
Second Amendment and the Gun-Control Controversies: A Flaw in Constitutional Framing and an Antinomy of American Conservatism

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Abstract: This article is a critical input to the national and international debate on Gun Control and the 2nd Amendment to the United States Constitution since 1791. Auspiciously, the paper interrogates the historical, ideological, and socio-cultural roots of the Gun Rights from Medieval Europe to modern America as well as its implications for homeland security in 21st Century American society. The whole legalistic, philosophical and socio-cultural rationale for and against the Gun Control Question in mainstream American politics elicits many questions: Why has it been legislatively infeasible to address the frailties inherent in the 2nd Amendment texts? Is the Second Amendment immutable amid post-1791 realities? Has morality lost its place in American politics? Was the rights prescribed under 2nd Amendment vested on the individuals as construed impliedly or on the people as expressly stipulated in the constitution? And why has America with the most sophisticated military and intelligence architecture in the world failed to demonstrate the capability to contain sectarian killings in the land? The paper submits that

the Gun Control Debate lays bare, one of the internal cleavages within the American political and social system, a nation so admired not just by her military, economic and diplomatic clout but also by the valued she stresses and defend world over: freedom, justice, equality and global peace, ideals for which the United States supplanted pax-Britanica for Pax-Americana. The appalling antecedents of gun killings in America knows no rank with 11 presidential assassination attempts for which four American presidents died: Abraham Lincoln (1865), James Garfield (1881); William McKinley (1901) John F Kennedy (1963) with Theodore Roosevelt and Ronald Reagan seriously injured in the 1912 and 1981 assassination attempts. The quartet presidential assassins: John Wilkes Booth; Charles J. Guiteau; Leon Czolgosz and Lee Harvey Oswald were all some of the first high profile abusers of the 2nd Amendment and the gun rights it granted. The death of Dr. Martin Luther King, Malcolm X among many also resonates one of the foundational flaws of a nation globally reputed as the policeman of the earth. When will this trend ever end? Millions have gone yet there seems to be hyper-partisanship about the Gun Control Question. This political cleavage represents a failure of the present generation of the political elites, the people and the American institutions to rise above and repeal the frailty of the 2nd Amendment, couched in one of the most nebulous languages in constitutional framings since the first ten Amendment to the world's first-ever written constitution was ratified on 15 December 1791. The lessons from the government response to the Gun Question never placed America as a society developing societies should aspire to become, it is totally antithetical to the admirable values known about the greatest nation since the collapse of Nazism, Fascism and in the last decade of the 20th Century Communism for which in the submissions of Francis Fukuyama, Liberal Democracy

became the Last Man metaphorically outlasting all other contending ideological contemporaries thus: “The End History”. The moral, spiritual, political leaders of America must converge on one front on the Gun Question, the Republicans must not hide under conservative garb and watch the blood of innocent generation of Americans been wasted by abusers of the Second Amendment. The appropriate measures to put a permanent lid on the mindless gun-related deaths must be carried out. The Democrats must forge a bipartisan consensus to arrest the moral drift in the land under the guise of the 2nd Amendment’s immutability clause: “shall not be infringed upon”. American political leaders must not under whatever guise send the wrong signal to the international community that will characterize the state as a policeman that cannot police his home, Charity begins at home, it is contradictory, antithetical and undermined every value upon which America prides herself under the rubric Pax-Americana. Historical antecedents show that the National Rifle Association is a shadow of itself, haven being skewed from its original goal to promote martial qualities and marksmanship to a lobbyist group without conscience for humanity. The American Institutions must live up to their mandate to tame the sinister and overbearing influence of the group. To the political leaders of the land the patriots of the 1775 Revolution fought for a land of the free it is your bounden duty to ensure their labor never be in vain: Lincoln was conscious of this during the heady days as was Andrew John who put their differences aside to restore national psyche, President Trump must not trade the blood of the children of America with his 2020 presidential re-election ambition as the NRA pro-Trump for 2020 billboards suggests. The Gun-Control debates further lays bare one of the antinomies of American Conservatism “being pro-life, anti-abortion and at the same time, pro-gun” as the abuses and defense of the 2nd Amendment represent one of the Ideological conspiracies against under the garb of Classical Liberalism propagated by contemporary votaries of American conservatism.

Keyword: ideological, gun-right, pro-life, anti-abortion, pro-gun, medieval Europe, socio-cultural, Pax-Britanica, Pax-Americana, freedom, equality, justice, assassination, hyper-partisanship, gun-control question, Nazism, Fascism, metaphorically, classical liberalism, American Conservatism, infringed.

Introduction

Two of the three Social Contract philosophers of the origin of the evolution of modern civil societies: Thomas Hobbes (1588-1679), John Locke (1632-1704) and J.J. Rousseau (1712-1778) offered divergent accounts of the state of nature that predated the civil society. Hobbesian state of nature was gloomy and sordid: “solitary, poor, nasty, brutish and short”, writing against the Glorious Revolution of 1688, he concluded that the people while establishing the social contract surrendered all their will to the Philosopher king (Hobbes, T. 1991)

The Lockean state of nature was one of perfect tranquility, freedom, and equality governed by natural laws and the establishment of the civil society was in furtherance of this peaceful state of pre-civil society. The individual only became a subject of the civil society by free choice or consent, retaining some rights to rebellion if the ruler becomes unjust and acts against their wishes: “Political society is nothing but the consent of any member of freeman capable of a majority to unite and incorporate into such a society”. Locke accorded the right to rebellion to the individuals in the event of a drift to tyranny” (Locke, J.1960)

Rousseau’s state of nature one guided by instinct, compassion and self-preservation and political society impeded this freedom: “Man is born free and he is everywhere in chains”. Rousseau’s social contract is underpinned on the General Will as the basis of authority to govern the people while joining the civil society never totally surrendered their freedom to the General Will and thereby still

obey themselves alone and remain as free as it was in the beginning in the state of nature (Rousseau 1958).

The above philosophical analysis on the roots of modern civil society contrasts with the Might Makes Right philosophy which sees force as essential to the establishment of empires with no borders and also help trace the roots of Classical Liberal Thoughts as the foundational principles of modern America, particularly the natural rights of self-preservation inalienable as in the pursuits of Life, Liberty and the Pursuit of happiness. The ideological underpinning of the 2nd Amendment had mixed historical circumstances from that of England where the Americans borrowed the concept as a legal tradition in 1791. The right to bear arms emerged as a restorative justice between the Catholics and Protestants. The Catholics were given the exclusive rights to bear arms at the expense of the Protestants by an anti-protestant and pro-Catholic English monarch, King James II. Following the 1688 Glorious Revolution, King James' era ended. The emergence of Queen Mary II and William III of Orange instituted a dual sovereign under whose reign the Bill of Rights came into force in 1689 which among other things restored the right to bear arms to the Protestants.

