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The Defense of All Free Nations

In the United States of America today, one of the most heated issues is gun control. Many argue whether or not the Second Amendment applies to civilians or only to the National Guard, whether or not civilians' guns actually contribute to crime or fight crime, and whether or not guns should be unrestricted or eliminated completely. These are a few of countless debates branching from the phrase, "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" (Patrick 70). The Founding Fathers wrote the Second Amendment to protect "the right of the people to keep and bear arms," and, most importantly, to guard against foreign invasion, governmental tyranny, and encroachment upon one's life and property. Guns are necessary defenses of any free nation, even in a well-protected and contemporary country.

In 2000, U.S. Justice Department Attorney William B. Mateja "argued that the Second Amendment insured only the right of militiamen—which he defined as people serving in the National Guard—to keep and bear arms, and then only such arms as they had been issued for their military duties" (Poe 142). In other words the Second Amendment provides no rights to anyone outside of the National Guard to own any type of firearm. This view only makes sense if the context of the Constitution, the Founders' letters and speeches, are ignored. The Second Amendment is explained by Founding Fathers' contemporaries Richard Henry Lee, a proponent of the Declaration of Independence, and George Mason, and a member of the Constitutional

Congress. George Mason answered a question by saying, “I ask, sir, what is the militia? It is the whole people, except for few public officials,” (George Mason, 3 Elliot, Debates 425-426) and Lee clarified, “A militia, when properly formed, are in fact the people themselves . . . and include all men capable of bearing arms” (Richard Henry Lee, Additional Letters from the Federal Farmer [1788] 169). The opponents of this view, such as Mateja, might say that these are only two men and their beliefs, but the same view is easily seen in other Founders’ words. John Adams, the second President of the U.S. and perhaps one of the most significant Founding Fathers, said, “Arms in the hands of individual citizens may be used at individual discretion in private self-defense,” (John Adams, A Defense of the Constitutions of Government of the United States of America [1787-1788]) Thomas Jefferson, seeing the possibility of a biased interpretation of the Constitution, wisely advised,

‘On every question of construction (of the Constitution) let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.’ (Thomas Jefferson, letter to William Johnson, June 12, 1823, The Complete Jefferson, p. 322)

The two interpretations of the same Amendment are almost opposite to each other. When the Fathers’ views on the meaning of the Second Amendment are examined, “the probable one” is obviously that armed citizens are the militia, not just the governmentally-regulated militia, and

therefore “all men capable of bearing arms” (Richard Henry Lee, Additional Letters from the Federal Farmer [1788] 169).

The idea of arms for self-defense was not invented by the Founding Fathers. Centuries before America was discovered, Switzerland had, and still has today, mandatory gun ownership laws instituted that are the best defense against foreign invasion. Since 1515, “all men must serve in the military, they must learn to shoot, and they are required to keep a weapon and 50 rounds of ammunition in their home” (Lindsey). This concept has preserved the Swiss in many conflicts around them. Two of the most major wars in history, World War I and II, took place on every side of Switzerland, yet never once did any foreign nation invade or attack Switzerland during those times of total war in Europe. Richard Maybury best sums it up:

They [the Swiss] live right in the heart of Europe, which means right in the heart of the most violent, bloody part of the earth. But, at the time I write this letter, they have not been in a foreign war in two centuries; the Swiss even stayed out of both World Wars despite being entirely surrounded by these wars. (Maybury World War I 97)

The German army didn't want to invade Switzerland, because they were invading a country full of snipers. This model protected its followers from the threat of foreign invasion without the protection of a standing army. "Arms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property . . . " (Thomas Paine, *Thoughts On Defensive War*, 1775). The Founding Fathers knew this system was efficient even before the most

prominent proof of success manifested itself during the world wars. They even used it in the Revolutionary War, as the revolutionary marksmen used rifles to beleaguer the British. This is why the Fathers wanted to mimic the Swiss model to perpetuate their resistance to enemy attacks and occupations into the future by writing the Second Amendment.

