The Demonization of 'Assault Weapons

What are "assault weapons" and why are they being demonized? To begin with, the appellation "assault weapons" is a misnomer, a disparaging political not a proper military term. It was invented by Josh Sugarmann, a media-lionized gun control advocate, as a political term to demonize semiautomatic firearms that frequently have a military appearance but are not strictly speaking military weapons. Sugarmann had unsuccessfully tried to ban handguns as a member of the National Coalition to Ban Handguns. But in the early 1990s, he also moved onto bigger and better things — the demonization and banning of "assault weapons," which unbeknownst to many apolitical hunters and gun enthusiasts, could very well include hunting rifles as well as some handguns and shotguns.

The term was taken up by the Democrats in Congress in anticipation of the Assault Weapons Ban of 1994 that was enacted into law and remained in effect until it lapsed in 2004. It was shown that the ban did not have an effect on crime or in preventing mass shooting incidents.

Undaunted the Democrats re-introduced the Assault Weapons Ban of 2012 that was wisely rejected by Congress. Had this ban been enacted, it would have proscribed over 50 percent of all firearms already lawfully possessed by Americans. True, "assault weapons" may have high-capacity magazines, pistol-type grip to the stocks, and mean-looking external paramilitary appearance — characteristics that may also be included in hunting and recreational sporting rifles, handguns, and shotguns. But the fact remains that these firearms release one bullet with each pull of the trigger. They are not automatic weapons as implied by the media and gun control advocates.

Unlike "assault weapons," assault rifles are true military weapons, fully automatic, capable of producing bursts of automatic fire and designed so that in war, they are more likely to wound than to kill, thus tying up more enemy troops and resources. On the other hand, as fully automatic weapons, assault rifles have been strictly regulated since passage of the National Firearm Act of 1934. They have little to do with "assault weapons," except in appearance and the fact they are more likely to wound than to kill, as do hunting rifles. The mainstream media has contributed to the confusion in their drive to promote gun control, implying that the two types of firearms are one and the same — and they have been quite successful in the deception.

In the *US v. Miller* (1938) decision, the Second Amendment was interpreted as protecting an individual's right "to keep and bear arms," especially and explicitly, the ownership of military-style weapons, as "part of the ordinary military equipment." And yet before he dropped from the circus of Democrat candidates for President, Beto O' Rourke claimed that "there is no right to own a weapon of war." He went on to say, "We wouldn't allow you to have a bazooka or drive a tank down the street because those rightly belong in the battlefield and do not belong in our communities."

In fact, in the *US v. Verdugo-Urquidez* decision of 1990, the Supreme Court held that when the phrase, "the people" is used in the context of the Second Amendment, it means "individuals," which of course implies individuals possessing and carrying small arms. Tanks and bazookas are not the small arms that citizens, as part of the militia (every citizen capable of bearing arms) would keep and bear for personal or collective defense. It can then be argued that while artillery and heavy ordnance are not protected by the Second Amendment, small arms — from handguns to military-style firearms, including "assault weapons" certainly are. So much for Beto's straw man fallacious comparison.

We should also note that the duty of police officers is not to prevent crime, but to apprehend criminals and bring them to justice — after a crime has been committed. Contrary to popular belief, the police do not have a legal duty to protect the public against criminals. According to several court opinions including the 1982 ruling (*Bowers v. DeVito*), "There is no constitutional right to be protected by the state against being murdered by criminals or madmen. The constitution… does not require the federal government or the states to provide services, even so elementary a service as maintaining law and order." When chaos reigns, "assault weapons" can be helpful in protecting our homes and family.

Nevertheless, the issue of the constitutionality of "assault weapons" has not been judicially settled. And these semi-automatic firearms with paramilitary appearance have been under attack at both the federal and state levels. Despite their usefulness for sport shooting as well as life-saving tools during natural catastrophes, urban unrest, and self-defense

against multiple criminal assailants, these firearms have been so maligned that some courts have yet to rule favorably on their constitutionality.

