

Refreshing the Tree of Liberty: An Introduction to the Case Against Gun Control

Michael Johnson¹ and Justin Kerns^{1#}

¹Esprit International School

#Advisor

ABSTRACT

This paper analyzes the Second Amendment regarding whether it affirms an individual the right to own firearms by looking at previous Supreme Court rulings and the historical context in which the Second Amendment was written: coming to the conclusion that it does support an individual's right to bear arms. Gun control measures, including but not limited to assault weapon bans, red-flag laws, and licensing, are reviewed by looking at how the policies work and what the effects of each are. The data on these measures were ultimately found to have no conclusive evidence supporting an inverse relationship between gun control measures and violent crime. Ethical concerns relating to gun control measures were analyzed by establishing an ethical framework of natural rights. This framework leads to the conclusion that gun control measures such as assault weapons bans, red-flag laws, and licensing are unethical on the grounds of violating natural rights. This paper also looks at the effectiveness of bans and restrictions advocated by gun control advocates and compares them to bans and restrictions that were previously and or currently in effect in American history. Concerns on gun policy such as public safety, the defensive usage of firearms, and common arguments for gun control are analyzed and critiqued in this paper.

Introduction

Much controversy surrounds the question of gun control and the Second Amendment. Foundational concepts regarding the topic of gun control include the value and nature of liberty, the right to bear arms, and the role of government. Such concepts are philosophical in nature, leading to questions about what rights people have (assuming such rights exist). In this paper, the first topic to be analyzed is whether the Second Amendment guarantees the right to own weaponry. Next, concerns relating to the question of the ethical status of gun control and gun rights. Lastly, the consequentialist framework will be addressed by looking at the evidence relating to gun control. This article will provide evidence that the Second Amendment does guarantee the individual right to bear arms. The philosophical position of this paper is that the natural rights of life, liberty, and property ultimately lead to the right to bear arms. All the empirical evidence summarized in this article lends support to the argument that gun control measures fall flat on their intended effects. The science of gun laws is inconclusive. Gun control measures in the U.S. would most likely fail.

Constitutionality

The quandary of whether or not there is a legal right to bear arms in the Constitution is unambiguous. In *District of Columbia v. Heller*, the Supreme Court established that there is a constitutional right to own weapons to protect one's

self.¹ The Court did establish some room for regulation, but the basic right to own a gun for self-defense was established as law.² Another facet of this to consider is that there is no evidence suggesting that there were many restrictions on weapons ownership during the Revolutionary War era, as private citizens could own cannons as private property, and used them during the war as privateers.³ Opponents of the Second Amendment argue that this was not the case, but there is no historical evidence backing up this position.⁴ At least one of the founders, Jefferson, held that Americans have the right to bear arms, saying, “God forbid we should ever be 20 years without such a rebellion . . . what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance?”⁵, and he also said, in the same letter, “The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants.”⁶

All of this elucidates that, legally speaking, there is a federally guaranteed right to own firearms. The historical context surrounding the Revolutionary War and the era the founding fathers lived in, along with the opinions of Jefferson, suggest that it was their original intent to have the American population armed. This may show that there is a legal right to own firearms, but should this right be considered ethical? Is it a natural right, does it violate our rights, should it only exist for its benefits, or should it not exist because of its detriments?

Ethical Frameworks

All of the aforementioned questions are all ethical questions that are extremely complex. There are four main views on the issue: there is the question of being either for or against gun control, but there is also the issue of the ethical grounding for these positions. There are deontological and consequentialist ways to arrive at both positions.⁷

The deontological approach starts with the premise that an action is wrong because the nature of the act in and of itself is evil.⁸ A deontologist could argue that gun control is a good thing, as it could have some inherently good properties. A deontologist could also hypothetically argue against gun control, arguing that some specific aspect of the act is unethical. Consequentialists would argue that bringing about positive results is the highest good and that gun control is either good or bad, depending on its consequences.⁹ The position that will be defended is a deontological theory built on natural rights and argues that the right to bear arms is ultimately a human right.

