

“Regression for Progression: Fundamental Human and Constitutional Rights”

Self defense is a primal encoded instinct in all beings, the will to survive. To kill if necessary to preserve one’s self. The word ‘infringed’ was carefully selected by men like Thomas Jefferson who said, among other similar ideas, "No free man shall be debarred the use of arms." **Restoring the right to keep and bear arms, as outlined in the U.S. Constitution, is essential to ensure our freedom and security from criminals, our government, and foreign invaders alike.** An award-winning expert on crime, Professor Gary Kleck of Florida State University, has dedicated over thirty years of independent research related to guns and crime in the United States. With three published books and over fifty articles in print, he has discovered that firearms are used for protection as many as 2.5 million times each year, and in most of these cases the gun is never even fired. (Targeting Guns 5) Professor Kleck’s research was also used in the Supreme Court case *District of Columbia v. Heller* in 2008, in which the Court ruled that “[T]he operative clause [of the Second Amendment] codifies a ‘right of *the people*.’” And went on to explain: *“In all six other provisions of the Constitution that mention ‘the people,’ the term unambiguously refers to all members of the political community, not an unspecified subset. . . .”*

(6) Our founding fathers had just escaped tyranny and provided us with a model to ensure that America would remain a free and great nation with unalienable rights as individual citizens.

Considering there are countless issues concerning gun ownership, and the fact that there are already tens of thousands of laws restricting firearms, let us focus on a few highlights of gun-control advocates. Some wish to ban all guns out of fear, but many more are pushing for what can be considered meaningless additional regulation. Present today is the “More guns equals more crime” mantra which will be explained later on as false, but let us start with some recent examples. One landmark case of such regulation is the Brady Handgun Violence Prevention Act

(commonly known as the Brady Bill) put into effect in 1994 that banned many so called ‘assault rifles’ and high capacity magazines. This was the largest legislative act that restricted firearms since the National Firearms Act of 1934 and the United States v. Miller case in 1939. Gun manufacturers quickly changed their products and labeling to skirt around the new law, which meant the same exact ‘banned’ weapons were still available, including high capacity magazines. Yet the Brady campaign claims victory in spite of that fact. (Knox 5) In their most recent claim of said victory, no emphasis is made of the types of firearms anymore (handguns and ‘assault’ weapons), but shifts to the subject of successful mandatory background checks—the only potential positive outcome of the bill, and the only part that stuck after ten years of ineffective restriction. The source also goes on to claim partial responsibility for the decrease in gun crimes, but gun crimes have been declining since the early 1980’s—over a decade prior to the introduction of the Brady Bill. “During the offense that brought them to prison, 15% of State inmates and 13% of Federal inmates carried a handgun, and about 2%, a military-style semiautomatic gun.” (Harlow 1) So it follows that restricting these assault-type long-guns or their magazine capacity is of little to no value, not to mention a waste of effort. Handguns are the most common type of firearm in gun crime, and were thus another one of the Brady campaign’s primary targets. Gun crime committed mostly with handguns is actually a blessing in disguise, as they are by far the least effective or deadly type of firearm. A true reduction of handguns—whatever the method—would put more powerful and deadlier weapons in the hands of criminals.

Known for their strong anti-gun stance, the Center for Disease Control (CDC) is often cited for statistical information by anti-gunners; these numbers are quickly debunked as the grossly inflated numbers were, and remain, severely misleading. “Overall, guns kept in the home were 22 times more likely to be used in unintentional shootings, murder or assault, and suicide

attempts than in an act of self-defense.” (Kellermann 263) Except Kellermann’s research was largely based on the CDC’s research and easily squashed as completely false by many, including most notably, Dr. Edgar Suter (Guns 136). The information gathered by the CDC was based on statistical data from major hospitals around the nation, and did not include data of guns used for self-defense where the gun was never fired, yet still prevented or stopped a crime. According to Dr. Suter’s research, only 0.1 to 0.2 percent of defensive gun usage involves the death of the criminal. Furthermore, he notes that there are as many as 75 defensive gun uses for every gun death. (136) We can further analyze the flaws in the Brady logic. Gun shows are blamed as the source for criminals to easily by-pass the background check and waiting period to obtain their firearms illegally. The so-called ‘gun show loophole’ is in all practicality, far from the main source; a mere 0.7 percent of firearms used by prison inmates were purchased at gun shows. Almost 80 percent were obtained from friends and family, or were obtained illegally on the street through theft or illicit sources. (Harlow 6) With these tens of thousands of regulations currently in place, and having been proven almost completely ineffective, what logic can be made to support the argument that more regulations will prove more effective? The very nature of these laws shows extreme denial of factual evidence, and almost as disturbing, a general lack of knowledge about firearms.