The right to bear arms resurrected in the Newfoundland, United States under the authorship of James Madison in 1791. The motive was quite different within the larger ideal of right to self-preservation: "the framers of the 2nd Amendment, wanted a militant checks on a standing army, thereby sharing military power between the people's militia and the standing army of American Federation" but ended up with a nebulous texts that had been given conflicting interpretation for over two centuries. 228 years after, the constitutional frailty of the 2nd Amendment still hound the people, state and American society, worst still is the politicization of the Gun Control Question. Why has it been difficult for the Republicans and the Democrats to converge on the Gun Question? Has morality lost its place in American politics? How does the 2nd Amendment promote the American values exported across the globe? This informed this write up, to put to perspective, the broader issues surrounding the Gun Control controversy and the nebulous context with which the Second Amendment was couched.

The Article highlights the widespread and episodic cases of gun-related deaths in America in homicidal, suicidal and accidental discharge cases since the gun right was enacted in December 1791, the reactions of the Americans and the diplomatic community, the role of the NRA in the moral drift associating 21st Century American society so bad as was the Buell Elementary School child Shooting involving a six-year-old culprit, Dedrick Owens (both 6 years) and a six-year-old victim (Kayla Rolland) on 29 February 2000. The questions begging for answers are:

- I. Where are the moral leaders of the American Society?
- II. Is the text of the Second Amendment conspiratorially drafted to be immutable as expressed in the "not to be infringed" clause for tacit reasons?
- III. Has the inspiring Thomas Pain's phrase: "Common Sense" lost its place in American politics and society.

Historical Background

The search for a better beginning had spurned transcontinental migration of Irish-Scots in a large population to the New Found land, who settled in America were the Native Indians were the autochthonous settlers but who never founded a state. By 1585, the first English colony had been established in Virginia. In 1775, resentment against King George II of Britain which was the colonial power of the 13 colonies (Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts Bay, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina, Rhode Island, providence Plantation) spurned the American Revolution. On July 4, 1776, the 13 colonies proclaimed their Independence holding the Lockean truths to be self-evident that all men were created equal with inalienable rights to "life liberty and the pursuit of happiness". Following the dispatch of British troops on 18 April 1775 to confiscate militia, the Continental war ensued, British forces had taken siege of

Charleston Peninsula before George Washington took command of the Continental Army and began the push against King George's troop. On 19 October 1781, the world's first Federation was confirmed when the former colonial Power, British forces surrendered in the Battle Yorktown (Virginia)

The quest for nation-building saw the founding fathers marching to Philadelphia where the drafted the first governing document of the newly independent state the Articles of Confederation and Perpetual Union as the governing document of America from July 1776-November 1777, came into force on 1st March 1781 upon the ratification of the 13 colonies, the Articles of Confederation granted the congress the power to make war and peace, conduct diplomatic relations and borrow/print money, collect taxes with seeming structural defects among which were the lack of a single currency; seeks to preserve and assert the sovereignty of the constituent thirteen colonies; maintains a weak central government with only the enumerated powers recognized by the pre-state 13 colonies; the United States was essentially a league of friendship; war powers was preserved for the central Government, conduct foreign relation, no state may wage war without the permission of the congress unless invaded or under threat; that the Articles shall be perpetual and may be altered only with the approval of the congress.

In 1787, a constitutional convention was convened to address the defects of the Articles of Confederation this culminated in the World's first written constitution archetypically in June 1788. George Washington, the commander of the Continental Army became the first non-party affiliated president in 1789. The push to check the powers of the central government in Federal principles soon divided the pro-federalist and the anti-federalist around which the two first political parties emerged: the Federalist Party and the Democratic-Republican Party (the Democratic-Republican Party is the predecessor political party to contemporary Democratic party since January 8, 1828, and the Republican Party since March 1854), upon which they splinted.

It the same vein, the quest to checkmate and limit the powers of the Federal government standing army through a "people's militia" and strike a military balance between the state and the people as a bulwark against the drift to tyranny is at the root of the 2nd Amendment in 1791. Inspired by the British political, legal and philosophical traditions as found in the thoughts of John Locke, the right to rebellion as a bulwark against unjust rulers and the English Bill of Right which has sought a restorative justice for the Protestants under the 1689 Bill of Rights: "The subjects which are Protestants may have arms for their defense suitable to their conditions and as allowed by law" (Bill of Rights 1689)

The 1689 English Bill of rights is the "fons et origo" of contemporary Gun Rights legislation in Corporate America, re-authored by James Madison (a federalist) but unlike in the text language of the English version of the right, Madison's texts were couched in a nebulous language that had leftover a century-old contestation about the explicit and implicit interpretation of the Second Amendment to the United States Constitution.

Efforts at constraining the absolute leaders in contemporary American state has its early roots in the conservative change that took place in England for over four and half-century beginning with the signing of Magna Carta in Runnymede, South England when King John came under baronial rebellion that compelled him to sign the first document to limit the power of an absolute monarchs (firstly both King John and the Angevin monarchs. The transfer of power to the people progressed further when the British Parliament was established on 20 January 1265 (lords and elected commons)

The imposition of scutage, a tax on the barons to raise funds to compensate for failed war with France infuriated the barons. Restraining the powers of the monarch, Article 27 of Magna Carta declares: "No free man should be arrested and imprisoned by personal command without the lawful judgment of a jury".

Before Magna Carta, the absolute monarchism under the Angevins had diluted the baronial powers as the Angevins Kings exploited the barons financially to defend the Angevin lands in France.

By September 1215, Catholic pope had sent agents to excommunicate the rebels denying them access to the church service and in the ensuing war after John's demise in 1216, the barons were defeated in 1217 and they pledged allegiance to John's nine-year-old son, King Henry III. King James II suspended the English and Scottish Parliaments for their hesitation to amend anti-Catholic Test Acts

The Catholics had won an exclusive right to bear arms as against the religious rivals: the Protestants under King James II who was a Catholic, in the ensuing Revolution that led to the ouster of King James II and the restoration of a dual-sovereign under his daughter Mary II and her Dutch husband William III of Orange (the de-facto ruler of the Dutch Republic) who both as protestants enacted the Bill of Rights. The dual sovereign was established when the Westminster Parliament offered James daughter Mary and her husband William of Orange the throne with the supports of Calvinists, Presbyterians, and Episcopalians who dominated the Scottish parliament.

The Bill of Rights lay before the Convention Parliament to William III and Mary II in February 1689 marked the watershed between absolute and constitutional monarchism in Medieval England, established the primacy of the Parliament over the crown by completing the 473-year conservative transfer of power from the throne to the people through the Westminster Parliament. The Bill for on broader terms than its predecessor Magna Carta, limits the power of the monarchy, set out the powers of the parliament, no right of taxation was recognized without parliament agreement, it condemned many acts of King James II. Just like Magna Carta after it, the Bill of Rights reinforced two predecessor Acts of Parliaments:

The Petition of Right (7 June 1628) which was one of the earliest attempts to define constitutionally, specific liberties of the King's subjects which the king was not to infringe upon:

- i. Restrictions on non-parliamentary taxation;
- ii. Forced billeting of soldiers;
- iii. Imprisonment without cause and the enforcement of Act.

The Habeas Corpus Act (1679) enacted by English Parliament under Charles II set out to legalize the writ of habeas corpus requiring Courts to cross-examine the lawfulness or otherwise of a prisoner's detention as a bulwark against arbitrary imprisonment.