Foreign invasion isn't the only thing that the Swiss were and are protected from. Other factors that have violently affected many European countries are cruel dictatorships and governmental tyranny. The Founding Fathers knew this threat well from history and took many steps to prevent such an occurrence in America, including the setup of the branches of the government. However, they also knew that, "If the representatives of the people betray their constituents, there is then no recourse left but in the exertion of that original right of self-defense . . . " (Alexander Hamilton, *Federalist Papers*, No. 28). Many Fathers knew that the Second Amendment served a double-purpose on the national scale. Stephen Halbrook quoted Tench Coxe in Halbrook's book *That Every Man Be Armed* when Tench Coxe, a congressman during the time in which the Bill of Rights was proposed, explained the Bill of Rights in a newspaper article which stated:

‘As civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow-citizens, the people are confirmed by the next article in their right to keep and bear their private arms.’ In short, what is now the Second Amendment was designed to guarantee the right of the people to have “their private arms” to

prevent tyranny and to overpower an abusive standing army or select militia (Halbrook 76-77).

Once again, the Founders Fathers knew that private gun rights prevent malicious dictatorships. This was long before the most prevalent evidence of gun ownership's power to fight tyranny appeared. The Nazi regime was one of the best examples of governmental tyranny. The Nazi party, headed by Hitler, "promised to make Germany strong and prosperous again and to vanquish its enemies," after their massive defeat in World War I (Maybury, World War I, 204). However, the Nazis' anti-Semitic ideals manifested themselves soon after they came into power. Hitler knew well the role of gun ownership in protecting individual freedom. "'The most foolish mistake we could possibly make would be to permit the conquered Eastern peoples to have arms,' said Hitler. 'History teaches that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so'" (Poe, 23). However, the Nazis couldn't simply outlaw guns while the public still had the guns to defend themselves. So they published an event that they used to their advantage in the task of gaining willing public support in removing guns from Jews.

On November 7, 1938, a seventeen-year-old Jewish refugee named Hershel Grynszpan shot and killed a German Diplomat in Paris. The highly publicized shooting gave the Nazis the excuse they needed for a major crackdown. German newspapers whipped up hysteria over the threat of Jewish terrorism. Then, on November 11, the Nazi government ordered Jews to surrender all firearms, clubs,

and knives. Without weapons, the Jews were easily herded into concentration camps. (Poe 51)

With guns eliminated, the Holocaust was much more easily accomplished. However, a group of Jews acquired some handguns and staged the Warsaw Ghetto Rebellion.

Actually, the Warsaw Ghetto rebels initially had ‘a few dozen pistols and hand grenades,’ according to author Stephen Halbrook. With these meager arms, they managed to keep 2,000 German soldiers and police, armed with tanks and artillery, busy for three days. Subsequently, the fighting escalated, with about 1,500 Jewish resistance fighters facing some 12,000 Germans. The rebels held out for twenty-eight days (Poe 24).

However, it was too late in the process of disarming the German public to stage a full rebellion. This is excellent evidence of a ruler being able to abuse his authority because of the lack of guns. Some might think that with the branches of America’s government and modern society there is no chance for dictatorship and governmental tyranny in the U.S. While it is true that the Founding Fathers instituted the branches and formation of our government to make dictatorship near impossible, they placed the 2nd Amendment as a permanent fail-safe. The saying, “Better safe than sorry,” can be applied very well here. If governmental tyranny did appear in the U.S., wouldn’t anyone want a means of protecting himself? This is indeed a big ‘If’ with unlikely circumstances, but it is always safe to consider all possibilities. Though the danger of tyrannical dictatorship was the greatest during the early American government, the establishment of a

totalitarian authority now would be much more easily acquired if the American public was totally disarmed. The protection against governmental tyranny was written into the Bill of Rights and should always be available to the people of a free nation.

