

Criticism of the second and twentyfirst amendments of the constitution research p...

[Health & Medicine](#), [Alcoholism](#)



In the Constitution of the United States of America, there are many different sections which come under debate from time to time. As times change and the principles and cultures our country holds dear begin to shift, it is necessary to look back at some of the rules and regulations that have been established and determine whether or not they are still applicable to today's society. Two of the Amendments of the Constitution come under particular scrutiny - the Second Amendment states that people have the right to bear arms, and the Twenty-First Amendment repealed Prohibition, also allowing states to set up their own drinking ages, most of them choosing 21. Both of these amendments carry their own problems which provide either missing rights and privileges that should be there or dangers which should be avoided. The Second and Twenty-first Amendments of the United States Constitution are flawed, and major changes should be made to them in order to fit the needs of the country at this time and in order to promote fairness and equity among its citizens.

The Second Amendment is part of the Bill of Rights, the first ten amendments of the Constitution that helped set up our basic freedoms. According to this amendment, people have the right to keep and bear arms. This was created at first to make up for the distinct lack of a national militia, as well as security forces and a way to handle interstate disputes. The people could act as an army in the absence of a standing army provided by the federal government. Individuals also feared the prospect of having a central army, and wanted to be able to arm themselves. (Busch 2003, p. 353) At first, the Second Amendment debates revolved around its status as

an individual or collective right; in 2008, it was determined that it is an individual right. (Cooperman 2008)

While this may have been deemed necessary in the 18th century, it is no longer applicable now. The United States has one of the most powerful militaries in the world, and it is also one of the safest countries on Earth. There is no legitimate need to carry firearms. It is an anachronistic practice that merely puts people in danger by placing firearms in the hands of potentially dangerous people who could act on emotions and heated tempers, causing harm and death to many people.

When the Founding Fathers established this amendment, they had no idea about the advances in military technology that would come about in the following centuries. When this amendment came out, people could defend their homes with relatively simple muskets, which only had one shot at a time, and took minutes to reload. The danger was somewhat tame compared to the weapons that are found nowadays on the streets - semiautomatic weapons, shotguns, high powered rifles and even submachine guns are the norm on some of the more dangerous streets of today. One gun can take out dozens of people before that person is stopped; This is not what the Founding Fathers had in mind when creating the amendment, nor could they anticipate how much destructive power they could give individuals with this law.

Many people have no need to bear arms, but they do in order to exercise the right. Self-defense and home defense are often reasons people give for

wanting to keep the right to bear arms; however, if it were illegal, it would be much more difficult to get these weapons in the first place, and as a result fewer people would have these dangerous firearms. Certainly, it would curb events such as school shootings, where children find guns that their parents own and use them on each other or themselves. It would also help to curb street gangs from getting new weapons, as there will be no easy way to purchase them.

Many Constitutional debates have arisen from this amendment; for example, people with restraining orders on them from violent spouses and the like can use the Second Amendment to hold on to their guns, which puts the issuer of the restraining order in danger. (Busch 2003, p. 349) College campuses and the like can be made much more dangerous places, especially when considering concealed carry permits which allow today's smaller, more compact weapons to be held and possessed by others legally without the knowledge or consent of those around them. (Fennell, p. 99) Second Amendment is often debated as being an individual or collective right (Cooperman 2008)

The Twenty-first Amendment was created in order to repeal the Eighteenth Amendment, which brought about Prohibition, the banning of legal sale of alcoholic beverages to the American people. It proved so unpopular and such an instigator for crime that the Twenty-first Amendment was soon ratified. What's more, future cases revealed that age restrictions on liquor sales also fell under the purview of this amendment. Therefore, the Amendment is

somewhat responsible for the laws that allow states to establish the drinking age of 21.

However, there is a strange contradiction that can be found in restricting the sale and consumption of a legal product to someone older than 18.

According to other regulations, 18 is the legal age where one becomes an adult, which comes with responsibility for one's actions. The federal government allows 18 year olds to vote, smoke, and serve in the military. All of those carry substantial consequences for the person doing that action, and responsibility is entrusted upon them to handle themselves accordingly. It is strange, then, that alcohol is something that is more strictly regulated than the others.

Of course, just because it is illegal does not mean that people who are underage do not partake in alcohol consumption. The college experience arguably involves alcohol at some point, usually within the freshman year, when a student is still 18. To punish them inordinately for something that is this closely ingrained in American culture as a rite of passage seems to send mixed messages, and gets otherwise innocent people in more trouble than they need to be in. (Rasul et al., 2011)

There are some valid reasons for the regulation; in the 1970s, there were 18 year old drinking ages in many states; however, due to statistics that showed an increase in traffic accidents linked to these lower drinking ages, the decision was made to raise it back up to 21. (Toomey et al. 2009, p. 104)

In conclusion, there are two unique portions of the Constitution that could use serious revision. First, the Second Amendment should be repealed, as the right of citizens to bear arms is anachronistic and does not apply to today's world, where firearms have a greater destructive power which is handed to a citizenry that is not trained and prepared for it. Repealing the amendment would lower crime, take guns out of the hands of those who do not need them, and create a safer country as a result.

Secondly, the Twenty-first Amendment, while its main point is sound, promotes the legal drinking age being increased to 21, which is far older than the legal age other things American adults are allowed to do, some of which are much more dangerous and risky than drinking alcohol. As a result, the legal drinking age should be reduced to 18, so that someone who is considered an adult is given the capability to take responsibility for their own lives in as many ways as possible.

Works Cited

Busch, Michael. " IS THE SECOND AMENDMENT AN INDIVIDUAL OR A COLLECTIVE

RIGHT: UNITED STATES V. EMERSON'S REVOLUTIONARY INTERPRETATION OF THE RIGHT TO BEAR ARMS." St. John's Law Review 77. 2 (2003): 345-370. Academic Search Alumni Edition. EBSCO. Web. 4 Apr. 2011.

Cooperman, Larry. " A Look at the 2nd Amendment: To Keep and Bear Arms/A Look at the 18th

and 21st Amendments: The Prohibition and Sale of Intoxicating

Liquors." School Library Journal 54. 1 (2008): 138-139. Academic Search

<https://assignbuster.com/criticism-of-the-second-and-twentyfirst-amendments-of-the-constitution-research-paper-research-paper-samples/>

Alumni Edition. EBSCO. Web. 4 Apr. 2011.

Fennell, Reginald. " Concealed Carry Weapon Permits: A Second Amendment Right or a Recipe

for Disaster on Our Nation's Campuses?." Journal of American College

Health 58. 2 (2009): 99-100. Academic Search Alumni Edition. EBSCO. Web. 4 Apr. 2011.

Post, David, and Bradford C. Brown. " The Internet And The 21st Amendment." InformationWeek 916 (2002): 72. Academic Search Alumni Edition. EBSCO. Web. 4 Apr. 2011.

Toomey, Traci L., Toben F. Nelson, and Kathleen M. Lenk. " The age-21 minimum legal

drinking age: a case study linking past and current debates." Addiction 104. 12 (2009): 1958-1965. Academic Search Alumni Edition. EBSCO. Web. 4 Apr. 2011.