The whole philosophical logic behind these Acts and Bills is to check the drift to tyranny, abuses of power and safeguard individual liberties.

Outside Queen Mary's England, the Bill of Rights influenced the 1776 Virginia Declaration of Rights which in turn influenced the July 4, 1776, Declaration of Independence. The Bill of Rights, a cornerstone document in modern quest for constitutional government, liberty, freedom, justice and equality across globe, the ideals espoused in the draft were the inspiring roots of the 1948 UN Universal Declaration of Human Rights (UDHR) and has inspired several constitutional documents including the "Fundamental Human Rights in Nigerian 1999 Constitution" under Chapter IV Section 33-46 consecutively, which according to human rights records has not been given full meanings in practical terms beyond constitutional idealization and rhetoric where even the slain chief justice (Chief Bola Ige, grotesquely murdered on 23 December 2001) is yet to find justice posthumously.

To protect the pre-civil society's right to self-preservation, federalist James Madison authored the text of the Second Amendment and lay it before the Floor of the House at the first session of the Congress. In it Madison declared:

"The right of the people to keep and bear arms shall not be infringed; a well-armed and well-regulated militia being the best security of a free country, but no person religiously scrupulous of bearing arms shall be compelled to render military service in person".

On 28 July 1789, the House ordered the texts version of the 2nd Amendment was drafted as reads:

"A well-regulated militia composed of the body of the people being the best security of a free state, the right of the people to bear arms shall not be infringed, but no person religiously scrupulous shall be compelled to bear arms".

Following the debate on the draft 2nd Amendment through August 1789 in the House, the modified version of the texts was finalized and the 2nd Amendment was enacted in this form: “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”.

For over two centuries Americans of every social stratification, social profiles, ages have fallen victims to the abuse of the Second Amendment: Four presidents from Abraham Lincoln, James A. Garfield, William McKinley to John F. Kennedy went down grotesquely to illegal arms bearers: John Wilkes Booth, Charles J. Guiteau, Leon Czolgosz

The posthumously revered civil rights activists: Dr. Martin Luther King Jr., Malcolm X also had their lives cut short by the abuse of the 2nd Amendment by their assailants: James Earl Ray and the KKK activists. Seven American presidents survived assassination attempts:

- i. Andrew Jackson;(1835)
- ii. William Howard Taft(1909)
- iii. Theodore Roosevelt; (1912)
- iv. Herbert Hoover (1928)
- v. Franklin Delano Roosevelt (1933)
- vi. Harry S. Truman (1947 and 1950)
- vii. Richard Nixon (1972 and 1974)
- viii. Gerald Ford (4975)
- ix. Jimmy Carter (1979)
- x. Ronald Reagan (30 March 1981)
- xi. George H.W. Bush (1993)
- xii. Bill Clinton (1994)
- xiii. George William Bush (7 Feb 2001)
- xiv. Barrack Obama (April 2009, Nov 2011, April 2013, October 2018)
- xv. Donald Trump (November 2017, by an ISIL cell, October 2018, by William Clyde Allen III, a navy veteran who was dispatched to deliver a letter containing castor beans to President Trump but intercepted by the US Secret Service and arrested in Utah on 3 October 2018).

The decadence never stops there, School shootings had become one of the national shame in corporate America where a six-year-old pupil killed another six-year-old pupils of Elementary School Dedrick Owens and Kayla Rollandchild shooting incidence leaving one wonder the values and global leadership America preaches about when they cannot address home issue as critical as the Gun Control Question allowing vested interests and crass power struggle to retain or win the keys to white House block the Common Sense to address the moral drift begging for a bipartisan consensus to put a lid on the centuries-old abuse of the 2nd Amendment 228 years after the Bill of Rights came into force.

Statement of the Problem

Since the enactment of the 2nd Amendment on 15 December, 1791, the clause which was intended to give the right to self-defense which is the byproduct of the natural right to self-preservation has been abused for centuries with no yet concrete steps to redefined the texts of the 2nd Amendment to check its abuse let alone the dire need for massive gun control which has suffered political and lobby groups exploitations. On the second Amendment, neither the Supreme Court that had resolved historical controversies from Segregation in schools to Abortion and in the 21st Century the LGBT Question had been able to halt the drift in national morality as seen in the generational gun abuse crises in America. The texts of the Second Amendments have been interpreted as inviolable and immutable: “shall not be infringed upon” even when common sense has exposed its flaw and limitation in wisdom, that the clause needed a repeal to situate the ancient right to self-preservation under a more circumspective contexts based on the post-1791 socio-political reality down into the 21st Century. The

recent shooting in El-Paso, Texas and Dayton, Ohio evokes memories of how many lives had been lost to reckless gun shooting, worst still is the grip the text of the Second Amendment had on the powers of the Congress to repeal federal laws under Article 1 chapter....as well as the Supreme Courts power of Judicial Review which the Court won for itself in Marbury B. Madison decision of 1803 determining and altering existing laws as evident in Roe V. Wade (1973) which prohibited states from outlawing abortion; Brown V. Board of Education (1954) which prohibited racial segregations in schools; Miranda v. Arizona in 1966 that defended the rights of criminal defenders; and the Obergefell v. Hodges (2015)

The American Judiciary that is the First hope of the common in America appears not to be the last hope on the Gun Control Question as Judicial antecedents had shown in Robertson V. Baldwin (165 US 275/275 in 1897); the United States V. Cruikshank (1875). This constitutional rigidity forced one to ask: “Is the Second Amendment to the United States Constitution legislatively “cast in Steel” that it had become immutable or amenable to post-1791 socio-political realities or is there a tacit conspiracy on the Gun Question the world is yet to discover by a critical paradigm?”

Following the last schools attack little children had stormed the streets bearing placards that send signals to sane minded people across the world that all seem not to be well with American polity and leadership particularly on the gun control controversies:

“Protect Kids not Guns”;

“Stop NRA”;

“Moms Demand Action for gun sense in America;

“Pass Universal Background Checks”;

“The scariest thing in school should be my grades”;

“USA Gun control now”;

“Never again NRA, GOP”;

“I am a student not a target”

The cries of these generation of American children only gives the living voices of the departed victims (children) of gun violence from to El-Paso, Dayton Ohio to Midland Odessa for which partisan politics under the guise of American Conservatism left majority of current American leader unempathically blind to the apparent drift in the moral character of 21st century the United States.

In the month of August alone three-gun shooting incidences occurred at El-Paso Walmart Shootings Texas (3 August) and Dayton Ohio shooting (4 August) as well as the Midland Odessa shooting (31 August 2019) in which eight persons including the culprit (Seth Aaron Ator) were killed and 25 injured. What is required of the Americans, the state and its institutions to put a lid on this moral decadence? Where did the authors of the Second Amendment get it wrong? These questions informed this write up, to critically situate the flaws in the gun rights laws framing, institutionalization and praxis in corporate America.