The fact that the role of “assault weapons” has not been judicially settled is a travesty because their hunting and sporting usage is widespread, not to mention their use for self and family protection can be life-saving. In November 1990, Brian Rigsby and his friend Tom Styer left their home in Atlanta, Georgia, and went camping near Oconee National Forest, not too far from where I live in rural Georgia. Suddenly, they were assaulted by two drug-crazed crack-heads who fired at them with 12-gauge shotguns seriously wounding Styer. Rigsby returned fire with a Ruger Mini-14, a semiautomatic weapon frequently characterized as an assault weapon. It saved his life and that of his wounded friend.

In January 1994, Travis Dean Neel was cited as citizen of the year in Houston, Texas. He had saved a police officer and helped the police arrest three dangerous criminals in a gunfight, street shooting incident. Neel had helped stop the potential mass shooters using once again a semiautomatic, so-called assault weapon with a high-capacity magazine. He provided cover for the police who otherwise were outgunned and would have been killed. What would have happened if these citizens did not have the “assault weapons” to save their lives from these mentally deranged mass shooters or outright criminals.

In 1989 after Hurricane Hugo assailed the city of Charleston and surrounding coastal areas in South Carolina, Governor Carroll Campbell Jr. issued “shoot on sight” orders to the South Carolina National Guard. The authorities, in some cases assisted by armed citizens, deterred some of the thugs from looting. Likewise, in 1992, during the catastrophic Hurricane Andrew that devastated Florida, looting was limited because citizens used high-capacity magazine assault weapons — just as the Korean shopkeepers in Los Angeles did earlier that Spring of that same year, when they protected their property from the usual parasitic thugs roaming the land and capitalizing on the suffering of others.

Although assault weapons have been used in several heinous and notorious mass shooting incidents, it must be noted that less than 2% of homicides are mass shooting incidents and less than 2% of homicides are committed with “assault weapons.” Ordinary hunting rifles and handguns are used in the vast majority of firearm homicides and suicides. And as the aforementioned examples show, “assault weapons,” can be very useful for self, family and property protection, not only during natural disasters and civil unrest, but also when the police cannot (or are not willing to) protect us, during riots or assaults involving multiple assailants.

Miguel A. Faria, M.D., is Associate Editor in Chief in socioeconomics, politics, medicine, and world affairs of Surgical Neurology International (SNI). This article is excerpted and edited from his newly release book, America, Guns, and Freedom: A Journey Into Politics and the Public Health & Gun Control Movements (2019)

Debunking the Myth of "Concealed-Carry Killers"

The Violence Policy Center—a gun control advocacy group—released a study last month it wrongly claims shows that “too many concealed-carry permit holders are a direct threat to public safety.” That claim rests on an analysis of a database documenting “non-self-defense incidents,” which the organization says proves that “allowing random people to carry guns endangers public safety". On its face, that claim is contrary to the wealth of data indicating that concealed-carry permit holders are one of the most law-abiding populations in the nation. Moreover, concealed-carry permit holders are not “random people,” but individuals with the government’s affirmative approval to carry a concealed firearm in public places after having completed a series of steps required by the government. It’s hardly surprising, then, that the Violence Policy Center claim falls apart when even the slightest bit of scrutiny is applied to it.

Not only is the claim based on a grossly misleading characterization of what the database actually captures, but the numbers from the database flatly contradict the Violence Policy Center’s claim that America’s 18 million concealed-carry permit holders represent a serious risk to public safety.

That’s particularly true in light of the role permit holders play in actively protecting themselves and the public from violent crime. Beyond the immediately suspect nature of the Violence Policy Center’s claims, the database erroneously includes many deaths that are not attributable to the misuse of a concealed-carry permit.

The anti-gun group defines “non-self-defense incident” to include virtually any fatality involving a concealed-carry permit holder, including ones that do not remotely resemble the type of intentional homicide evoked by the Violence Policy Center’s strong claims about public safety.

