



Americans Against Gun Violence
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2025 Essay Contest

\$1,000 Scholarship Award Winner

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The Second Amendment on Trial

Bang! My gavel hits the table and the deliberation of the Second Amendment begins. In the courtroom of my mind, The Constitution, The Global Perspective, and the Youth of America are waiting to testify before me. The question on which I must rule is: "What does the Second Amendment truly protect - and at what cost?" I call the first witness, The Constitution. Exhibit A, an excerpt from the late Supreme Court Justice William O. Douglas's opinion in the case of *Adams v. Williams* (1972), is displayed on the courtroom's video screen:

A powerful lobby dins into the ears of our citizenry that these gun purchases are constitutional rights protected by the Second Amendment, which reads, "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."

There is under our decisions no reason why stiff state laws governing the purchase and possession of pistols may not be enacted....There is no reason why all pistols should not be barred to everyone except the police.

The Constitution admits that the syntax of the Second Amendment, written in 1791, is archaic, and that the Amendment has been interpreted by courts in different ways at different times. As Justice Douglas stated in 1972, however, up to that point in time, the Supreme Court had consistently ruled in cases like *Presser v. Illinois* (1881) and *U.S. v. Miller* (1939) that the Amendment was not a call to individual armament, but rather a simple blueprint for collective action. It was not until 2008 that the Court first ruled in *District of Columbia v. Heller* that the Amendment conferred an individual right to own a gun unrelated to militia service. In the aftermath of *Heller*, the dispute concerning the proper interpretation of the Second Amendment is a battlefield – one in which lives hang in the balance.

Justice Douglas hints in Exhibit A that the effects of widespread private gun ownership are tragic. For more information on this point, I call the next witness, The Global Perspective, to the stand. The Global Perspective presents data showing that countries like Japan, Australia, and the United Kingdom, with more stringent gun control laws and lower rates of private gun ownership, have lower rates of gun deaths.[1] The data show that the benefit of stringent gun control laws is not theoretical; it's practical, proven, and life-saving. While the U.S. clings to its exceptionalism, these nations offer a simple truth: fewer guns mean fewer tragedies. As the judge, I believe that the Global Perspective offers a clear solution to stopping America's current epidemic of gun violence.

Finally, I call The American Youth, perhaps the most important witness, to the stand. The American Youth testify in support of Justice Douglas's statement in Exhibit A, not with legal briefs, but with lockdown drills, anxious parents, and the silent fear in hallways. I am myself reminded of the raw fear I faced the time in kindergarten when my school was put into code-red lockdown. The American Youth note that they're effectively being told, "We're too young to change laws, yet old enough to be victims of them." They insist that their role in this case is urgent - not only to speak, but to motivate officials to act - and that while they may not have written the Second Amendment, they are experiencing the impact of its misinterpretation every day.

As I, the judge, deliberate, I realize that the reinterpretation of the Second Amendment in the *Heller* decision has cost us too much - the archaic language of the Amendment has been exploited to justify a culture of fear and violence. The fairest verdict, then, is not to find a compromise between differing interpretations of the Second Amendment, but to clarify its original intent: the right to bear arms for the common defense to which the Founders referred in 1791 should not be interpreted as an individual right to private gun ownership in the modern age. Gun violence is a life and death issue in the United States of America today, and the demands of the American Youth for an end to this epidemic must be heard. The deliberation is over. It's time for action before more lives are lost. Case closed. My gavel sounds. Bang!

Endnotes

[1] Fisher, Max. "Other Countries Had Mass Shootings. Then They Changed Their Gun Laws." The New York Times, 25 May 2022, www.nytimes.com/2022/05/25/world/europe/gun-laws-australia-britain.html.