Objectives of the Paper

The objectives of this paper are deeply interrogative, to investigate the root factors behind the historic phenomenon of Gun-related assassinations and deaths that had come to shape the social culture of American society. The papers seek the historical, philosophical, political explanations underlying the contemporary Gun Rights/Control debate in America. More, imaginably, the paper seeks to interrogate why a large section of America had come to accept the trend as a normative phenomenon rather than systematic and endemic anomie. The author seeks to profound recommendation on the way forward as the world-leading nation since the end of WWII had failed to show example way home on the Gun Question, sending wrong signals about the values America preaches in the global plain, ...an antinomy to the Manifest Destiny and Americanism mantra which present America a mirror for other states to emulate if they aspire developments in their social, political and economic fronts.

Research Questions

This paper attempts to interrogate the social, political and cultural questions surrounding the Gun Control controversies in post-21st Century America. Specifically, the paper is poised to interrogate the following questions on the 2nd Amendment:

- i. Why have generations of American political leadership failed to address the Gun Right Abuses in any bipartisan sense?
- ii. Are there conspiratorial slants on the immutability and nebulous nature of the Second Amendment?
- iii. What are the political, historical and ideological factors had constrained the Policeman of the Earth (metaphorically, Pax-Americana) to police his homeland effectively and give security in the face of sectarian killings in the United States?
- iv. Is the NRA part of a conspiratorial project to keep Americans of certain ancestry endangered and why has the United States with all its intelligence and security architectures failed to flush out the Ku Klux Klan stench from the American society?
- v. What signals do the American Gun Control failures send to the global community about a country admired by many nations as a model that shows others' path to follow?
- vi. How can the political, religious and moral leaders of 21st century America come together and put a permanent lid on the national shame that has for centuries hound the American state, people and society?

Theoretical Underpinnings

The American political, legal and economic world view was inspired by classical liberalism developed from the 18th Century Enlightenment philosophies of John Locke and Adam Smith, Jean Baptist Say and David Ricardo. The Classical liberal thinkers held the worldviews that the individual egoistic, atomistic and that the society is the collectivity of the individuals. While Classical economic thought began with the writings of Adam Smith (*Enquiry into the Origins of the Wealth of Nations*, 1776), Classical liberal political thought began with the writings of John Locke (1632-1704) which emphasized the consent of the governed, government as trustee, inalienable rights to life, liberty and the pursuit of happiness.

The thoughts of Locke found expressions in the Declaration of Independence authored by Thomas Jefferson with the re-expression of Lockean thoughts on life, liberty, and property as inalienable rights to Life, Liberty and the Pursuit of happiness. The Thoughts of John Locke also recognize the right to rebellion in his *Two Treatises of Government* as a bulwark against unjust leadership.

Classical liberalism sprang from British traditions associated with Wiggery and the radicals as well as French Physiocracy. Wiggery emerged a dominant political ideology in Medieval Europe following the Glorious Revolution of 1688 which was a popular uprising that established the supremacy of the parliament over the Crown and marked the final transfers of Power from the British Crown to the people which conservatively began with the 1215 baronial rebellion against King John that culminated in the signing of Magna Carta in Runnymede, South England.

The Classical liberal thought seeks to achieve a broad social and political transformation:

- I. To uphold the principle of Rule of Law;
- II. To defend landed property rights, Whigs rights, freedom of the Press, speech;
- III. To limit executive powers horizontally through a defined set of codified constitutional restraints;
- IV. Propounded limited suffrage as a privilege rather than as a universal right.

Meanwhile, Whig had diverse interpretations within its mainstream Whig's thinkers: John Locke, Adam Smith, and Edmund Burke who were prominent Whig votaries. Ideological transformation within mainstream Whig world view followed in the course of the century. By 1790 through 1826, the

British radical Whigs focused on parliamentary and electoral reforms with more emphasis on natural rights and popular sovereignty. The Whigs and radicals came to see Parliamentary reforms as a constitutional prelude to addressing broad-based national political, economic and social transformation. The poor treatment meted out to Protestants acted as a catalyst to resistance movements. Other factors are high taxes, high prices, and slave trading.

The Libertarian tradition postulated by Friedrich Hayek and Milton Friedman influenced contemporary American Conservatism which met strong philosophical opposition from Keynesianism. Fiscal Conservatives back limited government spending, low tax, low spending, a balanced budget, which they believe creates jobs and wealth, advocates free-market competition.

The Classical Liberal thought today formed the American Conservatism which has to with their position on change on a wide range of issues: fiscal, social and foreign policy. Contemporary American Conservatism has been the underlying ideological world view of the Republican Party which had taken hard stance on abortion (pro-life), against Same-Sex Marriage, Gun Control, multilateralism within the International diplomatic paraphernalia, against social medical schemes, social security, government intervention to improve the living standards of the citizenry among many other issues.

This stance, contrasts with modern liberalism espoused by the Democratic Party which has been social, fiscal and foreign policy liberal on a wide range of issues. The Democrats had supported medical schemes (Medicare, Obama care), social security, pro-abortion, pro-LGBT, and in the diplomatic plane, the Democrats support working within the multilateral framework instituted by the United Nations rather than unilateral posturing. At the heart of contemporary issues supported by the Democrat is the Gun Control issue which Obama argued: “We cannot say we are not upholding the second Amendment by taking away guns from criminal elements”.

Social Liberals held that individuals have positive rights:

- i) Rights to vote;
- ii) Rights to education;
- iii) Right to social health care; and
- iv) Right to a living wage.

These, they believe can be guaranteed via taxation. James Madison, one of the leading votaries of American Federalism, advocated a constitutional Republic that guarantees the safeguard of individual liberty over pure democracy...that pure democracy is nothing but a common passion or interest will with nothing to check the inducement to sacrifice the weaker party.

By the late 19th Century, Classical Liberalism metamorphosed into neo-classical liberalism, advocating small, minimal government, conducive for individual social and economic freedom.

Friedrich Hayek typified two Liberal Traditions:

The British Tradition for which David Hume, Adam Smith, Adam Ferguson, Josiah Tucker and William Paley as representatives of the British Liberal tradition which espoused empiricism and Common Law;

The French Tradition had Jean Jack Rousseau, Marquis de Condorcet, the Encyclopaedists and Physiocrats at its leading votaries. At the core of their ideological world view is the belief that rationalism and hostility towards tradition and religion.

Hayek noted that national labels do not match the groupings or fit neatly as French philosophers such as Montesquieu, Benjamin Constant, and Alexis de Tocqueville are proposals of Britain Liberal tradition which British men such as Thomas Hobbes, Joseph Priestley, Richard Price, and Thomas Paine belonged to French tradition distant from the thought of Hume and Smith.

According to Ruggiero, the “new Liberalism of France challenged the classical liberal thinkers by advocating egalitarianism and rationalistic consciousness as a counter worldview, as Francis Lieber in an 1848 schemer distinguished between Anglican and Galician liberty.

The aim of the Anglican Liberty according to Lieber is to secure independence with safety and guarantee of liberty drawing from self-reliance. Meanwhile, Galician Liberty is sought in government.

In America, the incorporation of Liberal thought into statecraft began with the scripting of Lockean postulations in the Declaration of Independence drafted by Thomas Jefferson in 1776 on 4 July. Drawing from the economic world view of Adam Smith which emphasized the role of the individual as against the state, supplanting Mercantilism as the dominant economic philosophy of 17th Century with Mercantilism which allows the individual a role in international trade and mutual trade in exports and imports, an economic philosophy promoted by multilateral bodies such as the WTO, OECD, BRICS, G-7, ECOWAS in the 21st Century (Acheoah, O.A. 2019).

