

About the “Gun Problem”

By Roy Minet (Rev. 06/06/22)

The heated debate never ends between those who insist on securing the fundamental right to effective self-defense through private ownership of firearms (call them “F’s”) and those who are against private ownership (call them “A’s”). A clear, cogent and rational analysis always has inherent value and could lead to at least a partial remedy for the recurring violent incidents that roil this debate. Instead of fruitlessly butting heads, the F’s and A’s should be cooperatively working on the problem’s root cause.

Following the 2020 summer of unchecked looting and burning, gun sales soared. Consistently maintaining law and order would do wonders to reduce citizens’ motivation to own weapons. But A’s wish to effectively ban them.

The Second Amendment of the US Constitution thwarts them. It reads: “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.” Within Pennsylvania, an even more formidable obstacle is Article I, Section 21 of the Pennsylvania Constitution. It makes an even stronger statement: “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

A’s argue that muzzle-loading muskets were the most powerful weapons available at the time the Second Amendment was written, so muskets should be the only weapons allowed today. However, F’s might argue just as logically that those were the most powerful weapons available then, so citizens must be allowed to own the most powerful weapons available today.

More reasonably, it is abundantly clear that those provisions were intended to allow an armed citizenry that is prepared not only to effectively defend themselves, but also to form an “instant militia” capable of defending the country. The Russian invasion of Ukraine should make the value of armed citizens extremely obvious. Switzerland intentionally arms and trains their citizens; interestingly, nobody has ever even attempted to invade Switzerland and the homicide rate there (0.3 per 100,000) is a small fraction of the US rate.

A’s have attempted various limitations through regulations. The courts have fairly consistently and correctly said that truly significant restrictions are unconstitutional. In order to prevail, the A’s need to amend the Constitution. But there’s no hope of that as a November, 2019, Rasmussen poll reveals that only 24% support repealing the Second Amendment. That percentage likely is smaller today.

What *would* make sense is to update the Second Amendment with language such as: “The right of Citizens to keep and bear arms, as well as the ammunition and accessories for said arms, shall not be questioned or infringed. This includes the right to manufacture, sell, transfer, transport, carry and store such items without registration or tracking. No offensive or defensive weapon or equipment up to and including any that a modern, up-to-date, well-equipped infantry soldier might utilize shall ever be prohibited or regulated.”

This proposed language crystalizes the intent by stating a clearer and more timeless definition of “citizen soldier.” It would provide stronger protections for this right while also making limits clear – citizens do not have a right to have ICBM silos in their back yards. It should mostly eliminate the huge time, effort and emotion wasted by forever attempting unconstitutional gun regulation. It is to be hoped that attention would then shift to solutions which actually address the problem.

When a disturbed person decides to kill a bunch of people, the weapon of choice often is a firearm; however, not always. Sometimes looney people kill others with knives, explosives or even mow victims down with a vehicle. If the first choice of weapon is not available for any reason, they can choose another.

So, apparently, we have not only a gun problem, but also a knife problem, an explosives problem, a vehicle problem and probably others. No, we don’t. The cause of all those crimes is mentally unbalanced people. We have a mental illness problem!

In a surprising number of such cases, there were quite obvious indications ahead of time that the person intended to kill others; often, even a recent police arrest. Clearly, *such warnings must not be ignored*. Easier said than done, but this probably has the potential to cut such horrible incidents in half.

The real solution is even harder, but it is the *real* solution. We as a society need to do a much better job of identifying those who are veering off into the weeds early enough to get them the help they need to prevent them from becoming *dangerous* looney people. Those who cannot or will not be helped simply must be removed from society.

What makes any solution particularly tricky is that great care *must* be taken to preserve civil rights. We do not violate civil rights and everyone is entitled to due process. It is far better to endure the risk of a few dangerous people than to violate citizens’ rights.

The greatest responsibility and burden falls upon relatives, friends and acquaintances to spot problems, communicate with each other and secure effective help early for those in trouble.

Many F’s would agree that background checks are a good thing, but cannot be effective until the mentally ill are being cured or at least identified.