



Written by [Joe Wolverton, II, J.D.](#) on November 22, 2022

Biden's Call for Weapons Ban Unconstitutional and Irrational

In response to the murder of five people committed at a nightclub in Colorado Springs on Saturday, Joe Biden is renewing his frequent call for banning of “weapons of war.”

On Saturday, November 19, Anderson Aldrich is believed to have walked into Club Q in Colorado Springs late Saturday night and opened fire indiscriminately, killing at least five and wounding, at last count, 17 others.

The New York Times reports that Aldrich was taken down by Richard Fierro, an Army veteran, who reportedly told the *Times* that he went into “combat mode” and pulled Aldrich to the floor and disarmed him.



AP Images

There is no room to describe the murders committed by Aldrich (assuming he is found guilty of those charges) as anything other than unconscionable and heinous.

While there are many who have chosen to focus their analysis on the location of the shootings or on the assailant's alleged political leanings, this article will focus solely on the constitutionality and rationality of Biden's call for disarmament.

Mind you, neither Biden nor any other gun grabber truly seeks total disarmament. They merely seek to disarm civilians! In fact, they spend billions of tax dollars to purchase sophisticated weapons to be put in the hands of the people Biden and the rest will rely upon to seize the weapons and ammunition from civilians.

On to the analysis of Biden's call for confiscation specifically, and disarmament as a means to decreasing armed atrocities generally:

Biden began by bundling the Colorado Springs tragedy with other senseless crimes, and then used that bundle as kindling to build a fire of reactionary abuse of power that will become just another pretext for the annihilation of the representative government of the United States.

It's hard to believe that anyone is ignorant of the lack of empirical evidence linking the regulation of gun ownership to the commission of violent crime.

No matter, though. Bureaucrats and globalist advocates of the silent and gradual gutting of the Second Amendment know that there is a significant number of Americans who will be convinced by rhetoric and emotion before they will ever be swayed by reason or research.

Surely Biden — and the other voices in the choir of confiscators — knows that there is no law, regulation, or executive order that could ever dissuade someone from committing murder in cold blood. The very premise is laughable. Such acts are the result of mental instability and are the product of a



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perversion of purpose inscrutable to most regular folk.

Moreover, even the most discerning minds in the fields of medicine and psychology are now, and are likely to remain, woefully ignorant of the vortex of abnormalities that combine in someone's mind to produce such anti-social behavior. Inside every cranium there is a universe, and no explorer has successfully navigated the myriad spheres of influence that orbit therein.

While the attempt is arguably laudable, the president's presumption that there are explanations to be found in this or that shooter's hatred of gays and lesbians is naive at best and purposefully misleading at worst.

Finally, as the Declaration of Independence (and hundreds of years of English political theory before it) declares, the only legitimate basis of government is the consent of the governed. In the United States, the extent of that consent is set forth within the four corners of the Constitution.

The simple and undeniable fact is that there is no constitutional authority given to the federal government to restrict purchase of firearms, ammunition, or component parts. In fact, the Second Amendment explicitly proscribes any attempt by the federal government to infringe on the people's right to keep and bear arms.

Therefore, any attempt to curtail the right of civilians to own and use weapons — of any sort — is an act of tyranny, no matter how "reasonable" the supporters try to make it sound.

Besides, reasonable people understand that the ready availability of guns is no more responsible for any armed massacre than an all-you-can-eat buffet is responsible for obesity.

Why must every murder lead so many leftists (and the occasional "compassionate conservative") to dishonor the memory of those killed by demanding that presidents, vice presidents, attorneys general, or any agent of government abolish the only right that protects enjoyment of all the other rights.

For that very reason, our Founding Fathers very well intended that every American be armed, believing that such was the only way to avoid being enslaved by tyrants. They knew from their study of history that a tyrant's first move was always to disarm the people, and generally to claim it was for their safety, and to establish a standing army so as to convince the people that they didn't need arms to protect themselves, for the tyrant and his professional soldiers would do it for them. Sound familiar?

In a constitutionally sound [commentary on common law and the Constitution](#), founding-era legal scholar St. George Tucker wrote:

This may be considered as the true palladium of liberty.... The right of self defence is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

But in this age of "gun-free school zones" and "free-speech zones," temperate appeals to history and to right reason won't convince people that a propensity for acts of armed violence are not born of opportunity, but of instability.

Those of us who do understand these facts, though, must not dishonor the memory of those killed by the insane by allowing partisan fealty or the purposefully bellowed passions of faction to indict us on the



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Left or the Right as co-conspirators in the destruction of the Constitution.

I will give the last word to Cesare Beccaria, a young Italian whose essay “[On Crimes and Punishments](#)” was quoted extensively by our Founding Fathers. Beccaria clearly and convincingly explains the idiocy of using gun-control laws to decrease armed violence. In 1764, Beccaria wrote:

The laws of this nature, those which forbid to wear arms, disarm those only who are not disposed to commit the crime which the laws mean to prevent.

Can it be supposed, that those who have the courage to violate the most sacred laws of humanity, and the most important of the code, will respect the less considerable and arbitrary injunctions, the violation of which is so easy, and of so little comparative importance?

Does not the execution of this law deprive the subject of that personal liberty, so dear to mankind and to the wise legislator; and does it not subject the innocent to all the disagreeable circumstances that should only fall on the guilty?

It certainly makes the situation of the assaulted worse, and the assailants better, and rather encourages than prevents murder, as it requires less courage to attack unarmed than armed persons.



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