For Arthur M. Schlesinger Jr., modern American Liberalism can be traced to Jacksonianism as resurrected in F.D. Roosevelt's New Deal that sought to incorporate social welfare into state ideology:

- I. Government began to play pivotal role in fighting unemployment;
- II. Businesses were regulated and standard of living was socially improved through government spending.

Religiously, the social Gospel Movement emerged as a Protestants intellectual movements that helped shape liberalism in the 1890s and 1920s that saw the application of Christian ethics to social problems that cuts across wider themes such as: social justices as economic inequality, poverty, crime, racial tension slums, child labor and poor schools.

American Liberals between 1900-1920 identified themselves as "Progressive" with Theodore Roosevelt and Robert M. La Follette some of the leading adherents. They espoused social justice and the use of fiscal policy to addressing wide range of socio-economic problems...they are interventionist. It was around this world view that F.D. Roosevelt underpinned his *New Deal* in 1933 to restore jobs, expand socio economic opportunity and alleviate the plights brought about by the economic depression.

While J.F. Kennedy was Liberal in his domestic policy outlook, he was foreign policy conservative in the height of the Cold War as was key to containing Communism.

Modern American liberalism can be traced to Theodore Roosevelt's New Nationalism, Woodrow Wilson's New Freedom, Franklin Delano Roosevelt's "New Deal", Harry S. Truman's "Fair Deal", John F. Kennedy's New Frontier and Lyndon B. Johnson's "Great Society". Meanwhile Ideological split between the Conservative and the Liberals as modern liberalism in America sprang from social Liberalism and Progressivism which reformed classical Liberal Thought empathically to incorporate the plights of the people in government business as was espoused by J.M. Keynes in the wake of the Great Depression of the late 1920s where fiscal policy was largely advocated as the cure to insufficient aggregate demand. Social liberal seeks to make it a bounden duty of the government to act to mitigate the sufferings of the citizens through large schemes in health, schools, pension, and tax.

Paul Krugman captures the imperative for social liberal policies in his observation:

"I believe in a relatively equal society supported by institutions that limit extremes of wealth and poverty. I believe in democracy, civil liberties and the rule of law that makes me a liberal and I am proud of it"

The mainstream politics is shaped by American conservatism and modern Liberalism which had also emerged bedrock creeds of Republican and Democratic Parties shaping their positions on wide ranges of social, fiscal and foreign policy issues. Arthur M. Schlesinger Jr. noted that Liberalism has had definition contexts terminologically:

"Liberalism in the American Age has little in common with the word as used in the politics of any European country save possibly Britain". While liberalism refers to classical Liberalism in Europe implying limited government in social, political and economic life, Laissez Faire economic, individual liberty and freedom, Classical Liberalism in America is closely associated with Libertarianism"

Modern Liberalism in America is closely linked to the social variant of classical liberalism and European social democracy as American conservatives today advocate non-government intervention, non-interventionist Foreign policy, unilateralism and bilateralism as against multilateralism under trans-governmental bodies such as the United Nations, strong military, support gun rights as against Gun Control citing 2nd Amendment.

American conservatism espoused a broad range of ideals:

- I. Respect for American tradition;
- II. Republicanism;
- III. Support for Judo-Christian values;
- IV. Moral universalism;
- V. Pro-business and anti-labor
- VI. Anti-communism
- VII. Individualism

Krugman, Paul (2007). The Conscience of a Liberal.p. 13. . Accessed 25 August, 2019

F. A. Hayek, 'Individualism: True and False', in Individualism and Economic Order (Chicago: University of Chicago Press, 1980), pp. 1–32. Accessed 25 August, 2019

The Ideological Demography of Americans and the leading political parties

A 2005 Pew Research Center Survey found Liberals as most educated ideological demography:

49% liberals were college graduates; while 41% had household income exceeding \$75000 compared to 27% and 28% as the national averages.

Liberalism in the academia remained the dominant political ideology with 44-62% academics being identified as liberals from 1969-1984.

According to a 2015 Gallup poll found that a rise in Social liberal views since 1999 and that as of 2015, there is roughly equal number of socially liberal Americans and socially conservative Americans (31% each) while the socially liberal adherents continues in demographic growth. Also, in a 2016, Gallup Poll report, it was found that more Americans being self-identified as ideologically conservative (37%) or moderate (35%) than liberal (24%).

The 21st Century liberal world view in America has expanded to include advocacy for and against wide range of issues such as reproductive rights for women (including right to abortion), affirmative action for minority groups discriminated against, multilateral approach to international and foreign relations conducts, support for individual rights over corporate interests, support for universal health program, support for LGBT rights

Pew Research Center for the People & the Press, "More Now See GOP as Very Conservative" Pew press release September 12, 2011, online

Modern American liberalism espouses public spending on a wide range of programs education, health care and welfare. In the 21st Century, the modern American Liberals (mostly Democrats) focus on economic inequality (wealth and income); voting rights for minorities; affirmative action, reproductive and other women's tights, support LGBT and Immigration reforms as well as "Gun Control". The Democrats are "fiscal, social and foreign policy liberal" with the Republicans directly analogous on same issues including the Gun Question for which they have shown more anti-gun control stance under the guise of American Conservatism, an antithetical posturing to the pro-life posture they advocate in the form of anti-abortionist social policy.

Eric Alterman(2008:32) notes that barely 20% Americans are willing to accept the word liberal as a political label, but supermajorities of Americans actually does.

Eric Alterman, *Why We're Liberals: A Political Handbook for Post-Bush America* (2008) p. 32
Accessed 25 August, 2019.

A 2004 Poll by National Election Study found only 35% of respondents' question identifying as liberal compared to 55% identifying as conservatives with other being identified as moderate.

In relative terms, the United Kingdom had sought to control firearms through the Firearms Act of 1920 with the United Kingdom recording one of the lowest gun violence deaths among the developed world (about 0.2 deaths per 100000 people compared to the United States with 12 deaths per 100000 people (Centers for Disease Control and Prevention, 2017)

As part of the gun control measures, the Criminal Justice Act 1988 (section 141) blacklisted series of weapons that cannot be privately owned or traded.

Gallup, Inc. "Conservatives Remain the Largest Ideological Group in U.S." Gallup.com Accessed 25 August, 2019.

Judicial Interpretations of the 2nd Amendment: Perspectives of the Supreme Court's Rulings on Gun Right

In the United States V. Cruikshank (1876), a suit that followed the 1873 Colfax Massacre that resulted in the deaths of over a hundred of African Americans, the Supreme Court ruled that the right to bear arms is not granted by the constitution; neither is it in any manner dependent upon that the Second Amendment is implicitly redrafted to limit the powers of the National Government. The group of white men was convicted for infracting on the 1870 Enforcement Act aimed that taming the Kun Klux Klan, the Supreme court ruled in the favor of the defendant that the law they said to have violated was not applicable to their case...that the Second Amendment was intended to limit the powers of the Federal Government and does not apply to states or private citizens.

