

COLORADO TECH

I DIAL .45 NOT 911

AN ARGUMENTATIVE RESEARCH PAPER SUBMITTED TO

PROFESSOR MAYO

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR

ENGLISH 112

FRESHMAN ENGLISH II

BY

BRYAN S. SAMPSEL

COLORADO SPRINGS, COLORADO

DECEMBER 1999

CONTENTS

INTRODUCTION	1
Constitutional Right	2
Maintain Freedom	6
Self Defense	8
CONCLUSION	10
Appendix	
WORKS CITED	13

INTRODUCTION

The United States of America was born in the fires of oppression and war. From 1775 to 1783, a ragtag army of citizens bearing personal firearms fought a tyrant's army. The odds were stacked against them, yet the citizens fought savagely against a professional army known for its brutality. The following letter was sent to General Howe by an anonymous gentleman and forwarded to a Hessian unit that was later captured. "I was this morning an unwilling spectator of outrages as I never believed could be committed in a Christian country. The Hessian troops have plundered this unfortunate place entirely, and without distinction to persons. They have driven every poor family out of their houses and robbed them of their property, which I believe will have the most unhappy consequences" (americanrevolution.org 1999). The British soldiers had no respect for the colonists, revolutionaries or not, and bullied the citizens at any opportunity. The colonists who did not fight were powerless to stop the oppression.

The Founding Fathers led the revolution and, later, worked out the system of government that evolved into what the United States now utilizes. Many years were spent hammering out a workable form of government that balanced the rights of the states against the rights of the federal government and the citizens that both governments served. From experience, men such as Thomas Jefferson fought to insure that future generations would not lose their rights to a tyrannical government. The Second Amendment to the Constitution of the United States was created to protect the citizenry from its own government. "Laws that forbid the carrying of

arms... disarm only those who are neither inclined nor determined to commit crimes...Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man" (Jefferson 1774). Jefferson realized that a disarmed populace would forever be unable to defend itself from crime or from its own government. The right to bear arms is a Constitutional right, necessary to maintain a free country, and allows the common citizen to defend himself; therefore, people must contact their legislators and urge them protect the Second Amendment.

Constitutional Right

The right to bear arms is a constitutional right. The Second Amendment of the Constitution of the United States of America reads, "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." (United States 1791). The first part of the Second Amendment, "A well regulated Militia, being necessary to the security of a free State," protects citizens' right to form militias to protect the United States. True militias are composed of private citizens who elect leaders within their own ranks. Until recently, a militia was an honorable body of armed citizens, free of government control, that defended their home soil. Since the Waco, Texas standoff and tragedy, militias are the popular term for fringe groups of citizens that threaten national security. The meaning in the 1700s, however, was quite different. The second piece of the Second Amendment reads, "the right of the people to keep and bear Arms," defines the individual's right to own weaponry. Both rights were considered important enough that without the Second Amendment, many Founding Fathers refused to sign the proposed Constitution.

Modern day opponents of the individual's right to bear arms tell a different meaning to the Second Amendment. Handgun Control, Inc. is probably the largest anti-gun lobbying organization in the United States. According to Handgun Control, Inc. (HCI), "The U.S. Constitution established a permanent professional army, controlled by the federal government. With the memory of King George III's troops fresh in their minds, many of the 'anti-Federalists' feared a standing army as an instrument of oppression. State militias were viewed as a counterbalance to the federal army and the Second Amendment was written to prevent the federal government from disarming the state militias" (HCI 1999). HCI specifically tackles and focuses on the first part of the Amendment, "A well regulated militia." According to HCI, the idea that the Second Amendment guarantees an individual right to arms is a "dangerous myth" perpetuated by the National Rifle Association (HCI 1999). HCI claims that the courts have never upheld the Second Amendment as applying to the individual (HCI 1999). More to the point, HCI and other anti-gun organizations consider the modern day National Guard to be the militia. The idea of the National Guard being the militia is rooted in the phrase, "well regulated." The National Guard is selective in its membership and regulates its members, placing minimum standards to join.