Another big argument for further gun control is that our constitution was written over two hundred years ago and is therefore outdated; that our founding fathers knew only of primitive weapons that fired usually a single round at a time, where nowadays, firearms are more deadly and capable of mass murder. By that very same logic we should in turn nullify the First Amendment, as we have much more advanced medium than paper and ink, not to mention the ability to communicate across the world in seconds rather than by a runner on horseback. Or

perhaps we should restrict computers and internet to only a select group of people? This is as ridiculous as removing firearms from the hands of responsible, law-abiding citizens. This leads to a third argument; if we are to further restrict or ban firearms, the only people that are disarmed are those that already follow the law, and pose no threat as gun owners. The very people we should entrust with guns are to be left defenseless against those that carry out harm against their fellow man. It is also true that police, or Law Enforcement Officers (LEO's), are not required to protect you. In the now well known Warren v. District of Columbia decision, "...a government and its agencies are under no general duty to provide public services, such as police protection, to any particular individual citizen..." While it is expected that LEO's will do what is reasonable to protect life, they are in fact under no such obligation to do so. Who then, shall be entrusted with our individual security? It is quite simple; afford citizens what is already laid out in pen and ink, and allow us to defend ourselves and our families with firearms—not with sticks and rocks. Let us not forget either, that police generally show up *after* a crime has been committed. Benjamin Franklin said it best, "They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

Before we delve into important gun and crime statistics collected from the U.S. population, let us first take a glance at some firearm to crime relationships of other nations. England's recent history has shown us what lies ahead if a government continues to push firearms further away from its citizens. Before any real gun restrictions, England was relatively peaceful throughout the 19th and 20th centuries. So much so, LEO's rarely even carried firearms themselves. By the late 1990's, already growing stringent gun-control turned to a near complete ban. "...the ban's ineffectiveness was such that by the year 2000 violent crime had so increased that England and Wales had Europe's highest violent crime rate, far surpassing even the United

States.” (Kates and Mauser 654) The study further concludes that this is not necessarily a direct relationship; much deeper it goes so that socio-cultural and economic factors are as much of an influence. Criminals, who murder, rape, and rob, have a near uniform signature; they typically are scarred with many other lesser offenses and criminal behavior prior to the severe crime.

Removing firearms from lawful citizens does not solve the social or cultural problems and their influence on the criminals who misuse firearms. What we have learned from Europe is that the “more guns equals more crime” mantra is false. It is also worth noting what we do know to be true however; that eliminating firearms from the general population does not work to reduce deaths and injury or violent crime. Offenders turn to illegal firearms or other forms of weaponry, and are then unhampered by any armed resistance from their victims. So while *firearms* deaths do appear to be lesser in places with less access to firearms, it is irrelevant as the number of deaths is still the same, if not higher. “...per capita murder *overall* is only half as frequent in the United States as in several other nations where *gun* murder is rarer, but murder by strangling, stabbing, or beating is much more frequent.” (Kate and Mauser 663) In England, home invasion where the home was known to be occupied has climbed at an alarming rate after the complete ban. In stark contrast, U.S. home invasions where the occupants are believed to be in the home, are far less common, as intruders know that they may face armed homeowners.

Another example of nations that chose to remove firearms completely shows the inevitable horror of such imposing and drastic action. The Soviet Union was successful in disarming its people in the early decades of the 20th century, “Yet, manifest success in keeping its people disarmed did not prevent the Soviet Union from having far and away the highest murder rate in the developed world.” (Kate and Mauser 651) The same text reveals that by 2004, the Soviet Union’s murder rate was over four times the gun-riddled U.S., where murder rates

continue to decline. While it is true that Russia does have less per capita *firearms* deaths than the U.S., again, we see this as completely irrelevant as one person killed with a gun is certainly preferred to four deaths, by say, stabbing or strangulation. Shifting our attention away from a specific type of weaponry, we need to look at the root of the problem, embedded not only in our cultures, but in human nature itself. As long as there have been humans, there have been murders, as will always be the case. The only variation of that theme is the methods and tools used.

