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The Race to Rewrite History

By

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The nationwide debate surrounding the Second Amendment is more complicated than individual differences in opinion. Even with gun violence deaths in 2021 totaling over forty thousand, the prescribed right of Americans "to keep and bear Arms" is open to more than one interpretation. Some of these perspectives are not motivated by genuine belief, but by potential gain for special interests that now play a prominent role in gun legislation. "If I were writing the Bill of Rights now, there wouldn't be any such thing as the Second Amendment," late Supreme Court Chief Justice Warren Burger said in a 1991 interview. "This has been the subject of one of the greatest pieces of fraud—I repeat the word 'fraud'—on the American public by special interest groups that I have ever seen in my lifetime."

Today, the greatest proponents of the view that the Second Amendment was intended to confer an individual right to own guns unrelated to service in a "well regulated militia" are special interest groups. For example, the National Rifle Association (NRA) and similar gun rights organizations are known for attributing gun violence to people rather than to guns. Founded to promote rifle skill and safety, the NRA has since morphed into a gun rights advocacy organization funded by the firearm industry. It is known for its effective messaging, economic power, and lobbying efforts. In the past decade, its affiliates have contributed millions of dollars to candidates and party committees to influence gun policy. The NRA is fundamentally opposed to even limited measures intended to prevent gun related deaths, such as the expansion of background checks and banning assault weapons.

In 2008, the NRA's efforts to shift public opinion on gun rights led to a new interpretation of the Second Amendment by the Supreme Court. In the case of *District of Columbia v. Heller*, a narrow five member majority of the Court reversed

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over two centuries of legal precedent, including four prior Supreme Court opinions, in ruling that the Second Amendment conferred an individual right to own a handgun unrelated to service in a "well regulated militia." The NRA has also successfully lobbied Congress to pass legislation cutting the CDC's funding for gun violence research, prohibiting the use of any federal grant money to advocate gun control, and limiting the ability of the Bureau of Alcohol, Tobacco, and Firearms (ATF) to share crime gun trace data with local law enforcement agencies and the general public.

Our country's gun violence epidemic is uniquely American. The United States has by far the highest rate of civilian gun ownership of any high income democratic country, and correspondingly, by far the highest rate of gun violence, due in large part to the 'fraud' propagated by organizations such as the NRA. Thus, Burger's view of the Second Amendment – and his outrage over the misrepresentation of the Amendment by the gun lobby – squares with the history of increasing gun violence in our country proportional to the increasing influence of the gun lobby in blocking gun control legislation. As the work of special interest groups to deceive the American public continues, one has to wonder: If mass shootings and deaths are not enough to create change, then what will?

As long as American society watches these tragedies play out on the news and in our own lives, special interest groups will continue to profit at humanity's expense. The regulation of arms that was once a rarely-disputed reality of the Second Amendment must become a standard. To end this country's collective suffering, we must cast special interests aside and instead consider our own.

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