

The Gun Control Laws And The Second Amendment

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Historical Debate Over Gun Control

The debate on firearm regulation started many decades ago. In 1791, the founding fathers created the Bill of Rights, which began the endless discussions on [gun control](#). There are fundamentally two faces of history centered on this conversation. These are the rights that allow citizens to possess arms and the policies enacted to control the manufacture and use of these arms (Kopel, 2015). The United States happens to be among, if not at the top of the list, the countries that own the most guns. As a result, the nation reports numerous cases of [gun violence](#) and deaths due to the wrong usage of firearms. This disturbing fact informs the decision to have stringent laws to prevent further damage. However, many people are against such policies. The debate on gun control is profoundly rooted in US history, and it has become a topic of interest to all the American people. Nevertheless, the confusion that has come along with the tussle between the advocates and the opponents of [gun control laws](#) is likely to continue for many years (Kopel, 2015). Despite the opposing opinions, the danger that guns bring to society shows that there is a need for stricter policies to regulate gun use. This piece will explore the gun control laws and the Second Amendment. The work will also touch on the recent adverse experiences that the American people have gone through in the hands of unlimited gun use.

Mass Shootings and Public Safety

There have been many cases of gun violence in the US. In the last three years, people have witnessed at least four events of the mass shooting. One example of a mass shooting took place earlier this year at a school in Florida where at least 17 people, including children, died. In 2017, there were two cases of mass murder in Las Vegas and Texas, where many people lost their lives. In 2016, there was a mass killing in Orlando, where a gangster killed at least forty nine people in a nightclub, and in 2015 a similar even occurred where more than fourteen people died and several others injured (CNN, 2018). If we can go by the definition of Gun Violence Archive (2018), which states that mass shooting involves the killing of at least four people, the cases would be countless. According to the Gun Violence Archive (2018), more than 15000 people have lost their lives since the beginning of this year.

Second Amendment Text and Historical Meaning

The Second Amendment found its way into the Bill of Rights in 1791. The amendment states that there is a need for a well-regulated usage of guns and that the regulations should not violate the right of the citizens to possess firearms. The piece of the law that we may need to focus more on is “well-regulated,” which gives meaning to the amendment in today’s politics. The people who enacted this law may have foreseen that the absence of proper regulations for the use of firearms may result in anarchy. However, the modern-day interpretation of the Second Amendment has become profoundly different. The unregulated use of weapons has led to widespread misuse (Kopel, 2015).

Competing Constitutional Interpretations

The Second Amendment emphasizes the importance of gun control, and the proponents of gun control policies use it to justify their efforts. Nonetheless, the people who are against such systems interpret the law differently and argue that the regulation of gun use is a violation of the amendment. Some Supreme Court verdicts underpin the opinion that the American people have an ultimate right to own guns for self-defense. For instance, in *Printz vs. the U.S.*, the Court ruled that citizens need firearms to protect themselves from violence or oppression. The core of the lawsuit was the Brady Act of 1993. The law directed the law enforcers to investigate any person who wished to own a firearm. Firearm buyers were the target of the background checks. Printz went to the Supreme Court to challenge the constitutionality of the Brady Act. Using the applicable sections of the constitution, Congress attempted to create laws to enforce the control of firearms, but the District Court said that it was against the existing rules, hence reinforcing the right to own a weapon. The court maintained that Congress is not subject to federal laws, taking advantage of the fact that the Brady Bill does not need the local police to carry out these responsibilities. The background check usually encompasses the investigation of an individual’s employment and criminal record, among other things. Therefore, the state lawmakers do not need to implement such tests (Oyez, 2013).

Supreme Court Precedents on Firearm Rights

Apart from the *Printz* case, there are several other gun control cases. First, in the lawsuit between *District of Columbia vs. Heller*, the US top law court asserted that the Second Amendment allows people to possess guns for self-defense, and therefore, the government cannot force them to keep their weapons unloaded or disassembled (Cornell University Law School, 2017). The second case was between the US and *Cruikshank* in 1875, where armed individuals had killed several black Americans because of political differences. The Supreme Court ruled that the work of the rights specified in the First and the Second Amendments concerning assembly and possessing firearms was to limit the activities of the federal government and did not have any effect on the state or individuals (Federal Judicial Center, 2016). The ruling in the case between *Presser* and the Illinois governments in 1886

was similar to that of *United States v. Cruikshank* (1875) (Justia, 2015). Third, in the case of *Voisine vs. The US* in 2016, the highest court in the US ruled that criminal activities invoke firearm control policies on the possession of guns. Hence, the court found Voisine, who was a suspect in shooting a bald eagle, guilty of possessing a firearm, as a court had earlier convicted him of domestic violence (Oyez, 2013).