All humans are born free, with rights to life, liberty, and property. In order to protect these rights, one must have the right to defend oneself. In some cases, using lethal force may be the only way to effectively defend one’s self, which ultimately means that one may use weapons for self-defense. The right to property allows for a person to own property, including weaponry. These two things: the need for armed defense and the right to own property, lead to the conclusion that there is a natural right to bear arms—regardless of the law. The initiation of force against those who do not violate anyone’s rights is not permissible under this framework. Owning a weapon violates no one’s rights to life, liberty, or property, so using force on people solely for owning weapons is itself a violation of one’s natural

¹District of Columbia v. Heller 554 US 570 (2008), <https://www.oyez.org/cases/2007/07-290>

²Ibid

³Louis Jacobson, “Politifact - Joe Biden's Dubious Claim about Revolutionary War Cannon Ownership,” PolitiFact (The Poynter Institute, June 29, 2020), <https://www.politifact.com/factchecks/2020/jun/29/joe-biden/joe-bidens-dubious-claim-about-revolutionary-war-c/>.

⁴ Ibid

⁵ Thomas Jefferson, “Thomas Jefferson to William Smith,” Library of Congress (Library of Congress), accessed October 9, 2022, <https://www.loc.gov/exhibits/jefferson/105.html>.

⁶ Ibid

⁷ Which is why there are four main views on the issue, not two views.

⁸Larry Alexander and Michael Moore, “Deontological Ethics,” Stanford Encyclopedia of Philosophy (Stanford University, October 30, 2020), <https://plato.stanford.edu/entries/ethics-deontological/>.

⁹Ibid

rights. If one detonates a bomb in one's backyard, damaging other people's houses in the process, that would not be a permissible act, as that person is violating other people's property rights. With this understanding, most gun control measures should be considered unethical. This is because the measures that would be created would require the use of force against those who have not violated anyone's rights. If no force was used, the measures would be empty. The only time a law is acceptable is in the case where one's rights are being violated.

Some, such as Ryan Hubbard, may argue that the presence of weapons is a violation of these rights, but it is not the case.¹⁰ However, a gun in and of itself is not a threat to people as it is not going to kill you on its own. For Hubbard's argument to have merit, the weapon would have a property that makes its mere presence inherently dangerous, such as being highly radioactive. Because guns are not like this, they do not fall into this category.¹¹

The consequentialist arguments are built around whether gun control brings the best results. This framework is ultimately a flawed one, as using the justification of the ends to justify the means can allow for anything to be permissible, so long as it is for the greater good. One cannot condemn slavery for being inherently wrong, as there would be nothing inherently wrong with the act in and of itself. If enslaving someone were to give them better living conditions, it would not only be impossible to condemn slavery as inherently wrong but would actually become a moral duty under a consequentialist framework. Under this framework, taking the organs of one person and sacrificing them to save five would be an ethical act. The concept of bodily autonomy is practically thrown out the window, as one could literally be morally justified in violating the basic concept of bodily autonomy in the aforementioned example. This ultimately leads to the conclusion that people who have done nothing wrong could have a duty to die under this framework. Consequentialism is ultimately a flawed framework, as no action is inherently wrong; as mentioned before, an act such as slavery could be a moral duty under this framework. However, consequentialism does raise one question. What are the consequences of gun control?

The Evidence

The Scientific Consensus

The research that will be analyzed focuses on the effects that gun policies. This will be done by showing how guns are used and by reviewing the consequences of gun policies in the UK and Australia. American history will be analyzed to see what would most likely occur if gun control laws were to be passed by studying the results of government bans and prohibitions on goods.

The first thing to point out is that gun control advocates often say that the science is on their side, that gun control works, and that countries like the UK and Australia have good gun policies.¹² Stating that science is on the side of gun control is wrong, as there is currently no scientific consensus on the issue. Out of 27,900 studies done on gun control, only 123 meet basic standards such as having p-values less than 0.20.¹³ This standard for p-values is

¹⁰Ryan Hubbard, "On Gun Control," Medium (Perceived More!, March 3, 2021), <https://medium.com/perceive-more/on-gun-control-e8bc37a06995>.

¹¹ Advocates of this line of reasoning do use studies to attempt to back up the claim that guns are inherently a danger to the public; this will be analyzed in the section looking at the empirical evidence relating to gun control

¹²Ryan Hubbard, "On Gun Control," Medium (Perceived More!, March 3, 2021), <https://medium.com/perceive-more/on-gun-control-e8bc37a06995>.; "Pros & Cons - ProCon.org," Gun Control (Britannica, January 26, 2022), <https://gun-control.procon.org/>.