For example, roughly 40% of the deaths (534 of 1,335) are suicides. While tragic, firearm suicides are not what a term like “concealed-carry killer” brings to mind. Moreover, analysis of the remaining “non-self-defense” deaths also belies the group’s use of the term. The Violence Policy Center includes many fatalities where the shooter’s concealed-carry permit was irrelevant because he or she did not carry a concealed weapon in public while perpetrating the crime.

For example, the database includes a Nov. 11, 2008, death where a permit holder fatally shot her husband in their own backyard, and a June 12, 2012, death where the permit holder fatally shot his wife while she slept in their own bedroom. Had their respective states never issued a concealed-carry permit to a single person, these shooters still would have been in lawful possession of these firearms inside their own homes. Also of dubious inclusion are at least 10 cases that involve someone other than the permit holder using the permit holder’s firearm, and a number of cases where the individual’s permit either should have been suspended or was actually suspended under state law at the time of the death.

Finally, despite the Violence Policy Center’s claim that it only analyzed non-self-defense shootings, in 72 of the 801 homicide deaths included in the database, the shooter’s claim of self-defense is still pending in court.

In other words, the anti-gun group has preemptively convicted those parties before a jury has had the opportunity to determine whether they acted in lawful self-defense.

As a result of the report, the Violence Policy Center’s legislative director stated that “concealed-carry killers continue to claim innocent lives at a shocking pace.” The only shocking thing about the pace of crimes committed by concealed-carry permit holders is just how slow it is compared with the statistical expectation. According to the data, America’s 18 million concealed-carry permit holders accounted for 801 firearm-related homicides over a 15-year span, which amounts to roughly 0.7% of all firearm-related homicides during that time. That percentage drops even lower if any of the defendants in the 72 cases still pending in court are determined to have acted in lawful self-defense.

Since 2007, when the Violence Policy Center started tracking these concealed-carry permit holder deaths, there has been a 304% increase in the number of Americans with a concealed-carry permit.

At the same time, the national violent crime and homicide rates in 2018 were actually lower than they were in 2007, and substantially lower than their historical highs in the early 1990s, when far fewer Americans had concealed-carry permits.

Similarly, despite the anti-gun group’s claim that concealed-carry permit holders represent a severe danger to law enforcement officers, the data indicates that they are accountable for a disproportionately small number of law enforcement deaths. The FBI recorded 608 law enforcement officers who were killed in “felonious acts” between 2007 and 2018. According to the Violence Policy Center, 18 concealed-carry permit holders killed 23 law enforcement officers during that time. That accounts for roughly 3.7% of law enforcement officer felonious deaths, even though concealed-carry permit holders account for 5.5% of the population.

Just as with non-law enforcement deaths, many of the cases the Violence Policy Center includes as law enforcement officer deaths involve scenarios where the killer’s status as a permit holder played no role in the crime. In fact, by our count, only 10 of the 24 law enforcement officer deaths between 2007 and the time of publication involved permit holders actually carrying concealable firearms in public places. For example, the database includes the case of Ryan Schlesinger, who in November 2018 used a rifle from inside his own home to kill an officer in Tucson, Arizona, serving him with an arrest warrant. The concealed-carry permit was not only completely irrelevant in that situation—one does not need a concealed-carry permit to lawfully possess a rifle inside one’s home, nor is a rifle a “concealed carry” weapon—but Schlesinger was prohibited under state law from possessing firearms. Even if his permit was, through some technicality, still “valid” under state law, the permit would have been suspended upon his arrest for a felony.

Americans defend themselves with their firearms between 500,000 and 3 million times every year. It’s unclear how many of these defensive gun uses involve concealed-carry permit holders carrying in public places, but our own records show that concealed-carry permit holders can and do save lives.

