰

humans should not believe that their comprehension of animals' enjoyment equates with knowledge or awareness of an animal's sexual acquiescence. The State of Florida has protected animals against the occurrence of this phenomenon. Florida law presumes that speechless animals will not verbally assent to sexual conduct or contact because, generally, they do not talk like humans. Therefore, any inferences drawn about their alleged interest in animal-human sexual conduct or contact will be unacceptable under the law. Fla. Stat. § 828.27(1)(a) (2019); Fla. Stat. § 828.126 (2019). Cruelty laws apply to all animals and bugs. Fla. Stat. § 828.126 (2019). Carmen M. Cusack, *ANIMALS, DEVIANCE, AND SEX* (2015).

³⁷⁹ Animal testing pet food is cruel. Suzana Rose, "Pet Food & Animal Testing: A Horror Story," Cruelty-Free Kitty, May 22, 2018, Available at <https://www.crueltyfreekitty.com/pets/cruelty-free-pet-food/>. Wild Earth, Health, Available at <https://wildearth.com/blogs/news/tagged/health>.

³⁸⁰ CUSACK, *FISH IN THE BIBLE* (2017). Stores that cause humans to suffer by exposing them to living animals suffering should not be allowed to receive SNAP. "End the sale of live lobsters in Publix Supermarkets," Pensacola Vegan Association (2018), Available at <https://www.change.org/p/publix-super-markets-end-the-sale-of-live-lobsters-in-publix-supermarket-stores>. Over the years, the Author of this Article has discussed elimination of lobster tanks with personnel at Publix Super Markets. One reason is harm caused to customers by the infliction of torture on lobsters. Publix should advance its claim that it sympathizes with humans and animals living there by desisting from all cruelty. Publix should maintain suitable habitats and lifestyles for retired lobsters. The Author liberated Chartreuse, a lobster from Publix, recently. Associations between cruelty to sea life

IV. CONCLUSION

The Second Amendment is not a doctrinal expression reflecting factions' beliefs about war, domestic violence, or harm to those outside one's home.³⁸¹ It is a piece of legislation intending to help Americans to survive. Its premise is not mythologically to create an American archetype of toughness. It ensures survival.

It is time to take a sober look at our myths and change the Second Amendment—but to do so as part of a comprehensive examination of our society and our human relationship with the land. The inevitable consequences of climate change will force all humans in all countries to realize that our species is ultimately part of nature, and everything and everyone is interconnected. We must start now to

and gun use are evident. *See e.g.*, Jake Owen, "Singer Jake Owen in Las Vegas: Like Shooting Fish In A Barrel," CNN, October 2, 2017, Available at <https://www.youtube.com/watch?v=r5TkwvpaA30>. *See also*, Scott Maxwell, *Publix, Protesters & The NRA: What You Don't Know - And Why This Proves Florida Has Too Many Politicians*, ORLANDO SENTINEL, May 29, 2018, Available at <https://www.orlandosentinel.com/opinion/os-publix-putnam-nra-protesters-scott-maxwell-20180528-story.html>.

³⁸¹ U.S. Const. am. II.

significantly change course and divert resources from guns, conflicts, and wars to helping each other and living an eco-centric life. We cannot shoot our way out of this one.³⁸²

Incentives for donating to the government and charities (e.g., surplus crops) are the next horizon that must be envisioned. To do this, a culture shift is first necessary, and then greater shifts in consciousness will abound.³⁸³

³⁸² Merritt, *Guns and the American Psyche*, at 172.

³⁸³ Jeff Cox, *Job Layoffs Surge 35% To Highest Level To Start A Year In A Decade*, CNBC, April 4, 2019, Available at <https://www.cnbc.com/2019/04/04/job-layoffs-surge-35percent-to-highest-level-to-start-a-year-in-a-decade.html>. “NYS Politicians Who Voted for Gun Control: You're Fired,” October 9, 2018, Available at <https://m.facebook.com/ToNysPoliticiansWhoVotedForGunControlYoureFired/>. Damage correlating with Donald Trump’s reality television catchphrase, “You’re fired,” ought not to be dismissed. The acerbic tome to totalitarianism and petty tyranny may have affected the nation, which experienced a surge in unemployment throughout the show’s 11-year presence on television. It also joked about the severity of gun use. Since he lost his job on television, unemployment rates and mass shootings incidents have decreased. Carmen M. Cusack, *Campus Gun Violence: Causes and Effects*, School of Criminal Justice, Nova Southeastern University (2018). In 2018, the majority of gun violence on campuses related to domestic violence and random violence, not mass murder. This data analyzed both the number of incidents and victims.