



Written by [Joe Wolverton, II, J.D.](#) on January 27, 2011

## Arizona Shooting & the Assault on Rights

No sooner had news vans arrived to broadcast from Tucson than the lobbyists and legislators began the shameful molding of this massacre into a pawn in their partisan chess match. The chorus sang in unison of the need to confiscate guns and clips so that scenes as heartbreaking as this never need be witnessed again. Guns, they cried, are the cause of this mayhem and the eradication of them will prevent future recurrences.



Is there truth in their message? Would the criminalization of gun ownership have the concomitant effect of decreasing the use of guns in crimes such as the heinous one committed in Tucson? Would madmen like Jared Loughner be prevented from carrying out the violent ends of their insanity if we remove the means of access to a gun?

Suppose, in arguendo, that all guns could be outlawed. Imagine that laws were passed forbidding the manufacture, the sale, and the purchase of them — a Prohibition for the 21st century. Would that create an atmosphere of peace or a reduction in violence?

We needn't be bound by hypotheticals. We have evidence from which we can draw logical conclusions. Did Prohibition successfully end alcoholism? Were fewer women abused by drunken husbands because Congress outlawed liquor? History teaches us otherwise. Speakeasies, moonshiners, and bootleggers continued trading in the forbidden fluid, and crime was as rampant (perhaps more so) than ever.

Another instructive example is that of prisons. Prisons are gun-free zones. No inmate is allowed to possess a gun, but would anyone argue that prisons are peaceful? Removing the gun does not remove the criminal bent, and frustration only exacerbates the underlying madness that drives killers to kill.

One final point in this regard must be considered. Were the national legislature to outright forbid the citizenry from owning guns, in whose hands would that leave control of all the confiscated weapons? If we were to react to the devastation in Tucson by granting to government a monopoly on the power of guns, then we must allow for the consequences thereof.

Not only would we leave the people unarmed and unable to defend themselves against the excesses of despotism, but we would tacitly enable the types of genocide made possible by the consolidation of guns into the hands of government.

Think of it this way. How many people can one madman kill? How many people could a hundred madmen kill? By contrast, how many millions of people have been slaughtered by autocracies that began their respective reigns of terror by disarming the citizens of the countries over which they rule? The atrocities committed by Hitler, Stalin, Pol Pot, and Mao Tse-tung are incomparable and



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incomprehensible. And, more importantly, only possible when the ability to resist them is removed as a reaction to horrifying national tragedies such as occurred in Tucson.

The right of people to defend themselves from such tyranny is an obvious obstruction lying in the path to paternalism of the would-be dictators. To wit, the words of former Supreme Court Justice Joseph Story:

One of the ordinary modes, by which tyrants accomplish their purposes without resistance, is, by disarming the people, and making it an offense to keep arms.

### **Tragedy as Pretext for Tyranny**

Not surprisingly, the lobbyists that line their pockets with the proceeds of fear were among the first to turn on their bullhorns, bellowing their outrage.

“If we are to avoid future massacres, our elected officials must institute policies that prioritize public safety and human life over gun industry profits,” said Ladd Everitt of the Coalition to Stop Gun Violence.

Standing with his colleague was the president of the Brady Campaign to Prevent Gun Violence, who paternalistically added, “We ought to be angry about it.”

Lawmakers raced to the cameras, as well. Within hours of the shooting of Representative Giffords, Representative Carolyn McCarthy (D-N.Y.) issued a statement proclaiming her intent to outlaw the type of ammunition magazine used by the accused attacker. The headline as reported by cbsnews.com read:

Democratic Rep. Carolyn McCarthy of New York plans to introduce legislation in the coming days that would limit access to the type of weaponry used to gun down Arizona Rep. Gabrielle Giffords (D) and 19 other people.

Online magazine Politico quoted McCarthy as saying:

My staff is working on looking at the different legislation fixes that we might be able to do and we might be able to introduce as early as tomorrow.

We need to look at how this is going to work, to protect people, certainly citizens, and we have to look at what I can pass.

Within hours of McCarthy’s press release, U.S. Senator Frank Lautenberg (D-N.J.) announced his own intention to introduce a bill in the Senate that would outlaw ammunition magazines that hold more than 10 rounds. This type of response on the part of Lautenberg is little more than an opportunistic advance of his own anti-gun crusade.

There was a Republican found scurrying with the Democrats toward the podiums, anxious to take advantage of the spotlight cast on the massacre at Tucson. On the Tuesday following the shootings, Representative Peter King (R-N.Y.) was the first of his party to propose a legislative restriction of the right to bear arms as an appropriate response to the tragedy.

King plans to sponsor a bill criminalizing the carrying of a gun within 1,000 feet of the President, Vice President, members of Congress, or federal judges. Jared Loughner, the alleged gunman, shot both a federal judge and a member of Congress outside the Safeway. King aides admit that it is a bit early to estimate the level of GOP support for his bill as he has yet to finalize the text.

### **Blame Game**



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This long roster of the reactionary abuse of power is another pretext for the annihilation of the right of a free people to keep and bear arms. It is doubtful that Representative McCarthy is ignorant of the dearth of empirical evidence linking the regulation of gun ownership to the commission of violent crime.

Those intent on abrogating the natural right of a man to defend himself cleverly employ language to cast the right in an unfavorable light. Words like “assault weapon” and “cop killer bullets” are effective sparks to light the tinderbox of public opinion. The flames they ignite are fanned by the wind blowing out of Capitol Hill, and the Second Amendment is found smoldering in the ashes.

Both sides know that there is no political bent that of its own device or influence could ever convince someone to commit murder in cold blood. The very premise is laughable. Such acts are the result of mental instability and are the product of a perversion of purpose inscrutable to most, regardless of the virulence of their political or social associations and activities.

Unfortunately, the prevailing cultural zeitgeist is one of reality television where titillating production precedes performance and predicts ratings. In the sentient world we all occupy, however, there is no logical way to inculcate the sale of firearms or ammunition clips in the murders committed in Tucson.

The ready availability of guns is no more responsible for this or any other such massacre than an all-you-can-eat buffet is responsible for obesity.

Temperate appeals to right reason will instruct the thoughtful person that a propensity for such an act is not born of opportunity, but of instability.

More to the point is the fact that the government of the United States is a creation of the people of the United States in whom resides the natural right of sovereignty. An integral and unalienable element of that absolute right is the right of self-defense. It is logically impossible that a creature can proscribe the rights of the creator.

It is for this reason that defenders of the right to bear arms need to neither compromise nor capitulate to those committed to eroding that right. Regardless of the distasteful labels placed on guns, ammunition, or any other accessories, there is no reason to pretend hunting is the only legitimate purpose for which a gun may be purchased. Gun owners must stand steadfastly against the supplanting and the subtracting of their God-given rights.

Let us not dishonor the memory of those killed and of the attempted assassination of Representative Giffords by allowing partisan fealty or the purposefully bellowed passions of faction to indict us on the Left or the Right as co-conspirators in the legicide of the Constitution.

*Photo of Rep. Carolyn McCarthy: AP Images*



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