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ENG 111-80C

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Argumentative Research Project (Final Draft)

17APR2013

Why Ban or Why Not Ban, Assault Rifles

United States Law Makers are trying to pass new laws concerning assault weapons. Most gun owning Americans are outraged because they believe that banning assault rifles is a violation of their Constitutional Rights. The issues concerning the unjustifiable banning of assault weapons, specifically “Assault Rifles”, will be addressed using solid sources of statistical data, well respected professional opinions and references to legal documents. All these sources will be used to prove that assault rifles should not ban.

Three recent mass shooting events against innocent by standards have given gun control activist leverage and reason to pass new gun laws. The first event took place on January 8, 2011, in Tucson, AZ where 6 people were shot to death by Jared Loughner. In addition to the six dead, thirteen other people were wounded by gunshot in the attack. U.S. Representative Gabrielle Giffords and two other members of her staff were among the gunshot victims, which made this a high profile case. The second of the three happened at a movie theater in Aurora, CO on July 20, 2012. Dressed in paramilitary gear and a gas mask, James Holmes entered the theater shooting at several of the patrons. He killed 12 and wound 60 others. The Latest event occurred at Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012 where Adam Lanza shot 27 people to death. 20 of the 27 killed were first grade students, 6 were teachers and lastly he took his own life (Cava). All three travesties had something in common, a single gunman with

high capacity ammunition magazines. All of these incidents were tragic but would a ban on assault rifles prevent such events from occurring again in America?

To help everyone further understand the topic, as described by the Encyclopedia Britannica, the definition of “ASSAULT RIFLE: military firearm that is chambered for ammunition of reduced size or propellant charge and that has the capacity to switch between semiautomatic and fully automatic fire. Because they are light and portable yet still able to deliver a high volume of fire with reasonable accuracy at modern combat ranges...” In an Interview conducted with Gulf War Veteran Joshua Harding, he defined an “Assault Rifle” as a rifle capable of burst or fully-automatic firing. One of the bills proposed to US Law Makers, by United States Senator of California Dianne Feinstein, categorize 157 specific firearms by name and type as “Assault Weapons”. The bill also describes them by their features, such as:

- I. “All semiautomatic rifles that can accept a detachable magazine and have at least one military feature: pistol grip; forward grip; folding, telescoping, or detachable stock; grenade launcher or rocket launcher; barrel shroud; or threaded barrel.
- II. All semiautomatic rifles and handguns that have a fixed magazine with the capacity to accept more than 10 rounds”(“Assault Weapons Ban summary”).

To help further understand the topic, the latter of the three definitions will be used when referring to assault rifles. Below are a couple illustrations to give an idea of what is to be banned in a bill being proposed by United States Senator of California, Dianne Feinstein.

It is difficult to debate that the rifles pictured in *Fig. 1* aren't designed for a specific use as they were, and still are, standard-issue items to soldiers of the US Army within the past 30 years. All four of these rifles are capable of burst or full-automatic firing.



From top to bottom, four assault rifles: M16A1, M16A2, M4, and M16A4. *Fig. 1*

Some bills currently being proposed to Law Makers, banning assault weapons include semi-automatic versions of the weapons in *Fig. 1* but also include the rifle in *Fig. 2* (“Assault Weapons Ban summary”). By description; the Marlin Model 60, the most popular 22 caliber rifle in the world, would be banned due to its fixed 14 to 17-shot tubular magazine; as well as several other hunting and sport rifles (Marlin Firearms). Most of the hunting and sport rifles in this ban are a far cry from being considered an “Assault Rifle” outside of this bill.



Above, hunting and target rifle Marlin Firearms Model 60. *Fig.2*

These types of laws (if passed) would affect most of the civilians in the United States of America. In Feinstein's bill the only people excluded from the ban consist of: military, law enforcement, and retired law enforcement ("Assault Weapons Ban summary"). When told of the exclusions, Harding asked, Why not Veterans of the US Military? Most veterans have more experience securing and handling assault rifles than Law Enforcement Officers do. Shouldn't we just make the owners of these types of weapons more responsible for them?

