The Need For Limiting The Second Amendment

Republican and Democratic parties have very different beliefs when it comes to whether or not the Second Amendment should be changed and limited. 66% of Republicans want no change while 74% of Democrats want tighter background checks (“Rewrite the Rules”). The Second Amendment is defined as, “A well-regulated Militia, being necessary to the security of free State, the right of the people to keep and bear Arms, shall not be infringed” (qtd. in History.com). Militias are ordinary citizens that are called to respond in an emergency to form an army. James Madison wrote the Bill of Rights, including the Second Amendment, which the U.S. Congress ratified in 1791. Even though the Second Amendment has guided America in the past, as American society continues to develop its laws have to as well. While some believe people, not firearms, are to blame for gun violence, the Second Amendment should be limited and changed; the current amendment allows people to buy assault weapons, unnecessary for self-defense and hunting; with no limits, the Second Amendment gives dangerous, unfit people access to guns posing high risk and, finally, the Second Amendment can overturn state laws that protect innocent communities.

A popular phrase for gun activists is that people kill people, not guns is false. They state that blaming a gun is like blaming a spoon for making someone fat or a pencil is responsible for what’s written down. Firearms are not animate nor supernatural, neither can they use coercion or possession but require a human to operate and decide to shoot (Selinger). Gun activists say a person is the one who picks up the firearm and decides to pull the trigger and humans can find solutions without resorting to violence as well as control of their emotions during intense passion to not resort to hurting someone. However, it has been proven that the claim, guns don’t kill people, is invalid. Studies have shown that, “Some guns are simply manufactured to be more lethal than others. It suggests that identical shooters with identical intent would kill fewer people if they had access only to less powerful firearms” (Ingraham). The more lethal the weapon the more people can be killed and the more magazines the more possible bullets fired. Therefore, having a semi-automatic and large magazine firearm is responsible for the deaths of the multitude of people that a smaller magazine and non-automatic gun couldn’t achieve. Compare the results, if Stephen Paddock only has access to a knife instead of a gun in the Las Vegas massacre (Shammas). A knife wouldn’t have been able to kill 869 people as fast as a semi-automatic weapon so the death toll would have been much lower. The level of damage a person can do is dependent on the lethalness of a weapon. People having access to high magazine and semi-automatic firearms increases the death toll and is why the claim, people kill people not guns, is not true.

A weapon used by Stephen Paddock in the Las Vegas massacre is an assault weapon that the current amendment allows people to buy, unnecessary for self-defense and hunting. Assault weapons are semi-automatic firearms like shotguns, rifles, and pistols. The US National Library of Medicine National Institutes of Health, a government resource, states, “Assault rifles accounted for 430 or 85.8% of the total 501 mass-shooting fatalities reported in 44 mass-shooting incidents” (DiMaggio). Assault rifles are accountable for the high amount of mortality in mass-shooting incidents. Semi-automatic firearms are causing more deaths than any other firearm used in mass shootings, therefore, banning assault weapons would decrease the number of lives lost in mass shootings. Semi-automatic weapons are not needed for self-

defense and hunting yet are still legal which is why the Second Amendment needs to have limits. The way to limit the damage done by assault weapons is by permanently reinstating the assault weapons ban as an amended part of the Second Amendment. An infographic displays the average of 18 victims injured or killed per mass shootings 1982 to 1994 and from 1995 to 2004 (Assault weapons ban) average victims injured or killed per mass shooting was 11; from 2005 to 2017 average killed or injured people per mass shootings were 19 (Phillips). The assault weapon ban saved many lives during the years 1995 to 2004 until it expired. Once the ten years were up, the average of lives lost during a mass shooting jumped up higher than it was from 11 to 19. Assault weapons are used in 85.8% of mass shootings and when they were banned it saved many lives and injuries. The federal ban needs to be amended to the Second Amendment to keep people from buying assault weapons unnecessary for self-defense and hunting.