¹³ Smart, Rosanna, Andrew R. Morral, Sierra Smucker, et. al. *The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States*, Second Edition. Santa Monica, CA: RAND Corporation

already laxer than the typical $p < 0.05$ standard in statistics, and many studies failed to meet this requirement.¹⁴ Out of those 123, the evidence was inconclusive on whether or not background checks, bans on assault weapons, and licensing have any effect on gun violence.¹⁵ This analysis of studies concluded that the evidence was inconclusive on the impact of the majority of gun control measures. In short, the science of gun control is not currently favoring these types of policies.

Defensive Use of Firearms in the US

Advocates of gun control may argue that the usage of guns for self-defense is rare¹⁶. However, a CDC report in 2013 looked at defensive gun usage and concluded that

Defensive use of guns by crime victims is a common occurrence, although the exact number remains disputed (Cook and Ludwig, 1996; Kleck, 2001a). Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million (Kleck, 2001a), in the context of about 300,000 violent crimes involving firearms in 2008 (BJS, 2010).¹⁷

Some may point to a lower number of defensive gun uses, around 108,000, but Alan I Leshner et al. point out that the study where that figure comes from does not directly ask about gun usage.¹⁸ Another point of consideration is how effective are guns for self-defense. The CDC report shows that people who defend themselves with firearms are more successful in their attempts than those who use other methods.¹⁹ In short, the defensive use of guns is not rare, is quite possibly more common than the criminal usage of guns, and is more effective than the alternatives.

Safety and Firearms

Some may say that the presence of a gun makes one less safe. An example of this argument can be seen in a notable study done in the 90s. This study was notable as it was central in the debate around the Dickey Amendment, which would affect the CDC's involvement in research on gun control.²⁰ The study—which was also published by the *New England Journal of Medicine*—concluded that “Rather than confer protection, guns kept in the home are associated with an increase in the risk of homicide by a family member or intimate acquaintance.”²¹ However, the study from the *New England Journal of Medicine* has multiple flaws, “Any death ruled a homicide was included, regardless of the

¹⁴ “Research Review Methodology,” RAND Corporation (RAND Corporation, April 22, 2020), <https://www.rand.org/research/gun-policy/methodology.html>.

¹⁵ “Analysis of Evidence for the Effects of Gun Policies on Outcomes,” RAND Corporation (RAND Corporation), accessed October 9, 2022, <https://www.rand.org/research/gun-policy/analysis.html>.

¹⁶ “Pros & Cons - ProCon.org,” Gun Control (Britannica, January 26, 2022), <https://gun-control.procon.org/>.

¹⁷ Alan I Leshner et al., “Priorities for Research to Reduce the Threat of Firearm-Related Violence,” National Academies Press (The National Academies Press, 2013), <https://nap.nationalacademies.org/read/18319/>.

¹⁸ Ibid

¹⁹ Ibid

²⁰ *He Was the N.R.A.'s 'Pointman.' An Unlikely Friendship Made Him Think Twice.* | *NYT Opinion, YouTube* (New York Times, 2022), <https://www.youtube.com/watch?v=mX80JlI6vFs>.

²¹ Arthur L Kellermann et al., “Gun Ownership as a Risk Factor for Homicide in the Home: Nejm,” *New England Journal of Medicine* (New England Journal of Medicine, February 3, 1994), <https://www.nejm.org/doi/full/10.1056/nejm199310073291506>.

method used.”²² Some flaws with this include the fact that the legal definition of homicide is not exclusively applied to murder, but can apply to self-defense as well.²³ Because of this, a case of self-defense with a gun would be viewed the same as a case of murder with a gun. It also assumes that the presence of a gun caused a homicide, regardless of whether or not it was used.²⁴ Reasons such as these make this study not particularly helpful in the discourse on gun control. This study also did not meet the methodological criterion that the RAND Corporation has, as it is not included in the bibliography of their research.²⁵

“Assault Weapons”

Gun control advocates often argue in favor of an assault weapons ban, saying it would reduce gun violence. The connection between the two is ultimately inconclusive, there is currently no evidence in favor of the law.²⁶ These bans also primarily focus on the aesthetic of the weapons they ban rather than function, with sections restricting guns with features such as, “a pistol grip that protrudes conspicuously beneath the action of the weapon;”²⁷ “a bayonet mount;”²⁸ or for semiautomatic pistols, “an ammunition magazine that attaches to the pistol outside of the pistol grip;”²⁹. What this shows is that these bans are not as concerned about the way the guns work themselves, but rather that the guns have a specific look to them.