Defense against foreign invasion and governmental tyranny are not the only protections that the Second Amendment affords us. When Thomas Paine said, "Arms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property . . . " he mentioned the phrases about plunderers and the protection of property intentionally (Thomas Paine, *Thoughts On Defensive War*, 1775). The Fathers knew the threat of criminals harming and stealing from innocent people. The debate of whether or not guns even work in protecting oneself and one's property on a large scale is one of the more current arguments today, though it isn't exclusive to modern times. Thomas Jefferson addressed the laws that prohibit the right to bear arms and brought up one the most important points opposing gun control laws, when he affirmed,

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's "Commonplace Book," 1774-1776)

Jefferson reminds his readers that gun control laws are *laws*. These are obeyed by law-abiding citizens, who would not normally use a gun for crime but rather for self-defense. The people who

commit crimes, usually with guns, obviously do not follow the laws. Do the gun controllers expect criminals, who break laws, to start following the gun control laws? This is extremely unlikely. The final point that Jefferson mentioned was that robbers have “greater confidence” when attacking a man known to be unarmed. A survey proving this was referred to by a pro-gun author in his 1998 book:

In interviews with felony prisoners in ten state correctional systems, 56 percent claimed that they would not attack a potential victim who was known to be armed. Indeed, the criminals in states with high civilian gun ownership were the most worried about encountering armed victims (Lott 6).

Because over half of the prisoners were reluctant to attack a person if they were armed, over half of the criminals could be deterred if gun use for self defense was extremely common. This reasoning is further supported by evidence stating that guns actually do deter crime. The NRA’s Institute for Legislative Action website mentions a study that reinforces this view in an article.

The most comprehensive study of defensive gun use, by award-winning criminologist Gary Kleck and Marc Gertz (1993), found that handguns were used for defense nearly two million times per year, amounting to two-thirds of defensive gun uses. . . Kleck has concluded that guns are used to defend against crime 3-4 times more often than to commit it. . . Since 1991, the number of states that have Right-to-Carry laws [laws that allow handguns to be carried in most

public places] has risen from 17 to 40 (an all-time high) and violent crime has dropped 38 percent.

These studies show the true effect of law-abiding citizens' use of firearms. It may seem that there are enough statistics to persuade many, but the gun controllers keep persisting in their efforts to influence the public with unreasonable data. Gun control advocates repeatedly refer to Japan's low murder rates, which are supposedly caused by national gun bans, as proof that large scale gun control does deter crime more effectively than gun ownership. Though this may seem like a strong argument, Richard Poe, the pro-gun author of *The Seven Myths of Gun Control*, takes a closer look at the country in question:

Should America be more like Japan? Before we jump to take the gun controllers' advice, we might first want to consider what life is really like there. As David B. Kopel documents in his book *The Samurai, the Mountie, and the Cowboy*, Japan is essentially a police state. The cops keep full dossiers on every citizen. Twice a year, each Japanese homeowner gets a visit from a local cop to update the files on who lives there, how they are related to each other, what work they do, whether they work late, what sorts of cars they own, how much money they have, and so on (Poe 59).

The Japanese government keeps a watchful eye on everything that everyone does, whether the citizens like it or not. Poe continues, comparing American and Japanese prisons, which are relatively monitored and controlled places:

Murder rates are high in American prisons, even though the prisoners have no guns. In Japan, murder among prisoners is almost unknown. Robberies even *without guns* occur more than seventy times more frequently in the United States than in Japan. Kopel also notes that crime was high in the former Soviet Union, though its gun laws were strict and its police far more ruthless than Japan's. He attributes the differences to the fact that 'Japan has socially accepted and internalized restraints on individual behavior that the Soviets lacked' (Poe, 62).

So, in other words, the model of Japan's gun control is a very bad example because Americans have not been subjected to little privacy, few rights, and no individuality for centuries. The timeless remark of Benjamin Franklin summarized why such a system is objectionable, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety" (Benjamin Franklin, Historical Review of Pennsylvania, 1759). The gun controllers persist in their faulty evidence. Those who favor gun restrictions argue that the only reason that the murder rate of Washington D.C. is high when they have tougher gun restrictions is because of the ease of acquiring guns in the surrounding areas. The pro-gun author responds, "Then why is the D.C. murder rate 57 per 100,000 [in 1999] while Arlington, Virginia, an urban community just across the river, has a rate of 1.6 per 100,000?" (Haerens 88) If the gun controller argument is valid, then the murder rate in the surrounding pro-gun Virginia would be just as high instead of being almost 3 percent of D.C.'s rate. These numbers disprove this argument. However, most gun controllers refuse to believe them and most do not provide statistics to counter them. A reporter promoting gun-restrictions used logic that is common in the anti-gun arguments:

