

# Former Justice Stevens: Change 2nd Amendment to Improve Constitution



**Former Supreme Court Justice John Paul Stevens has released a new book focused, in part, on "improving" the Constitution through amending the Second Amendment--by making the rights protected therein applicable only to a militia instead of the citizenry at large.**

Stevens' book is titled [\*Six Amendments: How and Why We Should Change the Constitution\*](#).

As written, the text of the Second Amendment is: "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."

[\*According to Bloomberg Businessweek\*](#), Stevens believes recent court decisions--notably *District of Columbia v Heller* (2008) and *McDonald v Chicago* (2010)--placed too much emphasis on individual rights, rather than on what he believes was the Founding Fathers' primary goal: namely, to answer "the threat that a national standing army posed to the sovereignty of the states."

His solution is to amend the text of the Second Amendment so that it reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms when serving in the militia shall not be infringed."

In other words, the protection of the right becomes collective and is only protected for those serving in the militia.

Among the many problems with Stevens' idea is the often overlooked fact that the Second Amendment did not create a right when it was ratified in 1791. Rather, the Founding Fathers created the Second Amendment to protect a portion of the "certain unalienable Rights" with which man was "endowed by [his] Creator."

The rights protected by the Second Amendment are individual rights, as are the rights that are protected, but not created, by the First, Third, Fourth, and Fifth Amendments, among others.

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