

Research paper on second amendment

[Sociology](#), [Violence](#)



Bill of Rights was first drafted as a compromise from the constitutional convention in 1791 (Donnelly 72). While the idea of Bill of Rights had been raised towards the end of Constitution Convention the delegates at time thought the suggestion pointless (Donnelly 72). As such, omission of Bill of Right raised argument of anti-federalist against the constitution. At thi point no state had conditioned for constitution ratification on Bill of Right, although there were a few that came close, a subject that almost prevented the entire constitution from being ratified (Donnelly 73). Anti-federalist fight to the issue continued even after the constitution had been ratified and exposed the nation to another constitutional convection. At this point, James Madison in collaboration with John Jay and Alexander Hamilton drafted ten amendments that guaranteed Americans more freedom. The second of the ten amendments that were made consists of what has become a centre of controversial in the recent times. It protects the right of the people to keep and bear arms from infringement.

The Constitution states: “ 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”(Bill Of Rights Institute). The amendment was based on English common-law and was actually influenced by the Bill of Rights. The right was described as an “ auxiliary right, supporting the natural rights of self defense, resistance to oppression, and the civic duty to act in concert in defense of the state”. Today, the United States citizens constantly argue the fact that the American citizens should in fact, have gun restraints and that there should be gun control (Sheehan 405). The persistent debate on whether the state government should limit the right to bear arms (Sheehan

405). Conversely, many misinterpret the second amendment and I believe that the American people should have limitation on the right to purchase, own and use a gun.

In reference to Sheehan (408) Founding Fathers wrote the second amendment with the memory of what happened at the Boston Massacre fresh on their minds. “ In Colonial America, the British occupation army was charged with, among other things, enforcing the taxation of American colonials without their consent; As part of the occupation and enforcement of English tax laws, British troops were sent to Lexington and Concord to find and confiscate military supplies stored by the colonial militia”. Many opponents of gun control believe that the right to own and carry a firearm is an unalienable human right, but people that are for the gun control believes that the government should have the right to control guns because with the freedom Americans have, means anyone can possess a gun. This could be dangerous if a firearm ends up in the wrong hands. Recently, US Supreme Court has settled on hearing a case on whether domestic violence prohibits the citizens from obtaining a license to possessing firearm. In reference to Giffords and Kelly (8) Obama administration has argued that terminating the prohibition would invalidate bans in many regions within US

According to Sheehan (405), in the case of United States v. Miller, the Supreme Court ruled that the government and the state could not limit any weapons without having a “ reasonable relationship to the preservation or competence of a well regulated militia”. However, decades later, the government wants to crack down on buying and selling guns even more than in past history (Sheehan 406). According to Freedman (90), the annual toll

resulting from firearms in the United State has reached to 32, 000 deaths and is on the incline even though the general crime rate has declined significantly. The way forward to controlling firearms has been deliberated severally with President Obama stating after the tragic school shooting in Connecticut that he hopes for tighter gun controls after the shooting in Newtown school (Labunski 45). The government and now almost half of the American population, are leaning towards supporting stricter gun control laws in the United States (Labunski 45).

As shown in the recent mass shootings, many Americans own firearms even without taking the right steps with registering and background checks. In keeping with Freedman (82) our system has been proven to be flawed when it comes to buying and selling weapons, when one gets into the wrong hands, like in the case of Newtown school shooting it can be deadly to a lot of people.

In the past, Congress has dealt with the issue of gun control gingerly, in the view of groups favoring tighter regulation of firearms. The New York Times indicates that the expired Public Safety and Recreational Firearms Use Protection Act, which is also referred to as; the Federal Assault Weapons Ban (AWB) was a section of the 1994 Violent Crime Control and Law enforcement Act, which was a US federal law that prohibited manufacture of semi-automatic-firearms for civilian use. In reference to Bodenhamer (90) the last major gun control legislation in the U. S. was the assault weapons ban. The legislation was passed in 1994 and it was part of a larger crime bill that was passed by Congress and signed by then-President Bill Clinton. The ban applied to the manufacture of 19 specific models of semi-automatic firearms

and to other guns with assault-weapons features. This ban expired in 2004, and continued attempts to restore it have been unsuccessful. When the Founding Fathers first agreed on the second amendment times were different, people needed guns to survive and protect themselves. Now, in the twenty first century people don't need guns for their survival. Arguably, United States has advanced so much since that era and it would be easy to not necessarily alter the meaning of the amendment, but limit it. It's for the protection of our country and the people in it. Limitation, at this point is a must since there have been increased cases of firearm mismanagement with the recent case of Virginia Tech shooting, FortHood massacre, Binghamton massacre and Oikos University Shooting.

In reference to The New York Times, Senator Diane Feinstein tabled a federal assault weapons ban bill in the Senate; this followed the Sandy Hook Elementary school shooting that happened in 2012. This bill aimed at eliminating the sunset clause that was a section of the 1994 Assault Weapon Ban. The Bill would have been directed at firearms with detachable magazines and with at least a single military feature. The Congressional delegate from the State of Texas condemned Feinstein's bill that is the pro-gun lobby all-encompassing of the NRA. The bills were later approved by the senate judiciary committee along the party lines.

Conclusively, it is my personal opinion that weaponry should only be in possession of the armed forces i. e. the military and police. As such, the Congress has to push more for restrictions against this law so that more internal disasters such as Newtown don't happen as often. This issue has been long sought after and argued over and there may never be a resolution

is the Government doesn't eventually crack down illegal possession of firearms and irresponsible use of these weapons which have resulted to increased rates on crime in US.

Work Cited

Bodenhamer, David J., and James W. Ely. *The Bill of Rights in modern America*. Bloomington: Indiana University Press, 2008. Print.

Donnelly, Karen J. *The Bill of Rights*. New York: Rosen Central Primary Source, 2004. Print.

Freedman, Russell. *In defense of liberty : the story of America's Bill of Rights*. New York: Holiday House, 2003. Print.

Giffords and Kelly: *Fighting Gun Violence*". USA Today. Retrieved 2013.

Labunski, Richard, *James Madison and the Struggle for the Bill of Rights*, pp. 148–150, Oxford University Press, New York, NY, 2006.

Rossum, Ralph A., and G A. Tarr. *American Constitutional Law, Volume 2 the Bill of Rights and Subsequent Amendments*. New York: Westview Press, 2009. Print.

Sheehan, Colleen. " Madison v. Hamilton: The Battle Over Republicanism and the Role of Public Opinion," *American Political Science Review* 98, 3(2004), 405–424

Steinhauer, Jennifer. " Party-Line Vote in Senate Panel for Ban on Assault Weapons". *The New York Times*. Retrieved, 2013.

Yero, Judith L. *The Bill of Rights*. Washington, D. C: National Geographic, 2006. Print.