

Rewriting the Second Amendment for the Modern Society

Written in 1791, the Second Amendment reads “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.”¹ As a new country with no formal military, the Founding Fathers created this amendment so the people of America would be prepared to fight with their own weapons.² But times have changed. The United States is now a military superpower with no need for a militia, and firearms are much more advanced than they used to be. There have been many attempts to restrict gun sales, but almost all have failed. Most notably was the Supreme Court case *District of Columbia v. Heller* in 2008, which ruled that the Second Amendment meant that citizens had an “inherent right to own guns for lawful purposes.”³ But the loose restrictions on firearms has caused a significant increase in gun violence and is now threatening the safety of our country. Therefore, the Second Amendment must be rewritten to be more restrictive as it is severely outdated for today’s society and is the biggest issue facing America, especially affecting children and teens.

¹ Cohen, Andrew. “The Supreme Court Is on the Verge of Expanding Second Amendment Gun Rights.” (Brennan Center for Justice at NYU Law, 2022)

² Elving, Ron. “Repeal The Second Amendment? That's Not So Simple. Here's What It Would Take.” (NPR, 2018).

³ Elving, Ron. “Repeal The Second Amendment? That's Not So Simple. Here's What It Would Take.” (NPR, 2018).

Though some say that the Founding Fathers wrote the Second Amendment to secure their individual right to own a gun, it was actually created so citizens could form an organized militia since they had the fear of a strong military government.⁴ Darrell Miller, a professor at Duke Law School and an expert on the Second Amendment and gun rights and regulations, stated that with the use of 18th-century documents, linguists found that “the term ‘bear arms’ was overwhelmingly used in a collective or military sense and almost never used in the modern sense of ‘carry weapons.’”⁵ However, I do understand the need for a gun for safety purposes. Thus, in my modernized amendment, I included that the person has the right to bear arms on their own property. Additionally, guns in 1791 did not have the dangerous capabilities that firearms do today. In the Parkland shooting of 2018, as well as many other mass shootings, an AR-15-type rifle was used.⁶ Therefore, in my rewriting of the Second Amendment, I included that assault weapons and high-capacity ammunition firearms of all kinds should be prohibited from purchasing by citizens.

Gun violence is one of the biggest issues facing the United States today. 48% of Americans view gun violence as a very big problem, and another 24% think gun violence is a moderately large issue.⁷ There are more public mass shootings in the United States than any other country.⁸ A solution for this issue is restricting firearms in public places, which I included in my new amendment. Even though there is a lot of disagreement between democrats and

⁴ Elving, Ron. “Repeal The Second Amendment? That's Not So Simple. Here's What It Would Take.” (NPR, 2018).

⁵ Cohen, Andrew. “The Supreme Court Is on the Verge of Expanding Second Amendment Gun Rights.” (Brennan Center for Justice at NYU Law, 2022)

⁶ Elving, Ron. “Repeal The Second Amendment? That's Not So Simple. Here's What It Would Take.” (NPR, 2018).

⁷ Schaeffer, Katherine. “Key Facts About Americans and Guns.” (Pew Research Center, 2021)

⁸ Lankford, Adam. “Public Mass Shooters and Firearms: A Cross-National Study of 171 Countries.” (U.S. National Library of Medicine, 2016)

republicans, there are two specific gun policies that the majority favor: “preventing those with mental illnesses from purchasing guns (85% of Republicans and 90% of Democrats support this) and subjecting private gun sales and gun show sales to background checks (70% of Republicans, 92% of Democrats).”⁹ Because of this, I included both of these policies in my rewritten amendment, along with no criminal record and being at least 21 years of age.

Firearms are the leading cause of death for American children and teens.¹⁰ In May 2022, 19 children and 2 teachers were killed in a school shooting at Robb Elementary School in Texas.

¹¹Texas has some of the loosest gun laws, as it is easier to purchase a gun than to get a drivers license.¹² Allowing the operation of a firearm by people that are unable to handle the responsibility of one is putting many citizens at risk, and has led to a new devastating trend of school shootings. There were a total of 51 school shootings in 2022 that resulted in injuries and deaths.¹³ School was once a safe learning environment for students to socialize with friends and enhance their education. But today, many parents fear for their children’s lives and students are horrified that the next shooting just might be at their school. The safety of the country is continuing to be sacrificed because of the lax gun laws that are outdated for today’s society. Though our country is built on freedom, there must be some enforced limitations because too much freedom leads to the chaos and increase of gun violence.

After establishing the fact that the United States must rewrite the Second Amendment for the safety of the country, there now must be a process of passage to change the amendment. The

⁹ Schaeffer, Katherine. “Key Facts About Americans and Guns.” (Pew Research Center, 2021)

¹⁰ Schaeffer, Katherine. “Key Facts About Americans and Guns.” (Pew Research Center, 2021)

¹¹ “Facts about the Robb Elementary School Shooting in Uvalde, Texas.” (Sandy Hook Promise, 2022)

¹² Cohen, Andrew. “The Supreme Court Is on the Verge of Expanding Second Amendment Gun Rights.” (Brennan Center for Justice at NYU Law, 2022)

¹³ “School Shootings in 2022: How Many and Where.” (Education Week, 2023)

amendment is most likely to be passed by using the Article 5 process that requires $\frac{2}{3}$ of both Houses of Congress and $\frac{3}{4}$ states approval. By having the agreement of the House and Congress, it is more likely for the states to also ratify the amendment as there will be a universal agreement of the new definition of the Second Amendment. The other Article 5 method of having a constitutional convention has never been used in history and therefore is not as likely to get the amendment passed. As for supporters, the democrats are much more likely to assist in the ratification of the rewritten amendment because they are more in favor of stricter gun laws. Though republicans are my likeliest opponents, I believe there are some restrictions that there is bipartisan agreement on, as stated earlier. As a country built on citizenship and democracy, we must all acknowledge the large issue facing our country: the loose firearm laws allowed by the Second Amendment. Each American must look past their selfish need for a firearm and realize how gun violence is destroying our security. The root of the problem of all these mass shootings is the one holding the gun, which is why the Second Amendment must be rewritten to prohibit unqualified individuals from possessing a firearm to reestablish the safety of the country.

Appendix I - Full Text of Proposed Amendment

The right of people to keep and bear arms on their own property shall not be infringed. Under no circumstance may a citizen carry a firearm in a public area, unless given a legal permit in the court of law.

Firearm purchasing and ownership requirements include: a legal background check, no criminal record, at least 21 years of age, and must be neurotypical.

Assault weapons and high-capacity ammunition firearms of all kinds are prohibited from purchasing or possessing by any individual.

Governmental agencies have the right to possess all forms of weapons in order to secure the freedom of the state and safety of the country.

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