There are fatal flaws in the HCI argument against the rights of the individual with regards to the Second Amendment. First, the HCI applies a different meaning to "the right of the people." The HCI states the "the people" applies to society as a whole. However, "the people" as discussed in the other amendments applies to the individual, not society (National Rifle Association 1999). The United States Supreme Court ruled in *U.S. v. Verdugo-Urquidez* that "the people" applies to the individual as it does in the First, Fourth, Ninth, and Tenth

Amendments (National Rifle Association 1999). Citing the Supreme Court findings addresses another point. The courts have long been divided on the Second Amendment, issuing contradictory rulings and precedents. HCI attempting to ignore, or criticize, rulings opposite their position is a slippery slope. Court decisions have little to do with the intent of the Second Amendment. The decisions made by judges are merely interpretations made by individuals, legal scholar status notwithstanding. The judgements are subject to flaws, context of the case, and many factors not obvious to the layman that is quoting a decision. The intent of the Second Amendment has been made clear by its ratifiers and other legal scholars of the era. One such legal scholar was St. George Tucker. Tucker wrote the American edition of Blackstone's Commentaries. The publication was a legal reference used by nearly every lawyer of the 18th century in the United States. St. George Tucker's comment on the Second Amendment was simple, "In America we may reasonably hope that the people will never cease to regard the right of keeping and bearing arms as the surest pledge of their liberty" (Tucker 1803). Tucker's opinion on the Second Amendment was obviously not indicating that the right to bear arms was solely for citizen militias, but an individual right. James Madison, a Founding Father, wrote in The Federalist, "The Constitution preserves 'the advantage of being armed which Americans possess over the people of almost every other nation. . . (where) the governments are afraid to trust the people with arms.'" (Madison nd). Obviously, the intent of the Second Amendment was to preserve both the rights of the individual as well as the rights of a militia to bear arms. The idea that HCI pushes, that the National Guard is the modern militia is wrong. The Founding Fathers and their contemporaries wrote that the militia was composed of the people themselves. "A militia when properly formed are in fact the people themselves . . . and include all men

capable of bearing arms. . . To preserve liberty it is essential that the whole body of people always possess arms... The mind that aims at a select militia, must be influenced by a truly anti-republican principle” (Lee 1788). George Mason, of Virginia wrote not just about the militia, but told of a British plan to disarm the colonies, which would have ended the Revolution before it ever started. “[W]hen the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually. . . I ask, who are the militia? They consist now of the whole people, except a few public officers" (Mason 1788). Mason warned that a disarmed populace was subject to enslavement. He also warned that disarmament done slowly, would work. He was right about disarmament done gradually. Great Britain slowly chipped away at the gun rights of its subjects, until recently when the government confiscated all firearms (Kopel 1999). The Second Amendment guarantees the right to keep and bear arms, despite the circuitous arguments made by groups such as HCI.

The right to bear arms is a constitutional right. HCI claims that the courts have never upheld the Second Amendment as applying to the individual. The United States Supreme Court ruled in U.S. v. Verdugo-Urquidez that “the people” applies to the individual as it does in the First, Fourth, Ninth, and Tenth Amendments. Most European countries have historically forbidden the citizenry as a whole to possess weapons. The twentieth century has proven quite well that the right of the people to bear arms is necessary to maintain a free country.

Maintain Freedom

The right of the people to bear arms is required to maintain a free country. History has shown that tyrants can take power when unopposed. The only way to insure that the people can oppose a tyrant, or a tyrannical government, is to protect their right to arms. People living in Great Britain are “subjects to the crown,” while those living in the United States are “citizens” of the United States. The difference is more than semantic. British subjects, though shielded from an actual monarchy with power, do not have the same level of rights that citizens of the United States enjoy. Like most of Europe, an accused criminal is guilty until proven innocent in Great Britain. Citizens of the United States enjoy the freedom of being innocent until proven guilty. This simple fact of presumed innocence protects citizens from having the proof of burden. Abuses of government power are far less common in this environment of “innocent until proven guilty.” Thomas Jefferson addressed this point in his first Inaugural address, “Sometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question” (Jefferson 1801). What makes a government more suited to rule than the individual? According to Jefferson, nothing makes the rulers in government any better than the average man. Tyrannical governments have happened in the Twentieth Century. “Himmler, head of the Nazi terror police, would become an architect of the Holocaust, which consumed 6 million Jews. It was self-evident that the Jews must be disarmed before the extermination could begin” (Halbrook 1999). The Nazis first required gun registration, then later confiscated weapons from their soon-to-be victims. Himmler knew that he had to disarm a populace before he could strip the population of its rights.