In 1939, the Supreme Court ruled in the United States v. Miller in which the 2nd Amendment challenged the legitimacy of the 1934 Fire Arm Act under which certain criminal prosecutions of violators after the St. Valentine's Day Massacre. The NFA requires registration for certain firearms with then tax unit (now under the Bureau of Alcohol, Tobacco, Firearms and Explosives- ATF). Miller and Layton filed case challenging the constitutionality of the Act. The Supreme Court handed down a judgment through Justice McReynolds held that the Second Amendment protects the arms that had a reasonable relationship to the preservation or efficiency of a well-regulated militia.

In the District of Columbia v. Heller (2008), the Supreme Court ruled that the Second Amendment codified pre-existing rights and that it protects an individual right to possess a firearm unconnected with service in a militia and to use the arm for traditionally lawful purposes such as self-defense within the home that :

"The right to keep and carry any weapon whatsoever in a manner whatsoever and for whatever purposes".

In McDonald v. Chicago (2010) the court ruled that the Second Amendment limits states and local governments to the same extent that it limits the federal government

Is the Second Amendment framed to be larger than the society it is meant for, immutable couched in such language as: "not to be infringed"? (Acheoah, A. O 2019) or where the framers bent to institute the legally imported political and philosophical tradition from post-Catholic Europe to Newfoundland for another reason with no obvious intra-religious crisis when the United States came to existence?.

In the Dred Scott decision (1857), the Supreme Court held that if African Americans were considered United States citizens, it would give to persons of the negro race, who have recognized as citizens in any one state of the union the right to keep and carry arms whenever he/she so wishes.

Two models have emerged in the attempt to give the post-amendment interpretation of the text of Gun right clause:

- i. The individual rights model which holds that the right was granted to the individual to bear arms; and
- ii. The “Collective Rights” which hold that the right is dependent on militia membership, which the Supreme Court has upheld in the context of the individual libertarian right to self-defense and self-preservation;

In *Robertson v. Baldwin*, 165 US 275/275 (1897), the Court stated that arms regulating laws did not infringe on rights to bear arms and by that strength, not a violation of the 2nd Amendment:

“The law is perfectly settled that the first ten amendments to the constitution, commonly known as the “Bill of Rights” were not intended to lay down any novel principles of government but simply to embody certain guarantees which we had inherited from our English ancestors

(Legalistically) and which had from time immemorial, had been subject to certain well-recognized exceptions arising from the necessities of the case. Incorporating these principles in the founding law was no intention of disregarding the exceptions which continued to be recognized as it had been formally expressed:

“this freedom of speech and the press (Article I) does not permit the publication of libels, blasphemous or indecent articles or other publications injurious to public morals or private reputation, the right of the people to keep and bear arms (Article II) is not infringed by laws prohibiting the carrying of concealed weapons”

United States v. Cruikshank 92 U.S. 542 (1875)". Archived from the original on August 28, 2013. Accessed 25 August 2019.

"*United States v. Miller*, 307 U.S. 174 (1939)". Cornell University Law School. Archived from the original on September 28, 2013. Accessed 25 August 2019.

5. The history of this national prejudice is recounted by Lois Schworer in "No Standing Armies!": The Anti army Ideology in Seventeenth-Century England (Baltimore, 1974). Accessed 25 August 2019.

Justice Scalia writing on “*Nunn v. State* (1846) noted that Georgia Supreme Court construed the 2nd Amendment protects the “natural rights of self-preservation/self-defense and thereby struck down a ban on carrying pistols openly”

Scalia in *Heller*". Archived from the original on 18 March 2013. Accessed 25 August 2019

In *Miller v. Texas*, 153 US/535/535 (1894) Franklin Miller was sentenced to death by execution for shooting a police officer dead with an illegally held handgun in violation of Texas law. Miller had sought to have his sentence overturned unsuccessfully citing the 1791 Bill of Rights should be applicable to state law. However, against his plea, the Supreme Court ruled that the Second Amendment does not apply to state laws (that is in this case, Texas law) given that:

“The proceedings were conducted under the ordinary forms of criminal prosecution ... that there certainly was no denial of due process” to have warranted the overturning of an earlier judgment either”

Heller, Opinion of the Court, Part II-D-1". Supreme.justia.com. Archived from the original on 19 October 2010. Accessed 25 August 2019.

"In *McDonald v. Chicago* another Supreme Court landmark ruling on guns?". The Christian Science Monitor. 2010-03-01. Accessed 25 August 2019.

The Global Campaign against the Proliferation of Small and Light Weapons (SALWs)

Arms control on a global plain implies the international efforts at restricting the developing, production, stockpiling, proliferation and the usage of small arms, conventional weapons and Weapons of Mass Destruction, Chemical and Biological weapons through multilateral diplomacy bilateral arms limitation treaties, bilateral arms control treaties upon which enforcement regimes begin. Specifically, the purposes of international arms control are:

- i. Check excessive militarism and arms races which could cripple natural and international quest for peace;
- ii. To stop the spread of military technologies

According to John Steinbrenner and Jonathan Dean, agree that arms control ensure mutual security neutralizes security dilemma and is capable of ending the arms race. Arms control is a defensive strategy mutually promotes military parity and stability.

Historically, Arms control initiative dates back to the Amohictymic Leagues in Ancient Greece. However, the first international agreement limiting the use of chemical weapons (poison bullet) was the 1675 Strasbourg Agreement signed between France and the Holy Roman Empire. 19th Century Arms Control initiative began with the 1817 Rush-Bagot Treaty between the United States and the United Kingdom, the first of such bilateral treaty in modern history.

In 1871, the treaty of Washington was ratified which led to complete de-militarization. Modern warfare saw massive advancements in military weaponry, the mechanization of firearms that encouraged arms race. During the reign of Kaiser Wilhelm II of Germany (Reich), massive arms race in naval/sea power with Britain under his *Weltpolitik* tilted the balance of power in Europe and created the ground for aggressive continental Europe, it destabilized the centenary peace in Europe since the defeat of Napoleon Bonaparte in 1815.

The shrewd diplomacy of Otto von Bismarck (*Realpolitik*) under which Berlin became the political Mecca of European Imperial diplomacy that set the tone for the parceling of Africa among colonial powers. Bismarck had avoided antagonistic policy that will return Europe to a pre-1815 diplomacy characterized by aggressive wars for territorial aggrandizement that torn Europe apart as America remained in her isolationist shell (Acheoah, O.A 2019)

Britain came out with a new generation of battle ship since the ironclad and post-iron clad categories emerged during and after the American Civil War (1861-1865).

In 1899, Tsar Nicholas II of Russia convoked the Hague conference of 26 nations which led to the signing of the Hague convention of 1898 setting the rules for both the declaration of war and conducting warfare with the establishment of permanent court of arbitration to hear cases of breaches. In 1907, the Second Hague Conference saw the Amendments to the 1899 Agreement. The 1915 third conference was abortive following the outbreak of WWI.