Not only does the type of guns need to be restricted but so do the people who receive them. The Second Amendment gives dangerous, unfit people access to guns posing high risk and the amendment needs to be modified to prevent such risks. Benjamin Mueller, a writer for The New York Times, published an article called “Limiting Access to Guns for Mentally Ill Is Complicated” explaining, “‘Red flag laws’ or extreme risk protection orders, have shown evidence of reducing suicides in Connecticut… [which] have also been passed in California, Washington and Oregon. Eighteen states, including Florida, and the District of Columbia are considering such laws this year” (Mueller). The red flag laws in Connecticut have been around since 1999, yet are only passed in four states with eighteen considering the extreme risk protection orders. A Second Amendment change to admit the extreme risk protection orders would make all states have to obey them instead of states taking time to consider and enforce. Since red flag laws are currently state laws, when taken to court, a defendant can argue these laws are unconstitutional and change them so they have access to guns. The current system of background checks is allowing dangerous people to have access to guns and is why many Americans want tightening background checks which can be used to check for mentally unstable or dangerous people. According to the F.B.I 100,000 firearm sales were blocked out of more than 26 million checks (Hakim) while around one in five US adults have a mental illness (“Mental Illness”). The number of firearm sales blocked due to background checks is .39% meaning that many US adults with mental illness possess a firearm. The amount of blocked background checks should be closer to 20% since that is around the amount of mentally unstable US adults. New systems need to be put in place, either red flag laws or the tightening of background checks, to permanently replace the old ways and the only way this can be done is through the Second Amendment.

The new protective systems need to be ratified to the Second Amendment otherwise state laws that protect innocent communities can be overturned shown by Heller v. District of Columbia and loopholes found in bills. Heller v, District of Columbia was about how Dick Heller wanted a firearm in his house to protect himself from the people living in the Troubled Kentucky Courts public housing complex although it was against D.C. 's state laws. The decision the Supreme Court came to was “‘That [D.C.’s] ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense’” (Epps). The overturned ban was keeping guns out of the community as well as the hands of the people in the Troubled Kentucky Courts public housing complex. The Second Amendment overturning of D.C.’s ban on firearms increased chances that a criminal has access to a gun. Similar to D.C, Maryland had an overturned bill that allowed high-risk people access to guns. William Cummings stated how,

“America has seen a number of mass shootings in the past year: Las Vegas. Sutherland Springs” and in both instances “The shooter used AR-15 platform rifles. The shooters in Las Vegas and Sutherland Springs used the high-capacity magazines the defeated Maryland bill sought to outlaw” (Cummings). Sutherland Springs left 26 people dead and 20 wounded and Las Vegas totaled 869 people wounded and 59 dead. A majority of those people would still be alive or uninjured if there was a ban on assault weapons and high capacity magazines. The Maryland bill was a chance to ban high-capacity magazines but was vetoed in the name of the Second Amendment. Maryland has a state law that limits magazines however there are loopholes that a person can bring magazines from out of state into Maryland because a direct ban on the number of magazines is considered unconstitutional. The Second Amendment is overturning too many laws that protect communities and needs to be changed.

The founding fathers created the Second Amendment over 200 years ago and as America develops so must its laws; the Constitution is designed for this very purpose. The Amendment being changed allows for people to feel safer in their own country and would save lives. Currently, people buy assault weapons, unnecessary for self-defense and hunting,; dangerous people have access to guns posing high risk and state laws and bills are overturned harming innocent communities; all of this is done because of the Second Amendment which is why it needs to be limited and changed even though some believe people, not firearms, are to blame for gun violence. Semi-automatic firearms are used in 85.8% of mass shootings but when those guns were banned during the years 1995 to 2004 the average injuries/deaths dropped. Restrictions need to be put in place like the red flag laws and tighter background checks since only 0.39% of gun licenses are blocked by the FBI. States laws can easily be overturned like in Maryland and Heller v. District of Columbia. The only way to prevent more lives from being lost is by changing and limiting the Second Amendment.