

Las Vegas Massacre Proves 2nd Amendment Must be Abolished

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Featured image: Antonin Scalia (Source: [Wikimedia Commons](#))

The Las Vegas gunman wasn't operating merely as a gunman but as a sniper, and yet the U.S. Constitution's 2nd Amendment makes no distinctions whatsoever regarding handguns versus snipers' weapons — automatic (or semi-automatic) rifles which spew bullets so fast the Las Vegas shooter was able in the brief time-span of [only around ten minutes to murder at least 59 people and to injure another 527](#).

So long as the 2nd Amendment continues to exist — not to be abolished — the only thing that the Las Vegas shooter did (and which others will do) that was (is) illegal was (is) to murder and injure people, but his purchase and possession of those weapons, which made this mass-slaughter possible, were (and will be) perfectly legal; and, furthermore — very importantly — the shooter had no criminal record nor other prior personal history that excluded him from purchasing the 23 rifles and guns that were in his hotel room, nor the 19 other guns, which were in his home.

In other words: the problem isn't *just* 'mentally deranged individuals'; it is also our legal system.

This incident therefore proves that, either the 2nd Amendment must be nullified, or else any entertainment-event or other event that attracts a mass of people, is an open invitation to anyone who wants to commit mass-murder — that the only access the law (the government) has in order to deal with such attacks is *after-the-fact*, once all of those murders and injuries have already been perpetrated. *Nothing can be done in advance*, so as to *prevent* any such attack.

Hiring more police officers won't do it.

Building more prisons (and [America already has the world's highest percentage of its population in prison, a higher percentage than does any other nation](#)) won't do it.

This sickness, in our society, doesn't consist *only* of allegedly demented people (and Stephen Paddock, the perpetrator, had *no such record*) who might perpetrate such acts — it consists *also* of our laws, and of the consequent mass-availability of weapons-of-mass-destruction, under our laws. And, guns aren't the only problem; Timothy McVeigh and others have already proven this, quite amply. No mere "gun laws" can deal with that.

Nothing can be done to prevent people such as Timothy McVeigh or Stephen Paddock from wanting to do what they do, but much can be done to make more difficult and rare

their *doing* it — and, an essential thing which must be done, the prerequisite to all of the others, is the passage of a 28th amendment to the U.S. Constitution:

28th Amendment: The 2nd Amendment is hereby repealed.

It doesn't need to be replaced by anything, *merely* repealed, because, according to the 2nd Amendment itself, the reason that the Amendment was being proposed, when it was, was stated in the Amendment's own opening clause, "A well regulated Militia, being necessary to the security of a free State," and those "well regulated militias" no longer even exist — the U.S. has long had, instead, a standing army — and navy, and air force, and National Guard (despite the Founders' opposition to any of those except the National Guard). And, abolishing the 2nd Amendment won't affect *those* people (operating in their official capacity), at all.

Under the 2nd Amendment, as interpreted by Antonin Scalia of the Supreme Court, in his landmark 2008 majority-decision in [District of Columbia v. Heller](#), there is no Constitutional way to restrict any person's right to any weapons at all:

"the right of the people to keep and bear Arms, shall not be infringed."

That is the Amendment's second and final clause. Scalia said that the Amendment's first clause, which states that this Amendment's purpose was "**A well regulated Militia, being necessary to the security of a free State,**" is irrelevant — that, instead, this Amendment's right is a right that *any* American possesses, *regardless* of whether or not that person is a member of a well-regulated militia. Scalia then contradicted himself (as he routinely did) by saying that

"nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

The Second Amendment does not limit itself to some people and not others, but says simply (and if we ignore the Amendment's purpose, as he did, then it does say this without any reference to a "militia") that "the right of the people to keep and bear Arms, shall not be infringed." The 2nd Amendment doesn't say "the right of sane people to keep and bear arms shall not be infringed." It doesn't say that "the right of people who have no criminal record, to keep and bear arms, shall not be infringed." (But it *does* say that the right of any member of a "well regulated" — which in that time meant **state-controlled** — militia, to keep and bear arms, shall not be infringed; but Scalia ignored *that* restriction, *entirely*.) Scalia simply lied there, because no logically internally consistent way exists to affirm, as he did (even going so far there as to strip away the Amendment's actual stated purpose) "the right of the people to keep and bear Arms, shall not be infringed," and *also* to say that "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing

conditions and qualifications on the commercial sale of arms.”