Proposed bans on such weapons tend to ignore other violent causes of death that often kill many more people than “assault weapons”, seemingly showing less of a concern with saving lives overall. This appears to be evident when the data shows that one is four times more likely to be stabbed to death than to be shot by any rifle, which these regulations generally target: going out of their way to list rifles that are banned: yet there is seemingly much less action taken against knives in the US than semiautomatic rifles.³⁰ As far as firearm deaths specifically, the number of deaths caused by handguns is more than ten times greater than deaths caused by rifles.³¹ However, more attention seems to be given to semiautomatic rifles than handguns. Even when regulations on handguns are proposed, they are usually similar to the regulations placed on “assault weapons”, and similar restrictions. All of the aforementioned restrictions on assault weapons are nearly identical and in some cases are repeated verbatim.³²

²²Ibid

²³“Homicide,” Legal Information Institute (Legal Information Institute), accessed October 9, 2022, <https://www.law.cornell.edu/wex/homicide>.

²⁴Aaron Brown et al., “Guns Aren't a Public Health Issue,” Reason.com (Reason, September 30, 2022), <https://reason.com/video/2022/09/30/guns-arent-a-public-health-issue/>.

²⁵ “References for Gun Policy in America,” RAND Corporation (RAND Corporation), accessed October 9, 2022, <https://www.rand.org/research/gun-policy/analysis/references.html>.; “Research Review Methodology,” RAND Corporation (RAND Corporation, April 22, 2020), <https://www.rand.org/research/gun-policy/methodology.html>.

²⁶“Analysis of Evidence for the Effects of Gun Policies on Outcomes,” RAND Corporation (RAND Corporation), accessed October 9, 2022, <https://www.rand.org/research/gun-policy/analysis.html>.

²⁷Assault Weapons Ban of 2022, H.R. 1808, 117th Cong. (2022), <https://www.congress.gov/bill/117th-congress/house-bill/1808/text>; Public Safety and Recreational Firearms Use Protection Act, Pub. L. No. 103-332 (1994), <https://www.congress.gov/103/statute/STATUTE-108/STATUTE-108-Pg1796.pdf>

²⁸Ibid

²⁹Ibid

³⁰“Expanded Homicide Data Table 8,” 2019 Crime in the United States (Federal Bureau of Investigation, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>.

³¹Ibid

³²Ibid

Licensing and Red-Flag Laws

Licensing for gun ownership is another regulation that people have proposed, and again, the current evidence on the effects of licensing is inconclusive when it comes to preventing violent crime.³³ Similarly, the same applies to extreme risk protection orders, also known as red-flag laws.³⁴ These red-flag laws allow family members or people close to the subject to report someone to the police, saying that that person is a risk to themselves or others. After this, a judge can order the police to seize the subject's guns, without charging that person with a crime.³⁵ The idea itself is alarming, as it flies blatantly against the concept of presumption of innocence, taking away one's right to own firearms before they are charged with a crime; again, this measure currently has no evidence supporting that it works. In short, the claim that licensing and red-flag laws bring positive consequences currently has no evidence backing it up and red-flag laws merely create a system that can be easily used to endanger people, damaging the basic principles that the legal system utilizes.

Gun Control in Developed Nations: Australia and the United Kingdom

Advocates of gun control measures such as assault weapon bans may bring up the cases of Australia and the UK, but the effects of the gun bans that were in place in both of these countries do not seem to support the cause of gun control. The evidence from Australia demonstrates that the effects of the National Firearms Act of 1996 are inconclusive.³⁶ While violent crime did drop after the ban, the crime rate was already dropping at an identical rate.³⁷ This makes it hard to establish any causal link between gun bans/restrictions and firearm deaths (suicide and homicide).³⁸ The effects it had on mass shootings are hard to quantify, as while there were nearly none after the ban, there were also very few before it.³⁹ Counting the number of mass shootings is not as simple as one might think, as different groups use different definitions, which can lead to different numbers.⁴⁰ (In fact, this issue is one that also occurs in the U.S. Many organizations use different definitions, some not requiring anyone to have been killed, while others require 3 or 4 dead.⁴¹ This can lead to wildly different numbers: from there being 10 to 418 in a year.⁴²) Another point of consideration is that there are no nearby countries to compare to Australia: there was no control group to look at.⁴³ These things lead to the conclusion that it is hard to show a causal link between reduced crime rates and the passage of the National Firearms Act of 1996 in Australia. Another consideration is that the total number of guns in Australia has

³³“Analysis of Evidence for the Effects of Gun Policies on Outcomes,” RAND Corporation, accessed October 9, 2022, <https://www.rand.org/research/gun-policy/analysis.html>.; Ryan Hubbard, “On Gun Control,” Medium (Perceived More!, March 3, 2021), <https://medium.com/perceive-more/on-gun-control-e8bc37a06995>.

