



Americans Against Gun Violence
7862 Winding Way #151
Fair Oaks, CA 95628
(916) 668-4160
aagunv.org / info@aagunv.org

2024 Essay Contest \$250 Scholarship Award Winner

Zev Fisher

Orange Glen High School, Escondido, California

The Elephant in the Room: The Heller Decision

Battalion, army, soldiers, troops, infantry, national guard, standing army. What do all of these terms have in common? Like the word, "militia," they all refer to military institutions. The other thing that these terms have in common is that under no circumstance could any one of them be misinterpreted as defining a single, private individual within society. Why then did a narrow five to four majority of Supreme Court justices conclude for the first time in U.S. history in the 2008 *Heller* decision that the Second Amendment, which begins with the phrase, "A well regulated militia being necessary to the security of a free state," was intended to confer an individual right to own guns unrelated to military service? And how many mass shootings, homicides, suicides, and accidental shootings are acceptable within a civilized society before that society realizes that staunchly defending the flagrant (mis)interpretation of a constitutional amendment needs to be addressed - and rectified - in order to protect the very citizens the Constitution was designed to protect?

It's not easy, for sure. Addressing gun violence would require a multi-faceted approach to address the many factors that lead to gun violence, such as: overall access to firearms, mental health issues within society, socioeconomic differences, and lack of community safety initiatives and education. Our deeply divided partisan politics certainly add an element of complexity to any governmental interventions that would need to be implemented.

And then there's the National Rifle Association (NRA) and the gun lobby, both of which are driven by profit over public safety. Campaign contributions from these organizations are intended to keep politicians "in check" by ensuring that they help to pass legislation that protects the profits of the gun industry and the newly created "Second Amendment rights" of gun owners, and that politicians oppose legislation that would limit gun sales and gun ownership. The tradeoff is human

lives lost in the form of increasingly common mass shootings, including shootings on school campuses, and in daily domestic and community violence where guns are the instrument of death.

If my outlook seems dire, it's because I was born in 2005, three years before the *Heller* decision, and before there was any kind of constitutional right to private gun ownership. The Columbine High School shooting took place in 1999. School shootings have only increased since then. I have never lived a day of my formative years not fearing a school shooting. Do you know what it's like to walk into school every day, not sure you are going to walk out? Every binder dropped, every car that backfires, every loud bump or thump causes heart racing terror. Is there such a thing as pre-traumatic stress disorder - fearing something before it happens? If so, most of my peers and I likely suffer from it. I think of my poor Mom, who not only has to worry about me going off to school every day, but also my Dad, who is a teacher. No one should have to live in constant fear like that.

More than 200 Supreme Court decisions have been overturned in the past, and the *Heller* decision can be overturned as well, by a simple one justice majority. I believe, though, that we need to go beyond overturning the *Heller* decision. I believe we need to adopt a new constitutional amendment that clarifies once and for all that there is no constitutional right to private gun ownership in our country. Although this would be a heavier lift, requiring approval of two thirds of members of Congress and three fourths of the states, this doesn't mean that we shouldn't work toward adopting such an amendment as a long term goal. To achieve either of these goals, we need to demand a thorough, thoughtful review by our elected officials and community leaders and let them know that we're tired of listening to their press conferences on mass shootings while nothing is done to prevent more shootings from occurring in the future. It's time to address the elephant in the room and end gun violence now!