State Regulation and Constitutional Incorporation

The fourth case is between *McDonald's* and the City of Chicago, which attracted a landmark ruling. The Supreme Court verdict asserted that the right of an individual to own a firearm as specified in the Second Amendment is included in the Fourteenth Amendment specifications against a state. McDonald and his friend filed the case after finding it impossible to own a handgun, as firearm ownership was prohibited in the area (2010). The fifth case is between the US and *Jack Miller*. A court in Arkansas accused Miller and his friend of infringing the NFA Act by transporting a firearm in interstate business. The two argued that the act violated their right to possess guns as stipulated in the Second Amendment. The court upheld their argument and terminated the case (Oyez, 2013). The Sixth case is between *Cassano* and Massachusetts, where a court of law charged the defendant with the illegal possession of a gun. She appealed the case, arguing that the charges leveled against her went against her Second Amendment rights to own a firearm for self-defense. The court affirmed the conviction, citing the fact that the Second Amendment does not authorize the possession of a stun gun (Oyez, 2013).

Firearm Transfer by Convicted Persons

The seventh ruling involving the control of firearms was between *Henderson* and the United States and took place in 2015. The verdict allowed criminals to transfer their guns via the government to a third party for sale or other reasons. The third party, however, must be independent of the felon (Oyez, 2013). Lastly, there is a case between California and a gun-rights group. The group, together with a firearm owner, tried to challenge the California policy requiring one to wait for ten days for clearance to own or continue possessing a gun and another one requiring gun owners to pay fees to facilitate background checks. The Supreme Court upheld the laws (Vogue, 2018).

Gun Rights Activism and Policy Conflict

Some of the rulings by the US courts strengthen gun control laws, while others weaken them. Gun rights activists also play a role in undermining the policies. The contemporary gun rights perspectives appear to base their views on two primary arguments. The first suggestion is that possessing a weapon is a natural right. Advocates of gun rights believe that owning a firearm is a right that belongs to every American. The argument tends to support the notion that the person who misuses a weapon

is the problem, not the weapon. Furthermore, there are no policies that exemplify anarchy or violence because of the absence or failure to recognize authority (Griesmann, 2013). The second case that activists use to justify the right to possess a firearm is the use in self-defense. You can trace this justification to the early days of American history when slavery was prevalent. Juries in the South believed that all white men should possess guns as they continually feared that the slaves could start a rebellion (Kopel, 2015). Notwithstanding these perspectives, the Second Amendment allows reasonable regulation of firearm possession (Cornell University Law School, 2015). While the amendment provides a solution to the increase of firearms in our society, the outcome of the lack of sufficient control is conspicuous in all parts of the nation. It is, therefore, correct to say that guns promote homicide and violence.

Firearm Deaths as a Public-Health Issue

Each year, several hundred people lose their lives in the US as a result of homicide, suicide, and accidents involving firearms. Besides, a significant percentage of the deaths are the outcome of suicide. As mentioned above, proponents of gun rights state that guns do not kill, but people do (Griesmann, 2013). Nevertheless, this is a wrong statement. In 2010, a man in Beijing rioted through a Kindergarten, attacking everyone close to him using a knife. As a result, three kids died (Richburg, 2010). A similar attack using a gun in Newtown, Connecticut, left dozens of kids dead and others injured. In the case of the killing in Beijing, the person was not able to kill many children as he was using a knife. If he had a firearm, many kids could have died. [Strict gun control](#) policies in China made it hard for the killer to obtain a gun. The two cases invalidate the argument by the advocates of firearm possession, who say that the people are to blame, and not the firearms. The US has the most significant percentage of people who own guns. Hence, it is not impossible to find out that the US is among the countries where multiple deaths occur every year as a result of unlimited gun use. In fact, the nation is considered to be very negligent in the case of firearm control (Griesmann, 2013).

Federal Gun Control Legislation

The Killing of John F. Kennedy and other prominent people in the 1960s propelled the [Gun Control Act](#), which introduced firmer regulations. For example, the law required that all firearm dealers acquire licenses in addition to maintaining comprehensive records. The act also described individuals barred from obtaining guns. For instance, the bill banned people with criminal records from getting guns. Others who could not purchase firearms are mentally sick individuals and drug users, among others. Again, the law prohibited the sale of weapons via email. The government did this because the mail orders lacked adequate security features. Before the enactment of the legislation, buyers only needed to confirm that they were twenty-one years of age and above. The new regulation added essential controls on the sale of firearms (Kopel, 2015).