³⁴ Analysis of Evidence for the Effects of Gun Policies on Outcomes,” RAND Corporation, accessed October 9, 2022, <https://www.rand.org/research/gun-policy/analysis.html>.

³⁵Timothy Williams, “What Are 'Red Flag' Gun Laws, and How Do They Work?,” The New York Times (The New York Times, August 6, 2019), <https://www.nytimes.com/2019/08/06/us/red-flag-laws.html>.

³⁶Rajeev Ramchand and Jessica Saunders, “The Effects of the 1996 National Firearms Agreement in Australia on Suicide, Homicide, and Mass Shootings,” RAND Corporation, April 15, 2021, <https://www.rand.org/research/gun-policy/analysis/essays/1996-national-firearms-agreement.html>.

³⁷Ibid

³⁸Ibid

³⁹Ibid

⁴⁰Ibid

⁴¹Rosanna Smart and Terry L Schell, “Mass Shootings in the United States,” Rand Corporation (Rand Corporation, April 15, 2021), <https://www.rand.org/research/gun-policy/analysis/essays/mass-shootings.html>.

⁴²Ibid

⁴³Ibid

been increasing; in 2019, there were more guns in Australia than there were before the ban in 1996.⁴⁴ Data from the UK suggests that when they passed their gun legislation in 1997, homicide rates spiked afterward.⁴⁵ This set of events contradicts the narrative that gun control will reduce crime. While this does not establish a causal link, these events correlating do not favor gun control.

Homicide rate, England and Wales, year ending December 1970 to year ending March 2021



46

Gun Control in the Context of American History

Analyzing the history of the U.S. will help us understand general trends in the U.S. and help predict if gun control would work in the U.S. The idea that a ban on a product like a gun will be effective runs face first into the historical

⁴⁴Bianca Hall, “More Guns in Australia Now than before the Port Arthur Massacre: Report,” The Sydney Morning Herald (The Sydney Morning Herald, March 27, 2019), <https://www.smh.com.au/national/more-guns-in-australia-now-than-before-the-port-arthur-massacre-report-20190327-p5188m.html>.

⁴⁵Nick Stripe, “Homicide in England and Wales: Year Ending March 2021,” Homicide in England and Wales - Office for National Statistics (Office for National Statistics, February 10, 2022), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2021>; “UK | Britain's Changing Firearms Laws,” BBC News (BBC, November 12, 2007), http://news.bbc.co.uk/2/hi/uk_news/7056245.stm.

⁴⁶ Figure 1. Nick Stripe, “Homicide in England and Wales: Year Ending March 2021,” Homicide in England and Wales - Office for National Statistics (Office for National Statistics, February 10, 2022), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2021>.

precedent that the history of the U.S. has. Attempts to ban alcohol failed significantly and increased alcohol consumption in the long run.⁴⁷ Prohibition also led to a rise in crime, organized crime related to the sale of alcohol.⁴⁸ A similar story can be seen with the war on drugs; when the drugs were banned, violent crime went up, and black markets grew rapidly.⁴⁹ The historical precedent set here is that when a ban on a product is placed, it will inevitably fail. These patterns suggest that gun control could very easily follow suit if it manages to pass. The people will want to get guns, following a similar pattern to how people wanted alcohol and drugs.

As mentioned before, there are now more guns in Australia than before the ban; this would most likely be parallel in the United States, where people would start to buy guns on the black market. People could also make guns, as can be seen in the case of P.A. Luty, a person in the UK who created a machine gun out of parts that he got in a hardware store⁵⁰, or with the more modern innovation of 3D printed guns, as they are currently in both the U.S. and Europe despite gun laws that may be in place.⁵¹ In short, when an item gets banned, the historical precedent suggests that the ban is usually not that effective and that guns are ultimately no different.

Addressing Other Arguments

To address some final points, some say that the idea of opposing a ban because people will still get the item is ridiculous because that would mean that drugs should be legal and that murder should not be criminalized.⁵² Firstly, drugs ought to be legal, as their usage does not violate anyone's rights, and the drug war has been a failure; secondly, the comparison to murder is not analogous, as there are two things to consider when making laws: does the act violate people's rights, and is it effective? The first part already shows the difference between the analogy to murder and the analogy to drugs: one violates the rights of another, and the other does not.

