



Americans Against Gun Violence
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**2019 National High School Essay Contest
\$1,000 Award Winner**

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Students enrich themselves within literature, solve puzzles as they delve into math, explore new depths to their creativity within art classes, and enroll in various classes that contribute to their diverse education. In recent times, they now also must learn how to board up their classroom windows. They memorize escape routes to classrooms from the possibly precarious outdoors. As little is being done to impede the critical prevalence of mass shootings, students must now learn how to safeguard their own lives. The thoughts and prayers being offered alone cannot stop the crisis the US is facing due to its "right to bear arms." However, Supreme Court Justice Blackmun effectively dismantles this notion of the right to bear arms through his majority opinion in the 1980 case of *Lewis v. United States*: "The Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'"

First and foremost, the Constitution defines the Second Amendment as such: "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" (1). When describing who should actually possess firearms, the Constitution attributes the ownership to members of the "well regulated Militia." An ordinary person does not constitute a part of the Militia and consequently has no right to owning guns. Moreover, the Constitution clearly states "the right of the people." The pluralized word emphasizes that the amendment grants firearm use to the people as a whole, through a Militia, and not as an individual right.

Furthermore, Justice Blackmun's statement is consistent with multiple prior Supreme Court cases. In *US vs. Miller*, the Supreme Court ruled in 1939 that the Second Amendment did not support Miller's ownership of a sawed-

off shotgun, as it did not pertain to service in a militia (2). Furthermore, the US Supreme Court has also ruled that private organizations cannot claim to be “well regulated militias” in 1886 in *Presser v. Illinois*, a case in which the Court ruled that the Second Amendment was not violated when the state stopped citizens from establishing their own military groups (3). Additionally, in *U.S. v. Cruikshank* in 1876, the Court emphasized that the Second Amendment's “right to keep and bear arms” did not lie with private citizens (4).

Just a day after the tragic Christchurch shooting, New Zealand's prime minister, Jacinda Ardern, vowed that her country's "gun laws will change" (5). After a single, devastating mass shooting, Prime Minister Ardern recognized her duty to protect her people from such a dreadful occurrence ever again. Whereas, in the United States, a large number of citizens refuse to enact such change due to the misrepresentation of the Second Amendment despite the severe and frequent mass shootings. We must quit merely icing the wounds of each of these tragedies. Stringent gun control laws must be enacted that are consistent with Justice Blackmun's majority opinion in *Lewis v. United States*: the average person is not a member of the Militia and thus should not have the ability to wreak such catastrophic havoc.

References

1. U.S. Constitution. Art./Amend. II.
2. "United States v. Miller." Oyez, 14 Apr. 2019, www.oyez.org/cases/1900-1940/307us174.
3. "Presser v. Illinois, 116 U.S. 252 (1886)." Justia Law, supreme.justia.com/cases/federal/us/116/252/.
4. "Federal Judicial Center." U.S. v. Cruikshank | Federal Judicial Center, 27 Mar. 1876, www.fjc.gov/history/timeline/us-v-cruikshank.
5. Kolirin, Lianne. "New Zealand Prime Minister Says, 'Our Gun Laws Will Change'." CNN, Cable News Network, 19 Mar. 2019, www.cnn.com/2019/03/15/asia/new-zealand-gun-control-intl/index.html.