



Written by [Joe Wolverton, II, J.D.](#) on December 29, 2015

## New “Assault Weapons” Ban Would “Ensure Right to Keep and Bear Arms Is Not Unlimited”

One hundred and twenty-four Democrats have signed on to a bill that would “prohibit the sale, transfer, production, and importation” of so-called “assault weapons” and associated accessories. The bill would also criminalize the sale or transfer of many firearms already in circulation.



Representative David Cicilline (D-R.I.) filed the Assault Weapons Ban of 2015 ([H.R. 4269](#)) on December 16 with the goal of legislatively bypassing the protections established by the Second Amendment, resulting in the disarmament of millions of Americans.

Cicilline wrote in a press release accompanying the bill,

Since 2011, the frequency of mass shootings has increased by a factor of three. And according to one study, more than half of all mass shooters used an assault weapon, a gun with a military-style feature, or a high-capacity magazine. The sole purpose of these types of weapons is to kill as many people as quickly as possible.

It is unconscionable that we continue to allow military-style weapons to be bought and sold while mass shootings are growing more common. This bill is an important first step that will restore some sanity to the way we treat guns in the United States.

What is unconscionable is that the American people would continue to elect congressmen such as David Cicilline who would come out in open rebellion to the Constitution and to the natural right of the people of this country, and every country, to defend themselves against tyranny.

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Cicilline pads his press release with statistics to show that more people are killed when guns with high-capacity magazines are used in a violent crime. “When an assault weapon or a high-capacity magazine is used in a shooting, the number of victims who are killed increases by 63%,” he claims.

Noted criminologist Gary Kleck studied this oft-repeated assertion and came to a much different conclusion. The following summary of Kleck’s findings was published by the Gun Owners of America:

For this paper, Kleck identified and examined 88 mass shooting incidents in which more than six people were killed or wounded for the 20 year period from 1994 through 2013. He looked at incidents with more than six victims because six or fewer people could be shot with a traditional six-shot revolver with no large-capacity magazine needed. So he wanted to look at those events in which possession of large-capacity magazines would be most relevant.

Even with this restrictive definition of a mass shooting, Kleck found that large capacity magazines — defined as holding over 10 rounds — were used in only 21 of the 88 incidents (24%).



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So, in 76% of the incidents, a large-capacity magazine ban would have made no difference in any event.

Kleck then goes on to analyze further the 21 incidents in which a large-capacity magazine was used. In every case, the shooters carried either multiple guns or multiple magazines. Therefore, even without a large-capacity magazine, the shooters could easily switch guns or magazines.

Kleck also marshals evidence to show that the rate of fire of most mass shooters is so slow that having to change guns or magazines more frequently would not diminish their casualty counts.

Even the federal government admitted in a [2004 study sponsored by the Department of Justice](#) that “It is not clear how often the outcomes of gun attacks depend on the ability of offenders to fire more than ten shots (the current magazine capacity limit) without reloading.”

Regardless of the facts, the Assault Weapons Ban of 2015 will prohibit the sale, transfer, production, and importation of:

- Semi-automatic rifles and handguns with a military-style feature that can accept a detachable magazine;
- Semi-automatic rifles and handguns with a fixed magazine that can hold more than 10 rounds;
- Semi-automatic shotguns with a military-style feature; and
- Any ammunition feeding device that can hold more than 10 rounds

Beyond these items, the bill would ban 157 specifically named firearms, including the popular AR-15 (a *New York Times* report from December 16, 2012 included an estimate that “3.3 million to 3.5 million AR-15s were made in the United States from 1986 through the first part of [2012] and were not exported.”).

While the text of the bill runs for about 124 pages, there is one glaring though not surprising omission: the identification of the provision of the U.S. Constitution authorizing Congress to make even “reasonable” infringements on the right of people to keep and bear arms.

In fact, the Second Amendment plainly declares “the right of the people to keep and bear Arms, shall not be infringed.”

Not only does the bill not pretend to point to this non-existent constitutional grant of authority, but the title of the bill specifically declares that one of its primary purposes is “*to ensure that the right to keep and bear arms is not unlimited....*” (Emphasis added.)

In *Federalist* Number 46, an optimistic James Madison predicted that the people and the states would never elect men to the federal office “ready to betray” the best interest of both the states and the people. He also recognized that should such a scenario occur, there would be an effective response.

Madison wrote that should the federal government somehow deceive the states and the people into aiding its accumulation of all power, the people, through the states, would recover their senses and “repel the danger” through a militia mustered and “fighting for their common liberties.” These citizen-soldiers would form a popular armed force that Madison believed “could never be conquered.”

This latest Assault Weapons Ban, the United Nations Arms Trade Treaty [signed by John Kerry on behalf of the United States in 2013](#), and the scores of executive orders signed and soon to be signed by President Obama all combine to ensure that the people will not be able to do as James Madison



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counseled and “fight for their common liberties” should they ever be faced with a tyrannical central government.

It is clear that these 124 congressmen and the president of the United States are intent on consolidating control of powerful weapons in the hands of government, making it nearly impossible for an oppressed people to resist such usurpations and “alter or abolish” a government where act after act, order after order, “evinces a design to reduce them under absolute despotism.”

Should H.R. 4269 be enacted (or a similar executive order be issued), it would grant a monopoly over all firearms to the very entity (government) responsible for over 300 million deaths worldwide in the 20th century.

As of press time, the Assault Weapons Ban of 2015 has been referred to the House Committee on the Judiciary for consideration.

Notably, all the Democratic members of that committee, with the exception of Representatives Scott Peters of California and Suzan DelBene of Washington, are co-sponsors of the bill.



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