Statistics in the United States show us a more promising future for free citizens owning firearms. Compare to England where in 2006, "...if the police catch a mugger, robber, or burglar, or other "minor" criminal in the act, the policy is to release them with a warning rather than to arrest and prosecute..." (Kate and Mauser 657) At the same time England's murder rate was climbing far past the U.S., there was and has been a steady decline in murder after the 1980's when 25 states, now over 40, began allowing its citizens to obtain concealed weapons permits and legally arm themselves. (*Legally* is an ironic term here, as concealed carry permits per se are not outlined in the constitution and are therefore an illegal infringement. All free citizens are allowed 'arms' as outlined in the second amendment, no such permit is mentioned or required.) There are today, as many as 3.5 million concealed carry permits issued nationwide and while nobody knows the true number, an estimated 350 million firearms in this country alone. This number is only a guess, with the Federal Bureau of Investigation speculating in recent years an estimate of 200 million privately owned weapons, coupled with military and law enforcement weapons to reach 350 million. Approximately 13 percent of Americans own at least one gun, or 41 percent of adults, making us one of the best armed nations on the planet. If the 'more guns

equals more crime' logic were true, surely the U.S. would be nothing short of a warzone with bullets flying in all directions across the country; such is not the case.

This 'more guns equal more crime' mantra is so often presented to us as fact. Just as misleading as this idea is, it is also widely spread and accepted by gun-control advocates as well as the indifferent amongst us. Within our country, areas with high densities of guns and gun owners that use firearms as tools of safety, almost always have less crime. The opposite is also true—in places like Chicago and New York City, where firearms are so heavily restricted or outright banned—fewer firearms, and more crime. A much higher percentage of these firearms in major cities where firearms are less understood, are also illegal firearms possessed by criminals, as opposed to law-abiding citizens with legal firearms. "...the U.S. National Academy of Sciences released its evaluation from a review of 253 journal articles, 99 books, 43 government publications... failed to identify *any* gun-control that had reduced violent crime, suicide, or gun accidents." (Kate and Mauser 654) There is not necessarily a direct cause and effect here though, as mentioned earlier; rather it stems from the social and cultural problems in the high density urban areas of our major cities. The first knee jerk reaction to reduce violent gun crime is to attempt disarmament at some level. So Chicago's crime wave is not *because* of gun-control per se, but these social problems causing such criminal behavior almost always trends towards introducing some form of firearm regulation of lawful citizens. So we end up with a paradox just the same, whatever the initial cause. This type of regulation also leaves the majority of firearms in the hands of people who regularly behave in criminal activity and not responsible, law-abiding citizens. "To reiterate, the determinants of murder and suicide are basic social, economic, and cultural factors, not the prevalence of some form of deadly mechanism." (Kates and Mauser 663) Kates also went on to note: "National Institute of Justice surveys among prison

inmates find that large percentages report that their fear that a victim might be armed deterred them from confrontation crimes. “[T]he felons most frightened ‘about confronting an armed victim’ were those from states with the greatest relative number of privately owned firearms.” Conversely, robbery is highest in states that most restrict gun ownership.” (671)

While stories where a gun was misused surface on a regular basis in our mainstream media, far more cases exist where the gun was in fact, the hero, and saved someone’s life or deterred a crime. Recent tragedies such as the Aurora, Colorado theatre massacre may or may not have been stopped effectively by an armed citizen, but consider this: if the theatre was not labeled and known as a ‘gun free zone’ James Harris could have potentially had to face five, ten, maybe more armed people, and might have decided to either not attack, or find an easier target. After all, his actions after his murder spree proved that he did not want a shoot-out; instead, he calmly waited for police to arrest him. The innocent victims in the theatre—including the admitted licensed concealed permit holder—had to choose between either being armed, or breaking the law, a decision no one should have to make. Amanda Collins found herself in a similarly defenseless situation in 2007 when she was attacked at gunpoint in a parking garage at the University of Nevada, Reno where she attended school. Although she possessed a concealed weapons permit, she had chosen to follow the law which forbids her from having her gun at the campus. Her attacker, James Biela, brutally raped her, a mere 100 yards or so from the campus police office. Biela not only caused great bodily harm to Collins, but went on later in January the following year to rape 19 year-old Brianna Denison, who he then subsequently strangled to death. Had Collins been armed, she could have potentially preserved her own health as well as the life of another innocent young girl, by removing a high violent predator from the streets. Some argue a gun would likely have only got her killed as well as raped; but she never had the

chance to choose for herself, even though our constitution supposedly protects our right to have firearms without infringement.