HCI remains quiet on this point. Their arguments tend to focus on the United States today and current events. Occasionally a comparison is made with other major countries, such as Japan, Great Britain, or Canada. Questionable statistics were available from HCI's website, typically comparing non-correlating points.

Modern scholars often forget that the human race doesn't really change. There will always be people who want to rule over the weak: bullies, tyrants, and criminals. Should the United States not retain the right of its citizens to keep and bear arms, the worst case scenario may one day happen: a foreign nation may conquer the United States. France was taken over by Nazi Germany in World War II. Shortly after that, the Nazis posted signs that the populace must turn in all firearms. "Military orders now forbid the French to do things which the German people have not been allowed to do since Hitler came to power. To own radio senders or to listen to foreign broadcasts, to organize public meetings and distribute pamphlets, to disseminate anti-German news in any form, to retain possession of firearms? All these things are prohibited for the subjugated people of France.' While the Nazis made good on the threat to execute persons in possession of firearms, the gun control decree was not entirely successful. Partisans launched armed attacks. But resistance was hampered by the lack of civilian arms possession" (Halbrook 1999). Not only did the Nazis confiscate the majority of weapons, but they also restricted basic rights of the French people. Worse than the initial rights being trampled was the fact that the French did not have quite enough weapons in the hands of its people to truly resist the Germans. Two generations of gun control had left Great Britain devoid of personal firearms (Halbrook 1999). However, the people of Britain welcomed the firearms donated by Americans

for the defense of the island of Britain itself. Citizens who do not have the ability to defend their own rights are subject to the whims, whether good or bad, of their rulers and governments.

Tyrannical governments have happened in the Twentieth Century. HCI remains quiet on this point. Citizens who do not have the ability to defend their own rights are subject to the whims, whether good or bad, of their rulers and governments. There are elements of society that prey on the weak. Criminals are the elements that prey on those weaker than themselves, usually avoiding the individual capable of self defense.

Self Defense

Criminals prey on the weak, not those most likely to be capable of self defense. Many criminals are bullies, thieves, and sometimes far more terrifying things, such as rapists. A bully, by nature, picks on those weaker than himself. He does not chase after the body builder who may be stronger than him. The bully does not go after policemen, who know how to defend themselves with lethal force. A situation in which a bully will act is one that a potential victim appears to be defenseless against his attacks. An armed citizen, no matter what his stature or strength, can fend off a would-be attacker. There are many “back page” articles in small newspapers talking about average people, ranging from elderly women to retired military, defending themselves, their family, and their property. Self defense in itself has been villainized in modern American society. Fortunately, self defense is not wrong; to not act in defense of yourself is far more dangerous.

Gun control proponents, such as HCI, do not agree. “The presence of a gun in the home triples the risk of homicide in the home” (HCI 1999). According to HCI, a gun for self defense is more likely to be used against the defender. HCI has little faith in the average gun owner,

“have limited training and undergo less testing than even the most basic police recruit.” (HCI 1999). Additionally, HCI sites lack of proof that more than a small minority of shooting homicides are justifiable, such as in self defense: “in 1996, according to the FBI, there were only 176 justifiable handgun homicides compared with a total of 9,390 handgun murders in the United States” (HCI 1999). Taking into account the information provided by gun control proponents, the average citizen is not able to safely defend himself with a firearm.

Gun control proponents, the HCI in particular, are ignoring several key facts and skewing other facts to prove their point. The data on self defense, justifiable homicides, is incomplete. “‘There's nothing ever filed when a firearm is used correctly,’ said Assistant Chief Bill Dorsey, of the Covington Police Department, whose officers investigated the shooting involving Megerle and recommended no charges be brought against him” (Johnson 1999). Assistant Chief Bill Dorsey referred to a case in which a jogger shot and killed an armed criminal who demanded money from him. The fact that justifiable homicides are not reported to the FBI makes the conclusions of HCI invalid and based on inaccurate data. The presence of firearms in the hands of citizens acts as a deterrent. “Cook equally ignores the benefits of crimes deterred. When researchers James Wright and Peter Rossi surveyed convicted felons, for example, they found 39 percent avoided committing crimes when they feared victims might be armed. And when economist John Lott studied concealed handgun laws, he found they deter rape, murder and aggravated assault. He concluded that universal adoption of such laws could prevent 1,570 murders, 4,177 rapes, and 60,000 aggravated assaults each year” (Valone 1999). The studies referenced by Valone are interesting. The Wright-Rossi survey was an FBI sponsored survey of

prison inmates. The criminals themselves confessed to being scared of armed citizens. The right to bear arms is needed by the people to defend themselves from the criminal elements in society.

