

The Second Amendment and The Right to Bear Assault Rifles

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July was devastated by two mass shootings involving military-styled firearms designed to kill as many people as possible in the shortest amount of time. The shootings in El Paso, Texas and Dayton, Ohio came within 13 hours of each other, killing 31 people and injuring 82 people in total. President Trump, while vowing to enforce stricter gun laws, ultimately regressed back

to his allegiance with the National Rifle Association (NRA), a gun-lobbying organization that spent over \$30 million on Trump's 2016 election.

Advocates for gun reform, catching on to Trump's tactic, worry that gun violence is becoming normalized. Even if politicians are making promises, announcing new plans to pass stricter regulation, Congress has not committed to the cause and has repeatedly pushed it to the back burner once public pressure fizzles out.

Each mass shooting creates a spike in the level of concern over gun violence. Following these incidents, some states have managed to pass laws that make it safer for local communities. 17 states have extreme risk laws while more than half of states have expanded background checks. Even with incremental change as those that have been passed at the state level, 40,000 people die each year from gun violence. For those who want to find a middle ground between gun ownership and senseless shootings, strengthened background checks and bans on assault rifles presents a non-threatening compromise.

Gun proponents have a hard time seeing eye to eye on any limitation on ownership. Through a belief that Second Amendment rights should not be encroached on by heavily limited and regulated access to guns, they sustain their argument that people kill people, not guns. Trump embraced this narrative by turning away from stricter regulation to Red Flag laws, which are regulations specific to banning guns to those with mental health issues. This approach is important and necessary to ensure guns do not end up in the wrong hands. However, many states mischaracterize the insidious, multi-form violence that is fueled by hate-crimes and strategically planned executions.

Another reoccurring argument remains at the forefront which is that guns protect us from violence. This has been a critical moral backing to the constitutional argument and why politicians should back off. Though a vast majority of Americans may not be aware, the rhetoric behind gun rights today is not in accordance with the constitution when it was first drafted.

The original intent of the Second Amendment had nothing to do with an individual's right to bear arms. Instead, it was codified in 1791 because the United States was a young nation without its own military. The Second Amendment passed in anticipation of unforeseeable wars against the state and needing to protect the country as a whole. The text, as it is written, 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." In 2019, the United States has one of the strongest militaries in the world and no longer needs a militia comprised of the people.

Under the current Supreme Court's interpretation, the definition of the Second Amendment has expanded to cover the possession and sales of guns to individuals for the lone purpose of self-defense. Over a decade ago, the District of Columbia mandated its citizens to store their guns at home and that all guns must be unloaded or disassembled. This was challenged in 2008 when *D.C. v. Heller* reached the Supreme Court. The Court determined that individuals had a right to bear arms for self-defense under the Second Amendment. Any laws abridging this freedom violated the Fourteenth Amendment's Due Process Clause. This issue came before the court again in *McDonald v. Chicago* but the Court was unmovable in its interpretation and held a 5-4 decision for the second time. Justice Ruth Bader Ginsburg dissenting both times warned that the Second Amendment's "text, history, or underlying rationale" does not incorporate the right to bear arms for self-defense nor does it violate the Due Process Clause.

Though arguing a complete ban on gun sales is out of the question, it is difficult to contend the intent of the Second Amendment permits weapons that fire rounds of ammunition in seconds. When the law was created, the same weapons that now terrorize the country causing lives to be lost in seconds were not available to the ordinary citizen in the 18th century. Laxed attitudes towards firearms in combination with unrestricted access to assault weapons is expected to continue fatal shootings at an equally, if not greater rate. The questions of gun control have recirculated with each shooting but answers and solutions thus far, only circulate in discussions.

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