

Gun Control Kills

Gun control cannot stop killers from killing. A criminal who doesn't care about laws against murder isn't going to care about laws against buying guns. Criminals have all of the black market to choose from, and don't have to worry about waiting periods, assault weapon bans, and laws against concealed carry. But all of those laws can kill the law-abiding.

Concealed carry means:

- Murder down 8.5%
- Rape down 5%
- Assault down 7%

Dr. Suzanna Gratia left her handgun in her car the last day she saw her parents alive. She was taking them to eat at Luby's Diner in Texas, and it was against Texas law at the time to carry a firearm. Her reward for following the law? She watched her parents die, knowing that she could have prevented the tragedy had she not obeyed the law that day.

The Brady Bill was an accomplice in another murder: Phil Coleman was incorrectly turned him down for a handgun purchase. Four days later, the Sheriff's office about-faced and faxed an approval to the gun store. Three days too late: Coleman had died in a holdup the night he walked out of the gun store empty-handed.

On the other hand, firearms are used defensively 2.5 million times per year. In states where concealed carry is unrestricted, concealed carriers account for a shockingly low percentage of crimes. In Florida, CCW holders are far less likely to commit crimes than the rest of the Florida population.

Florida's homicide rate, once far higher than the national average, fell when they introduced CCW, and remains below the national average today. In general, a recent comprehensive study shows, murder, rape, and aggravated assault all drop when a county opens up concealed carry.

<http://www.hoboes.com/pub/Firearms/Data/Deaths/>
<http://www.hoboes.com/pub/Firearms/Data/Concealed%20Carry/>

Concealed Carry Saves Lives

You can count the number of times the second has come to the Supreme Court on one hand. Last century everyone knew it was a personal right; this century the Court has been reluctant to take 2nd amendment cases.

Dred Scot

In *Dred Scot*, the Court ruled that blacks could not be citizens. Part of the reason for this was that the Court did not want to confer the right to bear arms upon blacks: Justice Taney wrote that one of the rights of citizens, "which the courts would be bound to maintain and enforce," was the right "to keep and carry arms wherever they went." Heaven forbid that blacks should bear arms, said the court!

Cruikshank

That *Cruikshank* is often quoted as an *anti* second-amendment case is testimony to just how stupid anti-gun advocates think the rest of us are. The quote you'll often hear from *Cruikshank* is "The right to bear arms is not granted by the Constitution." But it goes on to say that "neither is it in any manner dependent upon that instrument for its existence." *Cruikshank* also holds that the right to free assembly is not granted by the constitution. What it meant was those rights existed before the constitution. The constitution protects rights, it does not grant them. Why the distinction? Following the civil war, congress passed the 14th amendment to forbid states from denying to blacks the rights guaranteed by the constitution. The Supreme Court, however, was still made up of the pre-civil war judges who had earlier ruled that blacks could not be citizens. They did not wish to enforce the 14th amendment, especially since *Cruikshank* was about blacks with guns. The Court needed an excuse to allow white mobs to continue denying blacks this crucial right. Rather than claim that the right was not an individual right, they came up with the convoluted reasoning described above, gutting the 14th amendment.

No Supreme Court ruling has ever held for a "collective rights" interpretation of the 2nd amendment. It is always held to be an individual right.

The Supreme Court

Miller

Miller is probably the second most misquoted Supreme Court case, after *Cruikshank*. *Miller* is generally quoted as having upheld a gun control law. It did not. *Miller* is also quoted as having said that the right to bear arms is dependent on being in the National Guard. It said the exact opposite.

With regard to whether or not *Miller* had standing, the Court said he did, because the "militia" that the 2nd refers to is "all able-bodied males". *Miller* had argued that the second amendment protected his right to carry a sawed-off shotgun in the street. The lower court had said he was right, because obviously the sawed-off shotgun has military value. The Supreme Court said, fine, but you can't just assume that any weapon has military value. For the right to wander the streets with it, you must show that it can be used in a military capacity. The Court sent the case back to the lower court for them to accept this evidence. (*Miller* never provided this evidence because he died. Corpses do not have standing.)