Cesare Beccaria, the founder of modern criminology, once wrote:

"False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evils, except destruction. The laws that forbid the carrying of arms are laws of such a nature. They disarm those only 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" (qtd. in Adams 33-34).

Not only well put but found to have some truth in Chicago, IL. Since this city's banning of handguns in 1982, the percentage of murders committed with handguns had steadily risen upwards from 39.78% in 1983 to 73.54% in 2003 according to Annual Reports from the Chicago Police Department. Nationally, in that same 20 year time span, the percentage of murders committed with handguns started at 43.88% and rose only to 47.81% as recorded by the Bureau of Justice Statistics. This weapons ban hasn't proven beneficial to Chicago and probably won't be for America either (McDonald v. Chicago App.1).

Handguns account for a far greater amount of murders in American than any other type of weapon. In 2011, 6,220 of the 12,664 murders committed in the US that were reported to the, United States Dept. of Justice, Federal Bureau of Investigation were done so with handguns. That same year only 323 murders report in America were the result of rifles. That's only 2.55% of the total murders committed; of course, weapons that would be banned as so-called "assault rifles" would only be a subset of that 2.55%. Nationally, 13.38% of murders are committed using edged-weapons. That is more than five times as many people than were shot to death with rifles but you don't see people pushing bills to ban pocket knives, a subset of that 13.38%. Other (non-firearm, non-edged) weapons account for 13.10% of murders that same year, once again, more than five times as many people then are shot to death with rifles. Statistically you are over twice as likely to be beaten (hand to hand) or pushed to your death, than murdered by a rifle (Table 20). Why are Americans not forcing Law Makers to look into banning Baseball Bats and other bludgeoning objects? Is it because, like banning rifles, it's ridiculous?

Are US Law Maker even considering the rights of American citizens when writing these bills to ban rifles, Dianne Feinstein hasn't in the bill she proposed. The second amendment to the United States Constitution states, "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” (qtd. in Adams preface). Many have challenged the true meaning of this statement. The second half of the statement seems clearly written and was interpreted by Supreme Court Justice Antonin Scalia in the final opinion of the Supreme Court's 2007 term. In *District of Columbia v. Heller*, Justice Scalia held unequivocally that the Second Amendment protects an individual right to possess a firearm, in reference to the 1975 Washington D.C. handgun ban. Writing for a 5-4 majority, Justice Scalia reinvigorated the Second Amendment by stating the 1975 Washington D.C. law banning handguns was unconstitutional (Levy).

When read as a whole, Harding interrupts the second amendment as; every American citizen has a right to own a gun and assemble as a group to defend themselves from a tyrannical government, should that ever occur.

Tench Coxe , writing under the pseudonym "A Pennsylvanian", wrote remarks on the first part of the Amendments to the Federal Constitution, Bill of Rights:

“Who are these militia? [A]re they not our selves? Is it feared, then, that we shall turn our arms *each man against his own bosom*. Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are *the birthright of an American*.... [T]he unlimited power of the sword is not in the hands of either the *federal or state governments*, but, where I trust in God it will ever remain, *in the hands of the people*. [Emphasis in original.]” (qtd. in Adams 121)

Coxe served in many federal offices and was also appointed to represent Pennsylvania in the Continental Congress. If he didn't understand the verbiage of the second amendment, it is doubtful then that few US Law Makers today do.

Why not ban Assault Rifles? Gun bans don't necessarily lessen the amount of people killed by guns, at least not according to Chicago's numbers since their ban was enacted. In a nation of 311 million people, the odds of being killed by a rifle are about one homicide per million people. The second amendment to the United States Constitution clearly states "...the right of the people to keep and bear arms shall not be infringed." The evidence proves that not only is a ban on assault rifles unjustifiable but unconstitutional as well. It is no wonder most gun owning Americans are outraged because they believe that banning assault rifles is a violation of their Constitutional Rights. What is justifiable however, is Americans' outrage towards the banning of Assault Rifle!

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