Advocates of gun control also ridicule the idea that an armed populace could fight against a tyrannical government.⁵³ There is a relatively current counterexample (in the year 2022); 3D printed guns are being used by Burmese rebels to fight against the military junta that took over.⁵⁴ There is also a fairly unique case that occurred in the US, the Battle of Athens (1946). This was a situation where returning WWII veterans came across McMinn County, where

⁴⁷Mark Thornton, "Alcohol Prohibition Was a Failure," Cato.org (Cato Institute), accessed October 9, 2022, <https://www.cato.org/policy-analysis/alcohol-prohibition-was-failure#>.

⁴⁸Ibid

⁴⁹Christopher J Coyne and Abigail R Hall, "Four Decades and Counting: The Continued Failure of the War on Drugs," Cato.org (Cato Institute, April 12, 2017), <https://www.cato.org/policy-analysis/four-decades-counting-continued-failure-war-drugs#>.

⁵⁰Chloe Tousignant, "Luty Sub-Machine Guns: Past, Present & Future - Armament Research Services (ARES)," Armament Research Services (ARES) - Armament Research Services is a specialist technical intelligence consultancy offering arms & munitions research/analysis services. (Armament Research Services (ARES), May 17, 2020), <https://armamentresearch.com/luty-sub-machine-guns-past-present-future/>.

⁵¹ *Plastic Defence: Secret 3D Printed Guns in Europe, YouTube* (Popular Front, 2020), <https://www.youtube.com/watch?v=j1B2QV5wVxg>.

⁵²Ryan Hubbard, "On Gun Control," Medium (Perceived More!, March 3, 2021), <https://medium.com/perceive-more/on-gun-control-e8bc37a06995>.

⁵³Ibid

⁵⁴"How Rebel Fighters Are Using 3D-Printed Arms to Fight the Myanmar Junta," Yahoo! News (Yahoo!), accessed October 9, 2022, https://uk.news.yahoo.com/rebel-fighters-using-3d-printed-161804217.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xiLmNvbS8&guce_referrer_sig=AQAAADn4q9609Vjj2ASbDui2hZF3-jYBHWAUu4RY3qGHsfbZ7nWDWyGmHtKnj1I4AOMhtXhLgyAP7Fg3fVQKLLe3BVilZPToaOar9Hs0h36712npi-brRUjW7BDXcgbkUO2yiVqKf8JgfDNwVEMn7ACInvYMJIXEfxDPJEZy2kJheDeN.

the sheriff and others jailed returning veterans on made-up charges, threatened veterans and their families, intimidated eligible voters into not voting while allowing ineligible voters to vote, and had absentee votes sent in, sometimes multiple times.⁵⁵ The veterans ultimately took up arms to prevent elections from being rigged and ultimately succeeded.⁵⁶ Another point is that even with the military advantages of the US, they still lost in Vietnam to the Vietcong.⁵⁷ War is not a good thing, but it can be a defensive tool to protect people's rights from tyranny. In short, the idea is not as ridiculous as some may portray it.

Another point to consider is that under the ethical framework that has been established (natural rights) the consequences of policies is a secondary to the laws that ought to be made: the primary factor being the acts that the laws are for being the priority. This may sound harsh but it starts to make more sense when one thinks about it. A law requiring every able-bodied person to donate one of their kidneys to solve the organ donor crisis would increase access to kidneys. However, most would probably oppose such a law on ethical grounds, that it is a violation of bodily autonomy and say that the potential benefits are not worth it. While this is an extreme example, it shows the point more clearly, the law should look to protect people's rights first; it should not trample over people's rights for some greater good.

These ideas give a set of criteria for what freedoms a society should protect and cherish; the rule is does it violate anyone's natural rights? If so, then there can be laws regarding the issue. If that is not the case, then it ought to be permissible under the law. These are freedoms that should be upheld by society.

Conclusion

The law allows people to own weapons for self-defense; however, the law is secondary to the ethics that ought to be followed. The right to bear arms should be cherished as it is a natural right that all people have to defend their freedoms. The science of gun control is ultimately inconclusive, and the examples of the UK and Australia do not provide support for gun control. If gun control measures such as assault weapon bans, red flag laws, licensing, etc. . . . were to be passed federally in the United States, the history of the United States points toward the outcome of those policies being similar to those of the drug war and prohibition. While this is not looking at every single issue, regulation, argument, etc. . . . it does lay out the groundwork of gun rights and analyzes many common examples of gun control and arguments in favor of it. The right to bear arms and the virtue of individual liberty need to be valued as well; the freedoms in the Bill of Rights need to be preserved.

