

Why Does America Have a Second Amendment?

Mass shootings have become almost a regular occurrence in modern America.

Every few months, we watch the television reports in horror: a lone gunman descends on some location—a concert, school, church, or nightclub—and opens fire on a group of unarmed people.

It has become customary for Americans to call on federal lawmakers to “do something” in the wake of these tragedies. Normally, this means some kind of modest gun control—mental health checks, new limits on magazine capacity, bans on “assault” rifles.

Less frequent are calls to repeal the Second Amendment. But this is what *New York Times* columnist Bret Stephens has done [twice](#) in the span of six months.

Stephens is one of the *Times*’ token conservatives, and he deserves credit for acknowledging a truth progressives routinely ignore or deflect: the “common sense” gun control laws routinely touted following these tragedies would have [little to no impact](#) on gun deaths or mass shootings.

Tinkering at the margins will solve little, Stephens argues, which is why he proposes repealing the Second Amendment altogether.

Repealing a constitutional amendment is no simple task. It has been done precisely [once](#) in our nation’s history. Stephens acknowledges the herculean nature of the task but says that is no excuse to not try.

Repealing the Amendment may seem like political Mission

Impossible today, but in the era of same-sex marriage it's worth recalling that most great causes begin as improbable ones. Gun ownership should never be outlawed, just as it isn't outlawed in Britain or Australia. But it doesn't need a blanket Constitutional protection, either. The 46,445 murder victims killed by gunfire in the United States between 2012 and 2016 didn't need to perish so that gun enthusiasts can go on fantasizing that "Red Dawn" is the fate that soon awaits us.

But before we go and repeal the Second Amendment, we might ask an important question: Why does the U.S. have it in the first place?

In his nearly 2,000 words of commentary, Stephens barely discusses the question. Perhaps because he suspects *Times* readers don't really care. He dismisses the idea that the Second Amendment protects the liberty of the people in [a single paragraph](#).

...the idea that an armed citizenry is the ultimate check on the ambitions and encroachments of government power is curious. The Whiskey Rebellion of the 1790s, the New York draft riots of 1863, the coal miners' rebellion of 1921, the Brink's robbery of 1981 – does any serious conservative think of these as great moments in Second Amendment activism?

With all due respect, this is lazy thinking.

The twentieth century is replete with grave examples of what "the ambitions and encroachments of government power" look like when unrestrained.

Don't take my word for it. Ask [the 45 million](#) Chinese peasants killed during Mao's Great Leap Forward. Ask the [5 million Kulaks](#) in Ukraine. Ask the [3 million Jews](#) in Poland, or the 2.5 million Cambodians who lived under the Khmer Rouge.

The late political scientist R.J Rummel had a name for these examples: democide. He defined it as this: “the murder of any person or people by a government, including genocide, politicide, and mass murder.”

Rummel, who had been a professor at the University of Hawaii before he died in 2014, studied 8,000 reports of government-caused deaths between 1900-1999. [He concluded](#) 262,000,000 men, women, and children were killed by their own government overseers. (Read it again: **262 million.**)



The nations on Rummel’s list have something in common: all of them used the power of the state to disarm their people.

For Stalin, it was [the decrees of 1926, 1928, and 1929](#) that required the registration of firearms, which preceded the massive [GPU](#) arms searches of 1930. For the Nazis, it came on Nov. 11, 1938—a day after [Kristallnacht](#)—when the German minister of the interior [issued](#) “Regulations Against Jews’ Possession of Weapons.”

What’s impressive is that the Founding Fathers had the foresight to include the Second Amendment absent the evidence of the twentieth. But to find the Second Amendment to be a “curious” check on government power in light of this gruesome evidence is, well, curious.

In Stephens defense, it is tempting to believe that perhaps 21st-century individuals and governments are more benevolent than those of the previous century, that political oppression by the state is a thing of the past.

Alas, recent events suggest otherwise.

In Catalonia, Spain, just last year, heavily armed state agents in riot gear attacked voters at polling stations. The

would-be patriots, unarmed and seeking to vote for independence, were bombarded with tear-gas and rubber bullets. Their popular leader today [remains in exile](#).

What happened in Catalonia is precisely what the American system was designed to prevent.

The historical record makes it clear that the Founders included the Second Amendment to protect the liberty of the people from potential government tyranny. Nowhere is this sentiment more plainly articulated than in these words of the Revolutionary pamphleteer Noah Webster, found in his 1785 essay "[An Examination of the Leading Principles of the Federal Constitution](#)":

"Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any bands of regular troops that can be, on any pretense, raised in the United States. A

military force, at the command of Congress, can execute no laws, but such as the people perceive to be just and constitutional; for they will possess the power, and jealousy will instantly inspire the inclination, to resist the execution of a law which appears to them unjust and oppressive."

The Supreme Court's 2008 [decision](#) in *Heller* finally settled the question of whether the Second Amendment is a collective or individual right. Yet it had always been clear that the Framers had never envisioned disarming citizens simply because they were not members of a militia.

"The Framers' experience led them to presuppose a populace that not only possessed firearms, but was familiar with their use," Duke Law Professor Charles J. Dunlap, Jr. has [noted](#). "The Second Amendment reflects the Framers' desire to ensure that the federal government could never deprive the states of sufficient armed manpower to support a select-i.e., well organized-militia unit whenever the states chose to form one."

The right to bear arms was created as a check on political oppression.

One can argue the Second Amendment is no longer necessary, that America is exceptional and the oppression that occurred in Catalonia last year, Germany in the 1930s, Cambodia in the 1970s, could never happen here.

One could also argue that America's ideas are what have made her exceptional, and by eroding or destroying them we bring ourselves closer to the systems of oppression that history has shown are frighteningly common to the human experience.

—