Consider the following recent examples:

- **Sept. 27, Redding, California:** A concealed-carry permit holder helped stop a kidnapping after it became clear to him that another customer at a gas station was holding a woman against her will. The man had kidnapped the woman earlier in the evening, and the permit holder, noticing the woman's clear distress, confronted the man and held him at gunpoint until police arrived.
- **Sept. 19, Miami-Dade County, Florida:** An armed good Samaritan with a handgun concealed in her purse intervened to stop a brutal robbery and assault occurring outside a Popeyes restaurant. The woman drew her weapon and fired at a man who was pummeling a helpless victim lying on the concrete, sending the attacker fleeing.
- **Sept. 3, Coshocton County, Ohio:** A concealed-carry permit holder stopped a knife-wielding man who was threatening customers and employees at a McDonald's fast-food restaurant. The Coshocton County Sheriff's Office later posted on Facebook: "Due to the heroic actions of [the permit holder], deputies were able to take the suspect into custody without injury or loss of life."

Moreover, concealed-carry permit holders have intervened to stop many scenarios that likely would have turned into mass killings but for their actions. For example, on Feb. 13, a permit holder in Colonial Heights, Tennessee, prevented a deadly encounter at a dentist's office from turning much worse. In the end, the Violence Policy Center's database does nothing more than confirm that concealed-carry permit holders are, on the whole, incredibly law-abiding, and that allowing more Americans to exercise their constitutional right in more places does not result in a serious threat to public safety.

Amy Swearer, The Heritage Foundation, Nov 5, 2019

Project Guardian

On November 5th, Attorney General William Barr announced Project Guardian, a nationwide strategic plan to reduce the criminal misuse of firearms and to enforce existing federal firearms laws. Project Guardian will further strengthen and build on the Trump Administration's DOJ's ongoing efforts to combat gun violence. Project Guardian complements existing programs to enforce federal laws and facilitate close coordination with state, local and tribal partners and is based on five principles:

1. Coordinated prosecution: "Federal prosecutors and law enforcement will coordinate with state, local, and tribal law enforcement and prosecutors to consider potential federal prosecution for new cases involving a defendant who: (a) was arrested in possession of a firearm; (b) is believed to have used a firearm in committing a crime of violence or drug trafficking crime prosecutable in federal court; or (c) is suspected of actively committing violent crime(s) in the community on behalf of a criminal organization."
2. Enforcement of federal firearms laws and background checks: "For all cases involving false statements on ATF Form 4473 (including lie-and-try, lie-and-buy, and straw purchasers), unlicensed firearms dealers, and other individuals involved in the illegal trafficking of firearms, the guidelines must place particular emphasis on: (a) violent persons, such as individuals convicted of violent felonies or misdemeanor crimes of domestic violence, individuals subject to protective orders, and individuals who are fugitives where the underlying offense is a felony or misdemeanor crime of domestic violence; (b) individuals suspected of involvement in criminal organizations or of providing firearms to criminal organizations; and (c) individuals involved in repeat denials."
3. Improved information sharing: "… on a regular basis, and as often as practicable given current technical limitations, ATF will provide to state law enforcement fusion centers a report listing individuals for whom NICS has issued denials, including the basis for the denial, so that our state and local law enforcement partners can take appropriate steps under their laws."

4. Coordinated response to mental health denials: “United States Attorneys should consult with relevant district stakeholders, including ATF and state or local law enforcement and mental health departments, to assess the feasibility of adopting disruption and early engagement programs to address mental-health-prohibited individuals who, attempt to acquire a firearm and to counter the threat of mass shootings.”
5. Crime gun intelligence coordination: “Federal, state, local, and tribal prosecutors and law enforcement will work together to ensure effective use of ATF CGICs, and all related resources, to maximize the use of modern intelligence tools and technology, such as the National Integrated Ballistic Information Network (NIBIN) and Firearm Tracing, to investigate and prevent gun crime.”

Department of Justice press release, Nov 5, 2019