Finally, I want to visit why not only individuals should be armed, but also the nation as a whole. Self preservation as a country is as important as individual security and freedom. In 1960, a face to face meeting between veteran American and Japanese naval officers was overheard by a fellow named Bob Menard, a retired Navy Commander. When one of the American officers asked why the Japanese had not invaded the perceivably open west coast of the U.S., Menard noted: “The [Japanese] officer had replied that his country was well aware that there was a high density of armed citizenry in America, even state championships for private citizens in the use of military rifles, and that the Japanese were not fools to set foot in such quicksand.” (Ayoob) Indeed, one of the first goals of the Japanese army in many of its military conquests abroad was to disarm the population as quickly as possible, avoiding armed resistance from citizens—much like Nazi Germany did during its own reign of terror. It is no coincidence that nations who have chosen to disarm its citizens has led to tyranny and dictatorship in almost every case around the world.

Switzerland provides us with yet another example of what an armed nation can withstand. Historians have long argued the reasons why Switzerland was never invaded during the Second World War, some claiming that it was a ‘low priority’ target of the Axis power. Switzerland is the oldest democracy in the world and lacks a strong central government. Power comes from the individuals at the bottom first, up through the towns and communities, and finally the decentralized federal government. This made it virtually impossible for the country to be surrendered by its own government. (Hammond) Any national announcement of surrender was to be considered enemy propaganda; each Swiss male is required to maintain at least one military

firearm in the home, and gun ownership is guaranteed by law to this day. The gun ownership rate—both legal and illegal—is the third highest out of 179 ranked countries with over 45 firearms for every 100 people. (Karp 67) Adolf Hitler was likely aware of the high human cost of invading Switzerland, for its citizens would have pulled into the mountainous alps with their rifles along with considerable skill, and effectively annihilated any foolish, attacking enemy. Similarly, “Does anyone believe that 12 million *armed* Jews, Gypsies, and homosexuals would have been herded into cattle cars by Nazis and shipped away for extermination?” (Ayoob) Just as in Switzerland, our founding fathers knew that when every citizen was armed, we would undoubtedly maintain a free nation against all enemies, both foreign and domestic. Thomas Paine noted, “[A]rms . . . discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property.”

Education is paramount to restoring the core values of this great nation; those that would attempt to eradicate firearms have missed very important facts and ideas. Isolated (and very rare) tragedies such as mass shootings, where firearms are misused, spark intense debate about our current laws, and usually spawn ideas for more laws. With undeniable evidence that firearms are in fact not the real cause of terrible violence and harm, there is still a large portion of our population that seeks safety in the most unrealistic and ineffective manner—safety at the cost of liberty. If school campus’s allowed students their second amendment rights instead of banning firearms, situations like the Virginia Tech shooting or Amanda Collin’s rape could be quickly ended with far less harm to innocent life. Out of prejudice—against guns—comes fear; education conquers fear and ensures greater safety and a better quality of life for everyone. While as many as 2.3 million Americans are injured or killed by motor vehicle crashes each year (U.S. Dept. of Transportation), less than 100,000 are shot or killed with firearms, even according to the Brady

campaign's website. We provide driver's education in our schools in an attempt to reduce the dangers of driving, firearms safety education should be implemented in much the same way to help reduce firearm accidents and crime. Knowing that every attempt to restrict firearms has ultimately failed at its intended purpose, we need to fall back onto the unmolested rights granted to us in the Second Amendment. History and exhausting research show us a very liberating fact; that the armed citizen is fundamental in preserving our way of life, and terms like honor, integrity, respect, and freedom may be used to describe us as Americans once again. Let us embrace a nation we once had and restore a freedom that is not only our right as U.S. citizens, but fundamental to self defense and preservation as human beings. Thomas Jefferson gets the final word before I leave you to your own thoughts: "The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first."

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