

# Example of federal assault weapons ban research proposal

[Sociology](#), [Violence](#)



After independence was won from England, thirteen states were formed from the thirteen colonies. The states devised a way they could be able to work as one. In this system the state government had more power and the national government was weak compared to when the King was running it during the colonial period. This system made the nation weak and they opted to form a system of government. They wrote a document called the constitution to replace the previous document that was called the Articles of consideration. Gun crimes have been on the rise in the America and according to statistics many people lose their lives every second by being shot by their assailants. In 2005 a legislation was put in place that gave gun dealers, manufacturers and distributors immunity from being taken to face the law. Victims of gun violence could not take the perpetrators to court. The second Amendment allows the U. S. citizens the right to bear firearms. The law was ratified in December 1791 (Crooker, 2003) . This was done to give more power to state militias which were considered National Guard. When the constitution was ratified, it was seen as a compromise between federalists that supported the constitution and the anti-federalists that did not support the constitution. The amendment was initially created to offer citizens' power to fight the tyrannical government of the federals.

Since the constitution was ratified, the people of America have been over the meaning of the amendment and its interpretation. One side says it provides for the collective rights while the other opposing side says it provides for the individual rights. This interpretation from the two groups has been ongoing. The collective side says that the amendment gives each state a right to train and maintain its militia to provide protection against the federal oppressive

government. The militias consist of civilians but acted as soldiers occasionally. They say that the clause “ well-regulated militia” means the right to handle arms should only be allowed to these militias. The purpose of the clause is to protect the states to maintain organized and formal militia units. It is a bar to federal action not the state or private. The on the opposition argue and believe that the amendment gives every citizen a right to bear firearms that they can use to protect themselves when they are in danger. These opposite views on gun control have been shaping the country`s debate on the issue.

This debate has been ongoing in the public but it is the Supreme Court`s opinion that matters the most. The Supreme Court has handled cases in the past for example Presser vs. Illinois. It said that the second Amendment restricted the federal government from banning guns and not the states. The Supreme Court has said little on the issue of gun control. During the 113`th congress, a renewed interest emerged that sought gun control legislation. President Obama on January, 2013 announced his support on ban of certain weapons and other ammunition devices. An assault weapon is one of the arms to be banned. An assault weapon is a semi-automatic firearm that has characteristic similar to those in use by the military. The assault weapon is capable of discharging one round and loads another one each time a trigger is released. The gun control Act of 1968 established classes of individuals not allowed shipping, transporting, possessing and receiving a firearm. The individuals included: fugitives from justice, unlawful users of drugs, persons convicted of crime, persons determined to be mentally defective, individuals discharged from the armed forces, aliens illegally in the U. S, people who

have renounced the United States citizenship and persons to have been convicted of violence.

A federal government divides responsibilities and power between the state and a national government although these responsibilities are not clear. A federal government deals on issues of national importance and it includes issues like drug policy, education, same-sex marriage and national disasters. It handles matters peace and war, transport infrastructure. The federal government is concerned with conducting foreign relations and overseeing interstate and foreign trade ( Sobel & Tanzey, 1999). The states handle issues relating to their state. The state government is concerned with the ratification of amendments, managing health issues and overseeing trade in the state. The state and federal government have powers that they share. The powers include making and enforcing of the laws, taxation of the citizens and the borrowing of money within the state. For all these duties to be carried out effectively the federal government and the state government is divided into a number of areas to enable monitoring of the activities being carried out.

The assault firearms ban should be left to the states because if you look back matters like this were handled in by the states. It is within the states that they will be able to control the bearing of the firearms. All the stakeholders in the gun control act will be able do the background checks within the states. The states will be able to monitor and check the progress they are making in the control of the assault firearms as compared if the federal government would be doing (Carter, 2006) . Each state government has its own laws basing on the history of that state. The state constitution is the

same to that of the national constitution but the laws in the individual states must not conflict with the laws in the national constitution.

The founding fathers of America knew that it would be ineffective to control other issues from the central government. When an individual state makes the ban on assault ban it will do so after considering their needs for doing so.

The second Amendment allows individuals to have firearms for self-defense purpose at home. Therefore if this law is enacted it can still be challenged but, if individual state makes its ban effective it would be easier to put it into action. The state will use fewer resources to implement the ban because it knows of her citizen's well and their history. The militia can be trained at the state level on the negative effects of the assault firearms (Spitzer, 2009).

The manufacturers of the assault weapons can be controlled from a state level easily. The distribution of the assault firearms can be reduced to a minimum. Each state has a list of weapons that they classify to be assault weapons and each state can have a way they can test if a weapon is an assault firearm. Some states like California, Hawaii, Massachusetts, New York, Maryland and Connecticut have already put in place some restrictions on assault weapons. The crimes with firearms according to the FBI crime report indicate that the number of deaths has increased and a survey conducted in January 2013 shows that 55 percent of people support the ban on the assault firearms.

The young adults that are being killed every now and then can be stopped by ensuring that every state has laws governing the issue of Assault weapons. This can be done by the leaders and every citizen being conscious of security matters (Dizard, 2009). Every citizen has a role to play when it

comes to security of the country. Security begins with the individual and progresses at the national level. Through the implementation of the assault firearm ban the safety and security of the citizens can improve. The assault weapons should be left to the military to protect us from external aggression. These weapons are effective to use on the enemy. The federal government can continue to just supervise the activities of the states to ensure that they are doing things in accordance with what is enshrined in the constitution of the United States of America. When citizens are safe other activities will move on well and the economy of the country will run well. The decisions affecting the national security like war can be left for the federal government to handle.

## References

- Carter, G. L. (2006). *Gun Control in the United States: A Reference Handbook*. Santa Barbara: ABC-CLIO.
- Crooker, C. E. (2003). *Historic guide to gun control*. Westport, CT: Greenwood Press.
- Dizard, J. E. (1999). *Guns in America: A reader*. New York, NY [u. a.: New York Univ. Press.
- Sobel, S., & Tanzey, P. (1999). *How the U. S. government works*. Hauppauge, N. Y: Barron's.
- Spitzer, R. J. (2009). *Gun control: A documentary and reference guide*. Westport, Conn: Greenwood Press.