His (and that Court’s) interpretation of the 2nd Amendment doesn’t just “cast doubt” on those “longstanding prohibitions”: it nullifies them — but he (and they) said it didn’t, and they therefore wrote the laws on this, instead of honestly interpreting the U.S. Constitution as they had sworn to do — these were activist far-rightwing jurists. He knew when he wrote the Court’s decision, that, until then, the U.S. Supreme Court had always *denied* that the Second Amendment was to be interpreted apart from its first clause, and had instead imposed upon the second clause the first clause as limiting the scope of that right, to apply only to members of well-organized state militias. But Scalia, who personally reveled in killing, and was the Court’s most impassioned defender of capital punishment, and was himself an avid hunter who especially enjoyed killing *non*-human animals ‘for sport’, have opened the floodgates — and, by his (and their) doing so, he (and that Court) made absolutely impossible any constructive response to the Las Vegas massacre other than passage of the 28th Amendment that is here proposed.

They did it, with their lies and self-contradictions, and it now needs to be undone — by abolishing the 2nd Amendment altogether. After all: those “well regulated [state] militias” no longer even exist.

But abolishing the 2nd Amendment is no solution to the problem of mass-murders in the United States. Criminals will always find ways around the laws — just look at what the bankers who crashed the global economy in 2008 got away with; and skillful criminals who operate by means of guns, instead of by means of pens, always will, too. It is instead a necessary, but not sufficient, condition in order to make possible governmental policies that will reduce such carnages. Opponents of laws and regulations restricting certain weapons might as well argue that there should be no laws, and no regulations at all, since there will always be evil persons who will get around whatever restrictions exist. The basic argument of the National Rifle Association ([a business organization that produces a fortune for its executives by defending the 2nd Amendment](#)) is that the problem is these evil individuals and not their weapons. However, the problem is actually *both*. And America isn’t dealing effectively with either one. Furthermore, as the Las Vegas massacre makes clear, relying only on individuals’ criminal records and on psychologists’ assertions regarding individuals’ mental and emotional fitness to possess these weapons (or, at least, to possess *guns*), would also fail. The NRA position is simply an excuse to enable its members to buy as many and as bad guns (even snipers’ rifles) as they want. It’s that ridiculous. Beyond a certain point, however, such as where Stephen Paddock acquired allegedly 42 rifles and guns, it should be presumed to be no longer merely a private matter. Government has a role to play in providing for the safety of all residents. The NRA, fundamentally, but not explicitly, is denying that. The NRA is not saying that anarchy and only *non*-governmental armaments will advance public safety, but their position does support that position (of ‘the government is the enemy’), which is the reason why police departments are strongly anti-NRA, even though politically conservative. But they’re also terrorized by the NRA’s membership so that [police opinions about the matter](#) are publicly expressed only [timidly](#). Open-carry laws are the flashpoint there, because these types of laws implicitly challenge the exclusivity of police officers’ right to intimidate people by the public display of their guns. However, police also, as employees of the public, cannot afford to “go public” about their political views, so openly, as to oppose the NRA in a public way. Instead, police officials dance around the problem — the problem that’s created by the 2nd Amendment.

Everyone who disagrees with this position is supporting anarchy, and, whereas libertarians

might happen to think that anarchy will increase public safety, no one else does. Supporters of the 2nd Amendment are supporters of anarchy, in accord with Scalia's majority Supreme Court decision, and they have the rich NRA (and the 2nd Amendment, which makes them rich) to thank for increasing the salaries of NRA executives and lobbyists, but not to thank for increasing anyone's safety. If anyone's safety will be increased by privately possessed automatic and semi-automatic rifles, that person is in a war-zone, and — since the person is only a private individual — is a terrorist, and is not conducive to the safety of anyone but him-or-her-self (if, really, even that).

If you want a civil war, you won't win it by privatizing public safety. The delusion that that's the way to go, would be hilarious, if it were not so tragic. But some people profit off of that delusion, and pump it to the hilt — which is why the delusion is so widespread.

Civil war is not the way to achieve freedom. Only democracy can do it. [We don't have one](#), but "taking up arms against the government" won't achieve it. (Those public officials might represent the oligarchs; but they're not the oligarchs; and pretending that they are, won't make them so, and will never achieve freedom — nor democracy. And it certainly won't enhance public safety.) The delusion is profitable for some persons, but very destructive for the entire society.

Investigative historian Eric Zuesse is the author, most recently, of [They're Not Even Close: The Democratic vs. Republican Economic Records, 1910-2010](#), and of [CHRIST'S VENTRILOQUISTS: The Event that Created Christianity](#).

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