

The Second Amendment Inhibits Change

“I’m going to die” were the last words of 6-year-old Kayla Rolland before she was shot and killed in her first-grade classroom by one of her classmates. This heartbreaking event leaves out any question of whether or not we have a problem with guns in this country. However, the debate on the best way to protect schools and other communities is clouded by arguments over the Second Amendment. This incessant discussion regarding the meaning of the Second Amendment distracts from any possible means of authentic change. The United States Constitution provides the framework by which our government was founded, it does not provide in-depth guidance for the implementation of federal policy. Due to the Constitution’s purpose, it is not possible that solely amending or changing its interpretation will protect schools and other communities commonly affected by gun violence.

Given the nature of the Constitution and its Amendments, there is no way to amend or reinterpret them so deeply that it protects schools and communities from gun violence. This is shown by the basis of what the Bill of Rights was intended to be. According to the Preamble to the Bill of Rights, the authors sought to prevent “misconstruction or abuse of [the Constitution’s] powers”. It is not possible to protect communities through amendments or reinterpretations of the Constitution because that is not what the Bill of Rights is intended for. The first 10 Amendments to the Constitution act as a protection from government power becoming too great for the sake of the people; they do not guide specific policies. To amend the Second Amendment would stray too far from the original intent of the document and fail to have a true effect on the communities seeking to be protected. The Constitution is a framework, not a policy plan. The best way to protect communities affected by gun violence is through a stronger implementation of policy, not a change to the Second Amendment.

It may be believed that we will never be able to create lasting gun legislation without coming to a national consensus on the interpretation of the Second Amendment. Throughout the past seventy years, many have brought the question of the Second Amendment's interpretation to the Supreme Court. Two of the most important cases against gun restrictions, *District of Columbia v. Heller* and *McDonald v. Chicago* have interpreted the Second Amendment to protect the right of private citizens to bear arms. However, we must know how these two Supreme Court rulings truly affect policy. When speaking to the call for greater restrictions on the sale of assault weapons and stronger background checks, John Paul Stevens commented, "nothing in either the Heller or the McDonald opinion poses any obstacle to the adoption of such preventive measures". Our nation is distracted from protecting its citizens because of a false understanding of what these cases interpret. These cases interpret the Second Amendment in a way that prevents a total ban on firearms, but they do not rule out common sense gun legislation such as mandatory waiting periods or strong background checks. We have become so clouded in our listless argument on whether or not the prefatory clause applies to the operative clause that we have forgotten to make the necessary policy changes, most of which will not be inhibited by the Supreme Court's decisions in *Heller* or *McDonald*.

The 18th Amendment provides a historical example of the effects of using the Constitution to create policy, as well as its inability to reflect the needs of an entire nation when it grows too specific. The 18 Amendment stated that the manufacture, sale, transportation, importation, or exportation of alcoholic beverages was prohibited. This, for the first time, defined a specific policy agenda within the Constitution in a way that truly affected each American citizen. However, it posed many issues regarding enforcement. John J. Horgan remarked in *The Failure of Prohibition*, "It has imposed upon the Federal Government the

obligation to enforce a police regulation over 3,500,000 square miles of territory, requiring total abstinence on the part of 122,000,000 people [...] The task has only to be thus stated to realize its impossibility". It's necessary to understand the limitations that come with defining policy through a change as broad as a Constitutional Amendment. The 18th Amendment shows that legislation simply cannot be defined through the Constitution. Overarching restrictions on the federal government must be defined by the Constitution, but Congress and state legislatures should define the policy. The Constitution simply applies too broadly to truly affect specific change in this country. On top of this, gun laws will never be static. We must always be making changes towards better protecting our schools and communities, which is an environment that cannot be cultivated through a change to the Second Amendment to the Constitution.

The necessity for gun control policy varies in incredible degrees depending on where in the country you look. This concern is mentioned in Brutus 1 and should be taken into account. Brutus says, "In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts". While this has been shown to be somewhat untrue considering the success of some federal policies, it deeply applies to the inability of the Constitution to define policy. It is incredibly impractical to define gun control policy through the Constitution, as its needs vary widely throughout the country. For example, it would be sensible for a licensed hunter to travel through the mountains of Wyoming with a hunting rifle. The image becomes much more terrifying if you imagine him doing so in Times Square. The Constitution is simply too broad to specifically define gun control legislation. There are no interpretations that can be made and no Amendments that can be proposed that will address the gun control needs of the entire nation. We must protect our citizens using common

sense laws that specifically apply to where they are enforced, not through broad and sweeping legislation through the United States Constitution.

Our children are being shot in schools, and our families are being shot in shopping malls. Meanwhile, our politicians are arguing about how to properly interpret the wording of an Amendment that does not inhibit us from creating common-sense gun legislation. We must look for change outside of an Amendment or reinterpretation of our Constitution. This argument is distracting us from the true issue at hand and leaving our children and communities in danger. Now is not the time to have our issues clouded by arguments over wording or interpretation, now is the time for lasting and meaningful change.

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