

Why American Citizens Need Assault Weapons*

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A day or two after the Newtown, CT mass murder at Sandy Hook Elementary School, I was having an online conversation with one of my nephews, and he said he just couldn't see why anyone needed a weapon with a magazine that held more than ten rounds. I made the usual arguments, but was frustrated because social media discussions usually take place in a sentence or two, not a 2,000-word treatise. I would have liked to have had such a treatise with which to educate him, so he could consider the rational arguments without all the emotion of the day overriding the thought process.

I suspect more than one or two of our members were in the exact same situation in the days following the shooting, and for this reason, I want to lead this month's *eJournal* with an opinion piece on this subject. If it helps clarify your own thoughts on the subject, then I will be pleased. If you choose to share this article with others, either through social media or privately, that would also please me.

In the wake of a self-defense shooting involving a modern semi-automatic rifle or pistol, you will undoubtedly have to answer the same question if you are charged with a crime along with that shooting. You should know how to answer the question, "Why did you need to use an assault weapon, Mr. Defendant?" So, let's take a look at why American citizens need modern semi-automatic weapons.

One of the overarching themes of the anti-gun movement is that Americans simply do not need these types of weapons. "Why does anyone need a high capacity assault rifle?" After all, high capacity semi-automatic rifles are not used for hunting or sporting purposes, just for killing humans. To which I respond "exactly."

There are two main reasons and many ancillary ones why a ban on high-capacity, semi-automatic weapons is uncalled for, unnecessary and also unwise.

First, we must consider the historical perspective of the Second Amendment to the U.S. Constitution. The Second Amendment was added to the Constitution as an assurance that Americans will never lack the weaponry to fight against their own government, if that government becomes tyrannical. Remember, in the late 1780s the newly formed United States of America had just fought a bloody war against England and King George III's tyrannical government. In order to gain support for the formation of a central government, the individual states required that the language of the Second Amendment be included in the Constitution, or they would not ratify the Constitution.

Of course, the citizens of the day needed to arm themselves against tyrants with the very same weaponry used by the tyrants. Remember that English rule had become over domineering, leading to the revolutionary war to begin with. The states resolved that no central government

should have the ability to enslave them or otherwise control their lives beyond what they were willing to allow, because they could revolt and take down that new government, too. Thomas Jefferson probably put it best, when he said “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.” According to our founding fathers, the original, overarching purpose of the Second Amendment was to ensure that American citizens always had the ability to overthrow the existing government.

If you look at the history of the writing of the Constitution, it is quite clear that the founding fathers meant for the citizenry to be armed with the very same weaponry as government had. In fact, Justice Antonin Scalia in his majority opinion of the 2008 Supreme Court case *District of Columbia v. Heller* (<http://www.scotusblog.com/wp-content/uploads/2008/06/07-290.pdf>) went to considerable effort to outline this argument in his opinion. Anyone owning a modern semi-automatic rifle or pistol needs to read and study the opinion, so we have provided that link for you.

Now, fast forward from 1780 to present day. Our current military and law enforcement agencies employ high-capacity semi-automatic handguns and AR-15 style rifles that are the very same weapons as are being targeted for a ban, if the Obama Administration has its way. In fact, most military firearms also have select fire: full auto, three-shot burst or semi-auto. This is how the M-4 rifle, which American citizens cannot own unless first paying a high tax, and in some states citizens cannot own M4s at all.

Nevertheless, the current semi-auto weaponry is similar enough for the arming of the Militia, of which each and every able-bodied armed American is still a part (read *Heller*). We, the citizens of America, need to retain the same weaponry as our military and police to even the playing field, so that in the event of an attempt to enslave the American people, we can resist equally.

Revolting against tyranny is the first reason Americans must retain our rights to own high capacity semi-automatic firearms. The counter-argument goes, “Come on, this is the year 2013. It’s not 1776.” To which I say, “So what? Tyranny is not a thing of the past.” A society that ignores history is one which is likely to repeat the mistakes of the past, as George Santayana suggested when he paraphrased Edmund Burke.

No one will ever convince me that current day humans do not have the ability to enslave, torture and murder large groups of other humans. History—even modern history—is replete with examples. Starting at home, the Indian Removal Act of 1830 forcibly moved Native American Indians from their Eastern homelands and relocated them to lands West of the Mississippi. This policy eventually led to the Indian wars of the late 1800s, culminating in the massacre at Wounded Knee in 1890, where the American cavalry rounded up members of the Lakota tribe, and while disarming them, caused an outbreak of violence in which up to 300 Lakota, including men, women and children, were killed. That was our own government in action, a little over 100 years ago.

In the early to mid 1900s, Hitler and Nazi Germany committed genocide against German and Polish Jews in the holocaust, killing over 11 million, men, women and children. In the 1970s, Cambodia was taken over by the Khmer Rouge, and over two million Cambodians were exterminated as a result. Just two short decades ago Saddam Hussein and his regime committed countless atrocities in Iraq. And currently, governments in the Middle East are killing their own citizens to stifle their quest for freedom and self-government.

I could go on and on! To claim that a modern human ruling party isn't capable of killing its own people is naïve. I am not naïve, and there is no reason for any American to naïvely ignore history. I believe that the first and foremost reason that the American people need the right and ability to possess modern semi-automatic rifles and pistols is to ensure that our own government never feels it is more powerful than its citizens.