Works Cited

- Alexander, Larry, and Michael Moore. "Deontological Ethics." Stanford Encyclopedia of Philosophy. Stanford University, October 30, 2020. <https://plato.stanford.edu/entries/ethics-deontological/>.
- "Analysis of Evidence for the Effects of Gun Policies on Outcomes." RAND Corporation. RAND Corporation. Accessed October 9, 2022. <https://www.rand.org/research/gun-policy/analysis.html>.
- Assault Weapons Ban of 2022, H.R. 1808, 117th Cong. (2022), <https://www.congress.gov/bill/117th-congress/house-bill/1808/text>

⁵⁵ Chris DeRose, "Get the Hell Out of Here and Get Something to Shoot With," POLITICO, November 1, 2020, <https://www.politico.com/news/magazine/2020/11/01/world-war-ii-veterans-rigged-election-433773>.

⁵⁶ Ibid

⁵⁷ "Why Did US Tactics Fail in Vietnam? - The Vietnam War - Edexcel - GCSE History Revision - Edexcel - BBC Bitesize," BBC News, 2023, <https://www.bbc.co.uk/bitesize/guides/z89hg82/revision/5>.

- Brown, Aaron, Morris Fiorina, Baylen Linnekin, Jacob Sullum, C.J. Ciaramella, and John Osterhoudt. "Guns Aren't a Public Health Issue." Reason.com. Reason, September 30, 2022. <https://reason.com/video/2022/09/30/guns-arent-a-public-health-issue/>.
- Coyne, Christopher J, and Abigail R Hall. "Four Decades and Counting: The Continued Failure of the War on Drugs." Cato.org. Cato Institute, April 12, 2017. <https://www.cato.org/policy-analysis/four-decades-counting-continued-failure-war-drugs#>.
- DeRose, Chris. "'Get the Hell Out of Here and Get Something to Shoot With.'" POLITICO, November 1, 2020. <https://www.politico.com/news/magazine/2020/11/01/world-war-ii-veterans-rigged-election-433773>.
- District of Columbia v. Heller 554 US 570 (2008), <https://www.oyez.org/cases/2007/07-290>
- "Expanded Homicide Data Table 8." 2019 Crime in the United States. Federal Bureau of Investigation, 2019. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>.
- Hall, Bianca. "More Guns in Australia Now than before the Port Arthur Massacre: Report." The Sydney Morning Herald. The Sydney Morning Herald, March 27, 2019. <https://www.smh.com.au/national/more-guns-in-australia-now-than-before-the-port-arthur-massacre-report-20190327-p5188m.html>.
- He Was the N.R.A.'s 'Pointman.' An Unlikely Friendship Made Him Think Twice.* | *NYT Opinion.* YouTube. New York Times, 2022. <https://www.youtube.com/watch?v=mX80JII6vFs>.
- "Homicide." Legal Information Institute. Legal Information Institute. Accessed October 9, 2022. <https://www.law.cornell.edu/wex/homicide>.
- "How Rebel Fighters Are Using 3D-Printed Arms to Fight the Myanmar Junta." Yahoo! News. Yahoo! Accessed October 9, 2022. https://uk.news.yahoo.com/rebel-fighters-using-3d-printed-161804217.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xiLmNvbS8&guce_referrer_sig=AQAAADn4q9609Vjj2ASbDui2hZF3-jYBHWAUu4RY3qGHsfBZ7nWDWyGmHtKnj1I4AOMhtXhLgyAP7Fg3fVQKLLe3BViLzPToaOar9Hs0h36712npi-brRUjW7BDXcgbkUO2yiVqKf8JgfDNwVEMn7ACInvYMJIXEfxDPJEZy2kJheDeN.
- Hubbard, Ryan. "On Gun Control." Medium. Perceived More!, March 3, 2021. <https://medium.com/perceive-more/on-gun-control-e8bc37a06995>.
- Jacobson, Louis. "Politifact - Joe Biden's Dubious Claim about Revolutionary War Cannon Ownership." PolitiFact. The Poynter Institute, June 29, 2020. <https://www.politifact.com/factchecks/2020/jun/29/joe-biden/joe-bidens-dubious-claim-about-revolutionary-war-c/>.
- Jefferson, Thomas. "Thomas Jefferson to William Smith." Library of Congress. Library of Congress. Accessed October 9, 2022. <https://www.loc.gov/exhibits/jefferson/105.html>.
- Kellermann, Arthur L, Frederick P Rivara, Norman B Rushforth, Joyce G Banton, Donald T Reay, Jerry T Francisco, Ana B Locci, Janice Prodzinsky, Bela B Hackman, and Grant Somes. "Gun Ownership as a Risk Factor for Homicide in the Home: Nejm." New England Journal of Medicine. New England Journal of Medicine, February 3, 1994. <https://www.nejm.org/doi/full/10.1056/nejm199310073291506>.
- Leshner, Alan I, Bruce M Altevogt, Arlene F Lee, Margaret A McCoy, and Patrick W Kelley. "'Priorities for Research to Reduce the Threat of Firearm-Related Violence.'" National Academies Press. The National Academies Press, 2013. <https://nap.nationalacademies.org/read/18319/>.
- Plastic Defence: Secret 3D Printed Guns in Europe.* YouTube. Popular Front, 2020. <https://www.youtube.com/watch?v=jIB2QV5wVxg>.
- "Pros & Cons - ProCon.org." Gun Control. Britannica, January 26, 2022. <https://gun-control.procon.org/>.
- Public Safety and Recreational Firearms Use Protection Act, Pub. L. No. 103-332 (1994), <https://www.congress.gov/103/statute/STATUTE-108/STATUTE-108-Pg1796.pdf>
- Ramchand, Rajeev, and Jessica Saunders. "The Effects of the 1996 National Firearms Agreement in Australia on Suicide, Homicide, and Mass Shootings." RAND Corporation, April 15, 2021. <https://www.rand.org/research/gun-policy/analysis/essays/1996-national-firearms-agreement.html>.