The *Miller* case implies that if it's a military weapon, it is protected for personal ownership and carry under the second amendment.

Verdugo-Urquidez

Verdugo-Urquidez, 1990, was not about gun control. But it does discuss "the people" in the first, second, fourth, and later amendments. There is no such thing as a "collective" right in the constitution. Rights belong to individuals. Governments have powers: only those powers they are granted by the people or that they steal from the people by force and coercion.

<http://www.hoboes.com/pub/Firearms/Essays/Racism%20and%20Gur%20Control/>
<http://www.hoboes.com/pub/Firearms/Government/Courts/>

The Second Amendment

“A well-regulated militia, being necessary for the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

The 2nd amendment isn't hard to understand. There is this thing called a “well-regulated militia”, and it is necessary for the security of a “free state”.

Therefore, the right of the people to keep and bear arms shall not be infringed. The first part is a reason, and it doesn't even have to be the only one. The second part is a statement, and it stands on its own. If it wasn't about guns no one would question that the right of the people is the right of the people.

“Dead deer, being necessary for the stocking of a well-rounded larder, the right of the people to keep and bear arms, shall not be infringed.”

Does this sentence make sense? Of course it does. Does it say that the right is the right of dead deer to bear arms? Of course not. The writer obviously believes that the right of the people to keep and bear arms is necessary for there to be dead deer.

How does that fit the second amendment?

Obviously, the framers believed that the right of the people to keep and bear arms safeguarded the existence of a well-regulated militia. Why? Because to the framers, the people are the militia. Anything else is tyranny.

“A militia, when properly formed, are in fact the people themselves, and include all men capable of bearing arms”—Richard Henry Lee

“The great object is that every man be armed. Every-one who is able may have a gun.”—Patrick Henry

Who are the militia? Are they not ourselves? Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birth-right of an American. The 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.”—Tench Coxe

“the Militia comprised all males physically capable of acting in concert for the common defense.”—The Supreme Court, U.S. v. Miller

<http://www.hoboes.com/pub/Firearms/Data/Historical%20Debate/>

Criminals Love Gun Control

Criminals break the law. That's the definition of a criminal. Gun laws are just another law for them to break. But criminals practice their trade on the law-abiding, which means gun control makes their trade safer and easier. And makes our life more dangerous.

Criminals prefer unarmed victims?

Over half of the United States population now enjoys the right to some form of non-discretionary concealed carry. This includes once high crime states such as Florida. And yet the majority of crime continues to occur in high gun control areas such as New York City and Washington DC, places with stricter gun control than even most European countries. Since Florida adopted CCW reform in 1987, their homicide rate has fallen 21%, where the rest of the United States saw homicide rise 12%.

Criminals prefer gun-free homes?

In countries with lower personal firearms ownership, criminals are up to three times more willing to break into homes. Here in the United States, criminals prefer to assault their victims outside of homes, where they can be reasonably sure the victim is unarmed. Where concealed carry is once again allowed, violent crimes outside the home fall as well.

<http://www.hoboes.com/pub/Firearms/Data/Crime/>

The framers who wrote the 2nd say it applies to individuals (“the people, except for a few public officials”). The courts who interpret the 2nd say it applies to individuals (“all citizens”, U.S. v. Miller). The scholars who argue about the 2nd say it applies to individuals (“the embarrassing 2nd amendment”). Criminologists who study firearms and crime say it ought to apply to individuals. The only people who don't understand appear to be newspaper editors and gun control addicts.

And, of course, the criminals who benefit from the laws these addicts enact.

That Every Man be Armed



Why Not Gun Control?

Jerry Stratton

(with a little help from my friends)

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www.jerrystratton.com

<http://www.hoboes.com/Politics/Firearms/>