A little Internet research indicates the current size of the military is about 1.4 million active duty soldiers, and about that many more reserves.

In addition to about three million soldiers, and we must not forget the over one million law enforcement officers who must also be viewed as government agents. That totals somewhere between three to four million government agents who could be called upon to repress the American people. Compare that number to the estimated 100 million gun owners in America. As long as the American people have the right to own the very same type of weapons with which the military and police are armed, they need not fear the government. It is that purpose that was and still is the primary reason behind the one line paragraph the States ratified as the Second Amendment, "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."

The second reason Americans need high capacity semi-automatic firearms has a more practical, immediate application in our modern society. Citizens must not be stripped of the ability to effectively counter criminal violence. I was a law enforcement officer in the 70s and 80s when the transition to high capacity semi-automatic handguns for law enforcement began. I taught law enforcement officers firearms skills in the 90s, after the move to semi-autos was complete.

The reason law enforcement switched to semi-automatic handguns is twofold. First was the discovery that the ergonomics of the semi-automatic handgun worked better for most officers, than those of the six-shot revolver. Simply put, the officers could shoot better with semi-autos. The most pressing reason for making the shift to the semi-auto was that the criminal element had already gone there and the police were outgunned. Officers were facing dedicated criminals armed with high-capacity weapons, while they were still issued six-shot revolvers and pump action shotguns. The playing field had changed and the cops needed to catch up.

I know of no watershed moment that initiated the shift to semi-automatic handguns, but law enforcement endured one compelling incident that started the move to retire the pump shotgun, and replace it with the semi-automatic rifle. That incident was the North Hollywood bank robbery and the subsequent running gun battle that occurred in 1997. On Feb. 28th of that year, two career criminals armed with semi-automatic rifles which had been illegally converted to full auto, entered the North Hollywood Bank of America, robbed the bank of over \$300,000, and upon attempting to make their getaway, were confronted by officers armed with .38 Special revolvers, 9mm semi-automatic handguns and pump action shotguns.

In anticipation of being confronted by law enforcement, the two bank robbers had donned full body armor that made the underpowered police weapons all but useless. A running gun battle ensued, in which hundreds of rounds were fired by both the robbers and the police. At one point, realizing the robbers had the upper hand, some officers went to a nearby gun shop, where they obtained semi-automatic AR-15 rifles, magazines and ammunition. Before those weapons were put into play, though, the gunfight came to an end, with one perpetrator shooting

himself in the head with his handgun as police closed in after his rifle jammed, and the other criminal finally was neutralized with shots to his lower extremities, where he was not armored.

Now, 15 years later, virtually all law enforcement agencies and officers are either issued AR-15 style rifles, or have them accessible. But, that is the police. In the context of self defense, why do armed citizens need AR-15 style weapons? Because, the armed citizen faces the VERY SAME criminals that police face. The only difference is that police, because they are more often called TO the incident, face these criminals more regularly. Understand, though, criminals do not prey on police, but instead, they victimize the public.

If the armed citizen wants to have a fighting chance against criminals who are armed with high capacity rifles and pistols, they also need effective weaponry. Just like the police did back in the 1990s and today.

When might an armed citizen be attacked under circumstances in which a modern semi-automatic rifle would be necessary for defense? Consider societal break down, as took place during the Los Angeles riots in 1992, and after Hurricane Katrina in 2005. In each of these real life examples of societal breakdown in America, roving gangs of criminals looted stores and private homes throughout those cities. While protecting property is not generally considered a valid reason to use deadly force, the fact that the resident is present and armed with a modern semi-automatic rifle might just encourage looters to skip over that citizen's home or business and take on easier pickings elsewhere. After all, the next easy target is just down the street.

I cannot forget the images of the Korean store owners protecting their businesses with highly visible, armed security during the Los Angeles riots. They were not just protecting property, but also protecting their lives and the lives of their family members. Each of those looters constituted a criminal committing a felony, and a violent person who will burgle and loot is also very likely capable of killing.

It is no secret that it is much easier to effectively shoot a semi-automatic rifle, such as an AR-15 or a Ruger Mini-14, compared to shooting a bolt action, lever action or pump action rifle or shotgun. As a firearms trainer, I have seen a dramatic shift away from armed citizens obtaining and using shotguns for home defense. They have replaced the shotgun with semi-automatic rifles that are simply easier to shoot.

In conclusion, I believe ownership, possession and use of modern semi-automatic rifles and pistols are necessary for the armed citizen in America. Individually, one is likely never to actually need the ability to fire 20-30 rounds in an encounter. But, if the need does ever arise, circumstances are so dire that having access to that weapon will be vitally important. It will likely be a lifesaver.

** Throughout this article, I use the term "modern semi-automatic rifle or pistol" to describe what others commonly call "assault weapons." "Assault weapon" has become a pejorative used primarily by those who are pushing a political agenda to ban guns, and depending on their wishes, it can mean anything from a handgun, which holds more than seven rounds of ammunition (as in New York), to rifles with a detachable magazine that can hold more than ten rounds of ammunition. While I do understand that the term "assault weapon" is too broad to serve as an accurate descriptor, I use it in this article's headline to grab the reader's attention. If it offends, I apologize.*