

Analysis of the 2nd amendment of the u.s constitution

[Sociology](#), [Human Rights](#)



“ 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.” US Constitution 2nd Amendment

In the United States, guns play a major role in our culture. Guns helped to free us when England was in control of the country during revolutionary times. When this happened the Constitution was created. Within the Constitution is the Second Amendment, which protects the right to own guns to the people of the United States. The problem with this amendment is that it is not clear about who can really own guns and whether a group of civilians in a state is legally “ a well regulated militia” . Yet, the reason it was created was to make certain guns would never be taken from the people. Gun control should exist, nevertheless, there should not be complete ban on guns because the constitution protects this right.

There are many different types of guns and federal law currently prohibits ownership of some. These are any automatic weapons or type two firearms which are: explosive devices, attachable items to a gun to make it automatic, silencers, flash suppressers and other equipment of that type. The federal laws intact, now, appear to be working quite well. These laws concern what guns should be legal and the age-availability of guns. These laws include the Brady Handgun Violence Prevention Act. The Brady Act (Nov. 31, 1993) made it so that a five-day waiting period must occur to purchase a gun. It also enacted that people have a background checks done to make sure that they are qualified to own a gun. This background check is called the National Instant Check System (NIST). This system works well to

stop unqualified persons from purchasing guns or other firearms. However, at the same time, the law is not able to keep the necessary records needed to know the location of all guns and who owns them. This information means that there is a large black market for guns and that these guns are not regulated by state or federal authorities, such as the Bureau of Alcohol, Tobacco and Firearms (BATF) . It also means that convicted felons may have possession of guns. It is proven that 70 percent of career criminals got their guns from the black market or from other criminal acts . Thus, many guns are owned illegally. There were roughly 211, 000 handguns and 382, 000 long guns stolen in 1994 . It is reasonable to say that this number has most likely risen over the years. One problem with the federal system is that too many guns used in crimes cannot be traced because of the black market. “ I believe that the only thing you would accomplish by that is keeping the people that deserve to have access to guns, you would keep them from having it. Criminal are always going to have guns.”

There is a new ways to track guns when they are fired this is called ballistic fingerprinting. In 2000, Maryland became the first state to require that all guns ballistically fingerprinted . The good news is that President Bush wants to have better gun laws. “ We’ll improve data-sharing and criminal record-keeping, to ensure that people who shouldn’t have guns don’t get them. We’ve got to prevent those people who want to use guns to hurt our fellow citizens from getting them in the first place.” What President Bush said is vital if the U. S. wants to stop people like the recent sniper. Who owned a gun, which should have been illegal. Unfortunately, Bushmaster had to

change the gun a little bit and it was legal. This is why Maryland may soon have some of the strictest gun laws. The in-depth gun laws are the state laws, yet in some states the laws are so insignificant that it does not make a difference. Texas, for instance, has almost no gun laws. On the other hand, Massachusetts has some of the strictest gun laws. These two states are the two ends of the spectrum. The federal law should lie leaning towards Massachusetts's laws. If this were to happen, persons would still be able to own currently legal guns with out problems. In addition, those who qualify under federal law could buy what they want and criminals or those unqualified for guns would be denied this privilege.

The two sides of the gun control debate are the National Rifle Association (NRA) and gun control advocates(HCI, CSGV, etc.). These groups have very strong feelings on each side of the issue. The NRA wishes that all guns be legalized so that people's 2nd Amendment rights are not infringed. Yet, they understand that this will never happen so they think that the buyers should be limited not the guns. Their motto is " Guns don't kill people, people kill people". common sense dictates that this statement works. If somebody wants to kill you, they will do it with gun or without a gun. Yet, in real life statistics prove gun homicide rates are not high compared to gun accident rates. The Gun Control advocates believe that handguns and semi-automatic long guns should be banned. They believe that all guns are evil. They come to this opinion because somebody they know or knew was killed, or injured by a gun. However, this still brings up the same question, do civilians count

under the 2nd Amendment, and do they really have the “right to bear arms”?

The issue comes down to one factor, the interpretation of the Constitution. If the Supreme Court feels that the 2nd Amendment does not cover civilians, it is possible that all gun privileges will be taken away or it means that laws for gun ownership will be enacted (i. e. modification of the 2nd Amendment).

The legislative branch must get together then and come up with laws or amendment ratification plans. Gun control must exist; no ban on guns should take place whether the Supreme Court says yes or no, because rights are what keep America free.