An armed citizen, no matter what his stature or strength, can fend off a would-be attacker. According to HCI, a gun for self defense is more likely to be used against the defender. The criminals themselves confessed to being scared of armed citizens. Tyrannical governments have happened in the Twentieth Century. The right to bear arms is a constitutional right.

CONCLUSION

The right to bear arms is a constitutional right. HCI claims that the courts have never upheld the Second Amendment as applying to the individual. The United States Supreme Court ruled in U.S. v. Verdugo-Urquidez that “the people” applies to the individual as it does in the First, Fourth, Ninth, and Tenth Amendments. Most European countries have historically forbidden the citizenry as a whole to possess weapons. The twentieth century has proven quite well that the right of the people to bear arms is necessary to maintain a free country.

Tyrannical governments have happened in the Twentieth Century. HCI remains quiet on this point. Citizens who do not have the ability to defend their own rights are subject to the whims, whether good or bad, of their rulers and governments. There are elements of society that prey on the weak. Criminals are the elements that prey on those weaker than themselves, usually avoiding the individual capable of self defense.

An armed citizen, no matter what his stature or strength, can fend off a would-be attacker. According to HCI, a gun for self defense is more likely to be used against the defender. The criminals themselves confessed to being scared of armed citizens. Tyrannical governments have happened in the Twentieth Century. The right to bear arms is a Constitutional right, necessary to

maintain a free country, and allows the common citizen to defend himself; therefore, people must contact their legislators and urge them protect the Second Amendment. When confronted with an intruder, “I dial .45, not 911.”

APPENDIX

**CALL TO ACTION: CONTACT YOUR LEGISLATORS TO PROTECT THE 2ND
AMENDMENT**

WORKS CITED

- AmericanRevolution.org. 1999. Civilian abuses: from the "CONNECTICUT GAZETTE" Friday, July 11, 1777. AmericanRevolution.org. Internet: <http://americanrevolution.org/civilian.html>.
- Halbrook, Stephen P., PhD., J.D. 1999. Nazi repression of firearms owners. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19990716-BillofRightsCivilRights-028.html>.
- HCI. 1999. Handgun control information: What you need to know. Handgun Control, Inc. Internet: <http://www.handguncontrol.org/information.htm>.
- Jefferson, Thomas. 1801. Jefferson's first inaugural address. AmericanRevolution.org. Internet: <http://americanrevolution.org/jeffinaug.html>.
- Johnson, Mark. 1999. Accurate data lacking on defensive gun use. Media General News Service. Internet: <http://www.gatewayva.com/rtd/special/dcdateline/guns31.shtml>.
- Kopel, Dave. 1999. The hidden agenda behind gun storage laws. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19991005-InternationalGunControl-002.shtml>.
- _____. 1999. Our 2nd amendment: the Original perspective. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19991004-BillofRightsCivilRights-001.shtml>.
- McCabe, Michael K. 1999. Madison and the bill of rights. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19990716-BillofRightsCivilRights-029.html>.
- NRA. 1999a. America's founding fathers on the individual right to keep and bear arms. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19990729-BillofRightsCivilRights-005.html>.
- _____. 1999b. Fact card 2000. National Rifle Association. Internet: <http://www.nraila.org/research/19991123-GeneralInfo-001.shtml>.

- _____. 1999c. Federal court cases regarding the second amendment. National Rifle Association Institute for Legislative Action. Internet: <http://www.nraila.org/research/19990729-BillofRightsCivilRights-004.html>.
- USIA. 1999. Chapter 4: The formation of a national government. United States Information Agency. Internet: <http://www.usia.gov/usa/usa.htm/facts/history/ch4.htm#ratification>.
- Valone, F. Paul. 1999. Point of view: Guns in america: credit the value of deterrence. The News & Observer on the Web. Internet: <http://www.news-observer.com/daily/1999/10/06/edit02.html>.