Mass Violence and the Need for Reform

The mass shooting in 2016 in Orlando, where a gangster shot more than 45 people dead and injured several, shows that the government needs to enact stricter laws to avert gun violence. This killing is one of the most painful events in the recent past in the US (CNN, 2018). Surveys show that there is an active link between gun violence and the number of guns in the hands of citizens. However, the gun rights supporters seem not to understand this issue. They argue that the connection between the mass shooting and the number of firearms is not comparable to the cause of the killings. They also say that the only thing that can end homicides is ensuring that the guns are in the hands of good people, and this statement buttresses the explanation of self-defense for possession of firearms. The supporters maintain that one cannot blame firearms for the final result. Thus, the right of the people to possess guns is not subject to the decision of another person to harm others or commit suicide (Griesmann, 2013 and; Kopel, 2015).

Purpose and Limits of Gun Control

However, it is essential to understand that the aim of gun control policies is not to infringe on the rights of citizens but to lessen violence involving firearms. Thus, it is essential to explore and strengthen the existing systems to ensure that we live in a safer society. Some of the critical firearm control edicts are background checks, prohibition of magazines with high capacity, and a ban on certain types of guns (Kopel, 2015).

Universal Background Checks

As mentioned above, background checks are controversial policies. They involve investigating criminal, financial, and commercial records of an individual or company. Supporters of gun control laws maintain that background checks enhance safety. Majority of US citizens blame gun violence on mental illness, which supports the need for background checks. If a mentally sick individual owns a firearm, there is a high possibility of mass killing. These findings make the supporters of gun control petition for the ban of mentally ill people to possess guns. The background check is also crucial in ensuring that drug users do not buy firearms. People involved in substance abuse are likely to misuse firearms. For example, the use of alcohol is a sound predictor of violence, just like mental instability. Drug abuse also increases the possibility of mass killing. Therefore, background checks are essential in preventing misuse of guns as they prevent such people from possessing firearms (Lindgren, 2015).

High-Capacity Magazine Restrictions

Another controversial policy is the injunction of magazines with high capacities. Such magazines hold numerous rounds of ammunition. In the coming days, when this law will have full control, there is a

high possibility of a decrease in mass shootings. The firearm control advocates support this policy as it can lower the number of shots that a gangster can make in case of mass killing, hence reducing the possible gun fatalities. For instance, the City Council in Los Angeles enacted a policy that prevents people from buying firearm magazines with more than ten rounds of ammunition. The move shows the rationality that the majority of firearm control advocates use. That is, a high-capacity magazine is not necessary for self-defense (Kopel, 2015).

Assault Weapon Restrictions

The third law in favor of firearm control is an injunction on the use of some types of weapons. The ban prevents people from using assault weapons as they present a significant threat to the safety of other people. In addition to ensuring proper storage and proper use of firearms, gun control specifies the weapons that citizens can buy and others that they must not acquire (Cornell University Law School, 2015). Laws supporting the ban on lethal weapons are in place, such as the Crime Control Act of 1994, which expired ten years later. The rules prohibited the production, ownership, usage, or import of several types of guns, one of them being AK-47. The sponsors of the ban argued that no person needs such dangerous weapons. For instance, Bernie Sanders said that people do not need an AK-47 for hunting. Likewise, the citizens do not need an assault rifle for recreation purposes; hence, such types of guns are not necessary for our daily lives. To ensure that dangerous weapons do not find their way in public, it is of paramount importance to enact new and more effective laws (Griesmann, 2013).

Opposition to Firearm Regulation

The above policies are of great benefit to the Americans. However, the implementation of the policies attracts serious opposition. People who are against the laws consider them unnecessary. For example, gun rights activists believe that background checks will promote the black market. It is a requirement for individuals who are selling guns to conduct a background check before selling the guns. Nevertheless, the prohibition of actual sales cannot prevent the transfer of firearms. For instance, a woman who lawfully owns a gun can leave the weapon to her brother or another person when she is not around. Hence, the opponents argue that background checks cannot work in such situations (Kopel, 2015).

Conclusion on Constitutional Rights and Public Safety

In sum, guns are part and parcel of the US culture. However, it is not right to allow the culture to destroy the lives of many citizens. Gun violence and endless suicides and homicides affect many parts of the US. People can use guns for recreation, but they must also realize that the arms are deadly

weapons. Similarly, the political community and the activists should understand that gun control is as important as the right to own one. The Second Amendment has a provision for the control of guns, and therefore, a proper interpretation can help in reducing gun violence. Moreover, understanding the connection between mass shootings and firearms and the importance of gun control rules is also vital in ensuring proper use of weapons. Though the nature of crime involving firearms makes it hard to prevent such evil deeds, effective policies can help reduce the violence. Guns can be useful in the hands of responsible people. Nonetheless, they can be incredibly destructive in the hands of criminals and people of unsound minds. If the supporters and opponents of gun control can come to a consensus in finding the long-term solution to gun violence, they can save the lives of many Americans. However, it appears like we have a long way to go before that happens.

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