Post-war effort under the League of Nations were ineffective as the organization was ineffective itself adopting appeasement diplomacy in the face of rising Nazi aggression from the Rhine to Sudetenland, Japan's invasion of Manchuria and installation of a puppet regime there by the Kwantung Army renaming the Mandarin speaking land as Manchukuo, the net effect of the League of Nation's inept diplomacy was the outbreak of WWII as Britain and France having undertook to protect polish borders in the event of Nazi invasion, declared war on Germany on 3 September, 1939 48 hours after the Nazi forces invaded Poland on 1 September 1939. The rest is history of WWII that ended with the surrender of the vanquished Japan's forces to the SCAP, Gen. McArthur Douglass aboard USS Missouri of Tokyo Bay on 15 August, 1945.

Under the 1925 Geneva Conference Chemical weapons (toxic gases) were banned during war becoming part of the Geneva protocol. The 1928 Kellogg-Briand Pact sought further to renounce war as national policy instrument. The 1946 Baruch plan aimed at controlling internationally, nuclear fuel cycle and avert global arms race without a success.

The 1953 Dwight D. Eisenhower's Atom for Peace Speech to the UN General Assembly led to the establishment of the International Atomic Energy Agency (IAEA) as the UN nuclear watch dog with the aim of promoting peaceful use of nuclear technology and ensure safeguard against non-civilian use of nuclear weapons by diverting nuclear materials to military objectives. In 1968, a landmark instrument established the template for nuclear non-proliferation was concluded establishing the NPT as an international multilateral regime on nuclear non-proliferation. The NPT essentially founded on a deal multilaterally struck between the Nuclear Weapons' States (NWSs) and the Non-Nuclear Weapons States (NNWSs) for the former to disarm and denuclearize as a reciprocity for the latter's permanently foreswore not to acquire the absolute weapons (Article I and II of the NPT).

In the 1960s and 70s several Strategic Arms Limitation Talks/Initiatives were attempted between the United States and the Soviet Union culminating in the following treaties:

SALT 1, which resulted in the Anti-Ballistic Missile Treaty and the Interim Strategic Arms Limitation Agreement;

SALT II talks (not ratified) concluded between the United States and the Soviet Union following the latter's invasion of Afghanistan but tacitly observed while the Cold War lasts.

In 1988, the Soviet Union and the United States under the Reagan-Gorbachev era, signed the Intermediate-Range Nuclear Forces Treaty which led to an Agreement to destroy all missiles ranging from 500 to 5,500 kilometers. The United States on 2 August (2019) abrogated the INF to the chagrin of Russia and carried out a Cruise Missile test(a modified Navy Toma hawk Cruise Missile) off the Coast of California which pentagon described as having:

"Accurately impacted it's targets, haven flew 310 miles"

The military move which breached the INF Treaty of 1988 saw the riposte of Putin ordered Russian military to: "prepare a symmetrical response to US Missile test (Sarah Ingber tweeted Aljazeera). GengShuang, Beijing's Foreign Ministry spokesman described Washington's move as a new arm race and a military confrontation with serious regional and global security implications.

Abrogating the INF, Washington indicated the move to develop a next generation interceptor capable of warding off hypersonic missiles currently being developed by Beijing and Moscow (Aljazeera News August 22, 2019)

In 1996, a Comprehensive Test Ban Treaty was ratified banning all nuclear weapons in all environments for military and civilian purposes, however, it failed to come into force failed to meet its terms of coming to force (the non-ratification of the eight specific states)

In 1998, the UN established UNODA with the arm to promoting nuclear disarmament and non-proliferation, strengthening the disarmament regime on WMD, Chemical and biological weapons as well as conventional weapons such as land mines and SALWs. The Arms Trade Treaty was ratified by 89 countries which the Trump's administration has also indicated interest to pull out to the United Nations in a reactionist mold.

SIPRI Year Book (2017) suggested that arms conflicts had dropped significantly, that of the then 49 active conflicts worldwide, 47 are fought within states (characteristically internal struggles, civil strife and dissention).

According to the Federation of American Scientists (April 2019), the United States possesses about 3,800 stockpiled Strategic nuclear warheads and additional 2, 8385 refined warheads waiting dismantling for a total of 6,185 nuclear warheads.

In 2017, the United States destroyed 90.6% of its chemical weapons arsenals with a prospect of a complete destruction trajectory by 2023. Meanwhile, Moscow charged Washington for violating the Biological Weapons Convention (as a state party) by virtue of Washington's Bio-defense Research.

In April 2016, the United States hosted the first Nuclear Security Summit (NSS) in Washington D.C attended by 47 countries and 38 Heads of States and Governments as well as representatives of the

European Union and the IAEA where the goal of securing all vulnerable nuclear materials for the next four years was concluded.

In 2015, the Obama's administration brokered the JCPOA with the other four permanent members of the Security Council and Iran for Iran to drop her nuclear program in exchange for sanctions lifts for which about \$100 billion worth of frozen Iranian assets were defrosted upon confirmation by international inspectors that Iran had dropped a significant degree of centrifuges critical to acquiring the bomb.

Following Trump's withdrawal from the Deal, the other parties pledged their commitment to the deal stating that as a multilateral instrument a unilateral pull out by a member does not render the deal abrogated.

President Donald Trump had in April 2019 declared his administration's intention to pull out of the 2013 Arms Trade Treaty designed to regulate international trade of on Conventional Weapons in a brief to the NRA:

"The United States will be revoking the effect of America's signature from this badly misguided Agreement" referring to the 2013 Arms Trade Treaty"

The Arms Trade Treaty at a Glance, Arms Control Association Fact Sheet, January 2016 Accessed 25 August, 2019

The Arms Trade Treaty is one of the foreign policy legacies of the Obama's administration to be reversed by the Trump's administration, the others being the Trans-Pacific Partnership and the JCPOA on Tehran Nuclear ambition. Secretary of State, John Kerry in 2013 signed the Arms Trade Treaty without Senatorial ratification as President Trump dispatched an expressed intent to the Senate requiring the ratifying processes be filibustered.

Expressing his dismay for Washington's decision on the Treaty, the Latvian Ambassador, Jervis Karklin, the bided Chairperson of the incoming August 26-30 Conference of State Parties of the Arms Trade Treaty bided to hold in Geneva remarked:

"I hope that the US administration will reconsider its decision in the future".

Senator Bob Menendez (D-N.J) disappointingly remarked:

"This is yet another myopic decision that jeopardizes US security based on false premises and fear mongering".

Elliot Engel, Foreign Affairs Committee Chairman expressed his chagrin over Trump's decision this way:

"It is abhorrent to use international diplomacy for blatant political pandering".

The ATT which came into force on 24 December 2004 upon its ratification by 101 state parties is the first international multilateral initiative to regulate conventional weapons sales by establishing global standards of compliance prior to which authorization on weapons transfer between selling and the procuring states. The Arms Trade Treaty is poised to reducing or cutting back the rate of illicit arms as well as curbing its attendant human misery they engender; bolster national, regional and hemispheric security; and to promote accountability and transparency by state parties in the transferring of conventional arms.

