



## Former SCOTUS Justice: Repeal the Second Amendment

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On Tuesday, former Supreme Court justice John Paul Stevens called for the constitutional right to keep and bear arms to be repealed, calling it a “relic of the 18th century,” especially in light of last month’s high school shooting in Parkland, Florida, which triggered March for Our Lives last Saturday.

“That support is a clear sign to lawmakers to enact legislation prohibiting civilian ownership of semiautomatic weapons, increasing the minimum age to buy a gun from 18 to 21 years old, and establishing more comprehensive background checks on all purchasers of firearms,” Stevens, who retired in 2010, wrote in the *New York Times*. “But the demonstrators should seek more effective and more lasting reform. They should demand a repeal of the Second Amendment.”

Stevens then briefly goes through a history of Second Amendment cases before the high court that seem to strengthen the former justice’s stance. This includes the 2008 decision *District of Columbia v. Heller*, in which Stevens was one of four dissenters.

“That decision — which I remain convinced was wrong and certainly was debatable — has provided the [National Rifle Association] with a propaganda weapon of immense power,” Stevens wrote. “Overturning that decision via a constitutional amendment to get rid of the Second Amendment would be simple and would do more to weaken the N.R.A.’s ability to stymie legislative debate and block constructive gun control legislation than any other available option.”

The NRA came out against the former justice’s words. “The 97-year-old retired justice [has] long held the opinion that citizens do not have the right to own a firearm for self-protection. The [NRA] will unapologetically fight to protect this fundamental freedom.”

While Stevens is issuing this opinion not behind the bench, the former justice is incorrect on the Second Amendment from a constitutional and policy standpoint, according to constitutional scholar Ilya Shapiro. “Justice Stevens is free to speak his mind like any other private citizen,” the Cato Institute senior fellow told *The National Discourse*. “While I disagree with his Heller dissent, I don’t think it was a product of motivated reasoning—and he now recognizes that to change the Second Amendment you need to pass a constitutional amendment.”

“I also think he’s wrong on the broader policy point,” Shapiro added. “Most of the tragic shootings that make national news could’ve been prevented by enforcing existing law—see the multiple ignored warnings about the Parkland shooter—and nearly all gun-related murders involve handguns not rifles.” The **warning signs** about the shooter, former student Nikolas Cruz, included, but were not limited to, multiple calls to the police and reports filed with the Federal Bureau of Investigation.

Shapiro also said, “Indeed, more people are killed with blunt objects, knives, and bare hands than rifles.” According to the FBI, 374 people are assassinated annually with rifles, while 1,604 people are killed with knives, 472 people are murdered with blunt objects, and 656 people are killed with bare hands or other personal weapons.

Expanded Homicide Data Table 4					
Murder Victims					
by Weapon, 2012–2016					
Weapons	2012	2013	2014	2015	2016
<b>Total</b>	12,888	12,253	12,270	13,750	15,070
<b>Total firearms:</b>	8,897	8,454	8,312	9,778	11,004
Handguns	6,404	5,782	5,673	6,569	7,105
Rifles	298	285	258	258	374
Shotguns	310	308	264	272	262
Other guns	116	123	93	177	186
Firearms, type not stated	1,769	1,956	2,024	2,502	3,077
Knives or cutting instruments	1,604	1,490	1,595	1,589	1,604
Blunt objects (clubs, hammers, etc.)	522	428	446	450	472
Personal weapons (hands, fists, feet, etc.) <sup>1</sup>	707	687	682	659	656
Poison	13	11	10	8	11
Explosives	8	2	7	1	1
Fire	87	94	71	84	107
Narcotics	38	53	70	75	114
Drowning	14	4	14	14	9
Strangulation	90	85	89	99	98
Asphyxiation	106	95	102	120	91
Other weapons or weapons not stated	802	850	872	873	903

U.S. Murder Data (Source: FBI, “Crime in the U.S. 2012-2016”)

Shapiro remarked that gun control rhetoric, like from Stephens, may have repercussions for the Left and the Democratic Party this November and beyond. “I’m not sure that Justice Stevens realizes that any campaign to repeal the Second Amendment will only strengthen the Republican Party and President Trump,” he said.