
Removing the Bars the Second Amendment Places on the Supreme Court Would Help Reduce the Number of Gun Related Deaths in the United States

When drafting the Constitution, the founders were aware of the many flaws already contained within it and foresaw the need to make additions in the future, prompting them to include the Bill of Rights as a first revision, and two methods of an amending process. However, the wording of the Bill of Rights leaves open to interpretation the true intent with which our founders included them, having a wide range of consequences. The Second Amendment bars the federal government from taking any action that would ban or restrict individual gun ownership, preventing legislation that could fully address the exorbitant instances of gun violence in this country, and thus for the common good of the people, should be repealed.

Today when a debate occurs nationally regarding the Second Amendment, one hears great reference to the fact that it is a right guaranteed under the constitution, and so should remain immortal, but never to the original intent in which it was written or the fact that portions of the Constitution have been altered by nearly every generation. Perhaps partly due to the controversy surrounding it, only a handful of Supreme Court cases have involved the Second Amendment, most notably the *United States v. Cruikshank* (1875) and *Presser v. Illinois* (1886) decisions, which determined that the Second Amendment's only effect is to "restrict the powers of a national government," and limits only the ability of "Congress and the national Government," not "that of the states" to impose fire-arm legislation.

Former Supreme Court Justice John Paul Stevens has remarked on this fact, stating that the Second Amendment has been reframed from a right which was "adopted to protect the states from federal interference with their power to ensure that their militias were well-regulated," to one in which federal judges have "ultimate power to determine the validity of state regulations of both civilian and militia-related uses of arms." He goes on to say that re-writing the Second Amendment to include the words "when serving in the militia" would set the perfect balance of ensuring the people's ability to defend against an over-reaching and tyrannical government, while also allowing for sensible federal intervention through laws regarding fire-arm sales and restrictions on ownership.

As these past Supreme Court rulings have established, the federal government has little power to restrict access to firearms, with that responsibility belonging solely to individual states. As a result of this, past attempts by the federal government to reduce gun violence have been limited to watered down firearm legislation such as the Brady Bill, and the 1994 Assault Weapons Ban,

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which simply mandated background checks for all firearm sales, and banned the future manufacture of, but not the ownership or purchase of military-grade assault weapons. Among these two, the 1994 Assault Weapons Ban was the most pointless, as it failed to address the use of handguns, which account for the majority of U.S. firearm related deaths[iii]. The reality today is that the U.S. has the highest rate of gun-related violence as well as the greatest number of guns per capita of any major developed nation (at nearly 89 guns per 100 people).

Unsurprisingly, the large divide in public opinion and the sway of the firearm industry in lobbying different state legislatures has resulted in a varying degree to which firearm legislation is imposed from state to state. Going hand in hand with this, a recent report released by an organization promoting gun-violence awareness in San Francisco found that states such as California, Connecticut, and Hawaii, with our nation's most restrictive gun-laws, had the lowest levels of gun-violence, while states with nearly no restrictions whatsoever including Alaska, Montana, and Louisiana, had the highest levels. Amazingly, in the case of fire-arm related deaths, Alaska was found to have a level nearly three times that of California, and nearly seven times that of Hawaii.

Additionally, in accordance with data collected by the CDC, the organization graded each state on levels of gun-violence, with 24 "F's" being awarded, and only nine states at or above a "B-"grade. All this goes to show that not only does our nation face a severe problem when it comes to the rampant levels of fire-arm related violence, but that allowing states to address this problem individually has led to a lack of uniformity in the safety from gun-related injury or death.

One reality often ignored by pro-gun organizations and institutions is that the high rate of gun violence prevalent in our country is undeniably contributed to by the absurdly high concentration of fire-arms themselves. The findings of a nearly thirty-year study conducted from 1981 to 2010 by researchers at Boston University draw a direct correlation between the number of guns bought, and the number of gun-related deaths, specifically that for every 1% increase in nationwide gun ownership, there was a 0.9% increase in homicides committed with firearms. This should be obvious to even the most ignorant among society; with a larger number of firearms in circulation, there will be more instances in which citizens will want to use them.

The U.S. has seen countless mass shootings, and in recent years has experienced five per year on average. However, the Justice Department reported in 2013 that this number had nearly tripled, contributing to the approximately 12,000 gun-related deaths that occur in the U.S. every year, a rate 15 times that of foreign nations with limits on gun ownership.

In stark contrast to the U.S., countries that do implement restrictive gun laws have both lower levels firearms in circulation, as well as gun-violence overall. Countries such as Australia and the U.K. imposed their restrictions in the wake of a series of their own mass shootings, and a

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report conducted in 2010 by the American Journal of Law and Economics found that in the case of Australia, in the ten years following the implementation of fundamental firearm restrictions no mass shootings occurred, and the rate of gun-related deaths fell 59%. Yet despite other developed nations showing how restrictions on gun ownership can and do reduce gun-violence, the gun-lobby and pro-gun organizations succeed in crushing any attempt for the U.S. to follow suit, largely by referencing the Second Amendment and claiming it as a guarantee to own and buy guns, regardless of the situation.

Repealing the Second Amendment, or perhaps altering it to be more in line with the founder's intent, would not do anything to reduce levels of gun-violence in our country on its own. Yet by removing the metaphorical handcuffs it imposes which past Supreme Court decisions have found currently prevent the federal government from exploring even the prospect of common sense, definitive and across-the-board restrictions on individual access to firearms, it would serve as the first step towards legislation in the U.S. that could reduce the number of fire-arm related deaths and crimes that occur.

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