- “References for Gun Policy in America.” RAND Corporation. RAND Corporation. Accessed October 9, 2022.
<https://www.rand.org/research/gun-policy/analysis/references.html>.
- “Research Review Methodology.” RAND Corporation. RAND Corporation, April 22, 2020.
<https://www.rand.org/research/gun-policy/methodology.html>.
- Smart, Rosanna, Andrew R. Morral, Sierra Smucker, Samantha Cherney, Terry L. Schell, Samuel Peterson, Sangeeta C. Ahluwalia, Matthew Cefalu, Lea Xenakis, Rajeev Ramchand, and Carole Roan Gresenz, *The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States*, Second Edition. Santa Monica, CA: RAND Corporation, 2020.
https://www.rand.org/pubs/research_reports/RR2088-1.html. Also available in print form.
- Smart, Rosanna, and Terry L Schell. “Mass Shootings in the United States.” Rand Corporation. Rand Corporation, April 15, 2021. <https://www.rand.org/research/gun-policy/analysis/essays/mass-shootings.html>.
- Stripe, Nick. “Homicide in England and Wales: Year Ending March 2021.” Homicide in England and Wales - Office for National Statistics. Office for National Statistics, February 10, 2022.
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2021>.
- Thornton, Mark. “Alcohol Prohibition Was a Failure.” Cato.org. Cato Institute. Accessed October 9, 2022.
<https://www.cato.org/policy-analysis/alcohol-prohibition-was-failure#>.
- Tousignant, Chloe. “Luty Sub-Machine Guns: Past, Present & Future - Armament Research Services (ARES).” Armament Research Services (ARES) - Armament Research Services is a specialist technical intelligence consultancy offering arms & munitions research/analysis services. Armament Research Services (ARES), May 17, 2020. <https://armamentresearch.com/luty-sub-machine-guns-past-present-future/>.
- “UK | Britain's Changing Firearms Laws.” BBC News. BBC, November 12, 2007.
http://news.bbc.co.uk/2/hi/uk_news/7056245.stm.
- “Why Did Us Tactics Fail in Vietnam? - The Vietnam War - Edexcel - GCSE History Revision - Edexcel - BBC Bitesize.” BBC News, 2023. <https://www.bbc.co.uk/bitesize/guides/z89hg82/revision/5>.
- Williams, Timothy. “What Are 'Red Flag' Gun Laws, and How Do They Work?” The New York Times. The New York Times, August 6, 2019. <https://www.nytimes.com/2019/08/06/us/red-flag-laws.html>.