The bottom line is that guns kill a lot more people than they save. How many gun deaths would there be if guns didn't exist at all? Or if mere possession of a gun landed someone in a lengthy jail sentence? It would probably deter a lot of people from carrying guns, that's for sure (Haerens 104).

"The bottom line is that guns kill a lot more people than they save," is a statement made solely on the fact that guns are a lethal weapon. He did not take into account any data, including the millions of times that guns have deterred crime, according to Kleck and Gertz's study. It's true that if guns didn't exist then there wouldn't be any gun deaths, but it is as unrealistic to believe that criminals will obey gun control laws as it is to outlaw guns and expect all gun deaths to vanish. The journalist also said:

Logic is absent on many of the stats given on the National Rifle Association's Website, www.nra.org. One header on the site reads: "more right to carry states, less crime." However, it seems hard to believe that having more people with guns would deter crime (Haerens, 104).

Saying that the NRA's article doesn't have logic, while it has copious amounts of statistics to back its claim, doesn't prove anything. The article on NRA's website stating that, "Since 1991, the number of states that have Right-to-Carry laws [laws that allow handguns to be carried in most public places] has risen from 17 to 40 (an all-time high) and violent crime has dropped 38 percent," proved the validity of their claims. These statistics aren't mentioned by journalist. The

journalist says that it is “hard to believe” that more guns make less crime, so it *can’t* be true, despite all of the evidence. In both of these excerpts, the gun controller used assumptions and logic to prove his point, when readily available substantial evidence contradicts his position. This reliance on faulty logic, rather than facts, and the reference to inapplicable data are a couple of ways that gun ban supporters fight reasonable arguments and pages of data proving the benefits of gun ownership.

Gun control is definitively one of the greatest nationwide debates, but the answer can be effortlessly settled by studying history and this country’s authors. The Founding Fathers’ vital purpose to save future generations and to defend this free nation from invasions, tyrannies, and local felonies should not be so easily forgotten by the very people it protects every day. History unmistakably proves that gun ownership is necessary in any free country, but also teaches the tragedies that have occurred following gun control. The American philosopher and author, George Santayana, summarized the dire necessity of learning from other’s mistakes when he stated, “Those who cannot remember the past are condemned to repeat it.”

Works Cited

- Patrick, John J. The Bill of Rights. New York: Oxford University Press, Inc., 2003.
- The James Madison Research Library and Information Center. National Rifle Association. 26 March 2009 <<http://www.madisonbrigade.com>>.
- Goldberg, Jonah. "Exporting Switzerland." Goldberg File. (2003): 26 March 2009. <<http://www.nationalreview.com/goldberg/goldberg042303.asp>>.
- Lindsey, Hal. "Supreme Court justices rediscover Constitution." WorldNetDaily Exclusive Commentary. (2008): 26 March 2009. <<http://www.worldnetdaily.com/index.php?fa=PAGE.view&pageId=68065>>.
- Poe, Richard. The Seven Myths of Gun Control. Roseville: Prima Publishing, 2001.
- Maybury, Richard J. World War I. Placerville: Bluestocking Press, 2003.
- Maybury, Richard J. World War II. Placerville: Bluestocking Press, 2003.
- Halbrook, Stephen P. That Every Man Be Armed: The Evolution of a Constitutional Right. n.p.: University of New Mexico Press, 1984.
- Haerens, Margaret. Gun Violence: Opposing Viewpoints. Farmington Hills: Thomson Gale, 2006.
- Lott, John R. Jr. More Guns, Less Crime. Chicago: The University of Chicago Press, 1998.
- National Rifle Association Institute for Legislative Action. National Rifle Association. 1 May 2009 <<http://www.nrila.org>>.