



Americans Against Gun Violence
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2025 Essay Contest

\$1,000 Scholarship Award Winner

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The USA's Most Damaging Revisionist History Campaign – The Misrepresentation of the Second Amendment

Every year, as I prepare to return to school, I develop an action plan for a shooting. At any given moment in my day, I am keenly aware of the nearest exits and hiding places. Because when the leading cause of death in children and adolescents since 2020 has become gun violence[1] and 2024 had over 500 mass shootings[2], the “unthinkable” becomes the forefront of your imagination. Because you know that you could become a statistic every time you walk on campus.

But despite the dozens of shootings throughout the country every day, Americans seem more tied to their guns than ever. President Trump signed Executive Order 14206 this February to further cut back gun regulations, claiming that our Second Amendment rights were under attack.[3] About half of all Americans think gun rights are more important than gun control.[4] The US is the only country where there are more privately owned guns than people.[5]

Supreme Court William O. Douglas wrote in a dissenting opinion in the 1972 case of *Adams v. Williams*:

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.[6]

The USA's Most Damaging Revisionist History Campaign

Douglas' comments concerning the Second Amendment were an aside, unrelated to the main issue in the case, which was whether Robert Williams' Fourth Amendment protection against unreasonable search and seizure had been violated when a police officer discovered in a warrantless search that Williams was carrying a handgun illegally. Williams didn't claim that he had a Second Amendment right to carry the gun, probably because his attorneys knew in 1972 that the Court would reject such an argument. In a 6-3 decision, the majority ruled that Williams' Fourth Amendment rights had not been violated. Justice Douglas was one of the three dissenters on this point. There was no dissent, however, concerning Douglas' interpretation of the Second Amendment.

Although Douglas' comments about the Second Amendment were an aside in the *Adams* case, they were an important but largely ignored omen, predicting what is arguably the most overreaching and damaging example of revisionist history since our country's founding. The "powerful lobby" to which Douglas referred eventually changed a 200 year consensus – that the Second Amendment referred to the right of states to have armed militias[7] - into the belief by the majority of Americans, including most of my fellow high school students,[8] that the Second Amendment was always intended to confer an individual right to own guns. Even in my advanced history and government courses, we are not taught the significance of this shift. The Second Amendment is hardly ever mentioned, and when it is, the topic is approached as though both the "individual right" and "collective right" interpretations of the Amendment have been given equal consideration throughout history.

The misrepresentation of the Second Amendment by the gun lobby has been so effective that most people have no idea that a constitutional right to private gun ownership didn't exist prior to the Supreme Court's rogue 2008 *Heller* decision, in which a narrow 5-4 majority of justices ruled for the first time in U.S. history that the Second Amendment conferred an individual right to gun ownership unrelated to service in a "well regulated militia".[9] In fact, there wasn't a single article in the legal literature prior to 1960 claiming that the Amendment conferred such a right,[10] and many historical quotes cited subsequently by the gun lobby as supporting an individual right to gun ownership are grossly out of context. For example, Patrick Henry's famous quote, "The great object is, that every man be armed," was taken from a speech criticizing wasteful military spending – completely unrelated to the Second Amendment.[11]

I think many gun violence prevention organizations other than Americans Against Gun Violence fail to appreciate the significance of the *Heller* decision and its progeny. Instead of challenging the *Heller* decision, they advocate for workaround minimalist gun control measures like "red flag laws" (that temporarily remove guns from the possession of individuals at greatest immediate risk of harming themselves or others with a gun) and "assault weapons bans" (that only ban the new sales of certain military style weapons, while allowing people who already own these kinds of weapons to keep them). But these other organizations neglect the need to adopt far more stringent gun control laws like the laws in other high

income democratic countries – laws that would drastically reduce the vast US pool of privately owned guns.

So-called “gun rights organizations” have effectively rewritten the Constitution to fit their own false narrative. As long as the American public remains ignorant of the true history and intent of the Second Amendment, and until we demand that the *Heller* decision and its progeny be reversed, the weak gun control laws currently under consideration, even if adopted, will have little effect. Debunking the revisionist history of the Second Amendment, therefore, is a vital first step in the effort to eradicate the rampant gun violence that plagues our country.

References

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