Meanwhile, the United States negotiators had struck the deal with a caveat to guide against a supranational effect of the treaty from permeating national legislation regarding arms acquisition and bearing, particularly national gun control status quo: "the sanctity of the Second Amendment which is inviolable cannot be infringed".

The NRA never concealed its skepticism about the treaty with concerns that it would impose limitations on US domestic Gun sales which president Trump corroborated in his NRA's address:

“Under my administration, we will never surrender American sovereignty to anyone. We will never allow foreign bureaucrats to trample on your “Second Amendment Freedom”. Thomas Countryman, the lead US negotiator of the Treaty and Chairman Arms Control Association Board noted:

“If the treaty is ratified in the United States Senate, it would not require the United State to change anything in its law or procedures...Trump’s action is another mistaken step that threatens to make the world less safe rather than more secure”.

Upon his inauguration in 2017, Trump’s foreign policy posture had raised concern in the diplomatic plain on what former British PM Theresa May described as the “Eclipse of the West” with the UN Secretary-General Antonio Guterres mulling the rise of Beijing as the beckon of global multilateralism should the United States receded into a seemingly 21st Century Isolationism 72 years since the world entered pax-Americana (Acheoah, O.A.2019)

Thomas Countryman noted:

“In rejecting the Arms Trade Treaty, Donald Trump joined the ranks of the leaders of the only three states: Iran, Syria and North Korea (Ayatollah Khomeini..., Al Assad and Kim Jong Un) who voted to oppose the adoption of the common sense treaty”.

Rachel Stohl, managing director, Stimson Center and Former Consultant to the UN ATT negotiation remarked:

“President Trump’s decision to un-sign ATT is misguided and not consistent with US national security and economic interests. The ATT was intended to prevent the irresponsible and illegal transfer of conventional arms to commit violations of human rights and international humanitarian law. By turning its back on multilateral diplomacy yet again, the United States is disregarding global norms and allowing nefarious actors to trade weapons with impunity walking away from the Treaty includes nearly all of the United States, the United States’ closest allies and partners, the United States instead choosing to be in the company of government’s that routinely flout responsible transfer control”.

According to the UNHCHR (2018), reckless transfers of arms to the Middle East to Saudi and the UAE cost over 17000 civilian lives as of August 2018 with 60% of the deaths resulting from airstrikes. About 80% of the Yemeni population (24 million people) was in need of humanitarian assistance-(UN Office of the Co-coordinator Humanitarian Affairs Report 2018).

SIPRI (2018) reports that the United States now account for 36 percent of global arms exports (up from 30% prior to the preceding five year period)

Laura Cressey, of the State Department and Deputy Director the Office of the Regional Security and Arms Transfer briefing to Arms Control Today on 18 March 2019 noted that:

“We are examining our procedures for evaluating allegations of misuse”.

Stohl, Rachel (2005). "Fighting the Illicit Trafficking of Small Arms" (PDF). *The SAIS Review of International Affairs*.25: 60. Accessed 25 August 2019

According to a SIPRI report co-authored by AudeFleurant, the United States is far by the largest exporter and has increased its gap with Russia...that global arms transfers are expected to experience continuing growth despite lower transfer in 2018.

Security Assistance Monitor data indicates that the Trump-led administration had requested the approval of at least \$746 million firearms sales to a total of 14 countries in 2018, more than two-thirds of which was for Saudi Arabia. Trump had mulled a set of rules under the United States Munitions List (USML) under the International Traffic in Arms Regulations (ITAR) led by the State Department under which non automatic and semi-automatic firearms and their ammunitions under the control of the USML would be subservient to the control of the Commercial Listing Commerce Control List (CCL) and essentially coming under the Export Administration Regulation (EAR) which now come under the Commerce Department to aid the international sales of firearms. Critics lament the move will internationalize the domestic structure gun-violence syndrome into a global proportion.

Furthermore, the new rules would bar Senate from its oversight on firearms sales as the movement of certain firearms from the USML to the CCL Listing is schemed to commercialize violence across requires undermining global efforts at controlling arms proliferation. By transferring the export authorization oversight on firearms from the State Department to Commerce Department had received wide public condemnation, by neutralizing the oversight authority of the Senate; many feared would encourage international terrorism, crimes and sustained militarization of many societies due to massive arms trafficking.

Senator Menendez chiding President Trump noted:

“It believed that selling weapons to Saudi was more important than America’s enduring commitment to human rights democratic values and international norms”.

Jeff Abramson noted that Congress has the tools and must now use it authority to ensure US arms sales strengthened rather than undermine those enduring values and norms”.

While weapons sales thrive most in the conflict-affected region where social strife, internal dissension are rife, even when legally sanctioned, certain aspects of arms trading are internationally/legally prohibited by proliferation regimes:

- i. The illegal trafficking of small arms;
- ii. The exchange of money and drugs for small and lights arms (SLWs), which is a predominant cross-border trend worldwide;

The recipients of arms cut across all categories of actors: government (for armory/arsenal stockpile), rebel groups and freedom fighters and non-state actors, bandits. Legal arms shipments cover those approved by the government and in conformity with international laws and regimes on arms procurements, sales, and shipments.

Illegal arms dealing include those in black market acts, or unauthorized dealers who escape the rules and laws regulating the markets that are legally prohibited. In most cases they prolong conflicts in that they reap huge gains during armed struggles and constitute spoilers in peace efforts. They can be described as conflict entrepreneurs at the black market levels while state arms exporters are the main agents of intractable conflicts.

Between July 9-20 2001, the UN Conference on the illicit Trade in Small Arms and Light Weapons (SALWs) took place in New York which culminated in the passage of Resolution 54/54 v

A 2012 Rutledge Studies in Peace and Conflict Resolution publications noted:

“the relative importance of the diversion or misuse of officially authorized transfer compared to the entire black market trafficking has been thoroughly confirmed...that for most developing or fragile states, a combination of weak domestic regulation of authorized weapons concern than illicit trafficking across borders”.

A major drawback to effective arms control regime had been the lack of transparency among trading nations which had made data on arms shipment inadequate, a trend worsen by the absence of a global reporting system for small arms .

According to Small Arms Survey (2007) there were about 639 million firearms in the world. According to the Swiss-based independent Research entity at least 1, 134 companies in 98 countries worldwide involving in fire arms and ammunition related production activities.

In a 2010 Small Arms exporter list of at least \$100million of small arms annually, the United States led followed by Italy, Germany, Brazil, Austria, Switzerland, Israel, Russia, and South Korea, Belgium, China, Turkey, Spain and the Czech Republic.

In Africa, the impact of small arms and light weapons proliferation for regional stability is quite appalling. Protracted armed conflicts had relegated the region to an irrelevant appendix in the comity of regions only remembered for humanitarian emergencies, refugees and IDP crises and people to be catered for. Armed conflicts have displaced more people in Africa than natural disaster from D.R. Congo to Northeast Nigeria where in the Kasa region and Maiduguri millions of people have fled their

homes. In Nigeria, President MuhammaduBuhari just created two new Departments (ministries) for Disaster Affairs and Humanitarian Affairs alongside three others as part of the efforts to respond destabilizing and humanitarian crisis the armed conflicts engender.

<https://www.aljazeera.com/news/2019/08/el-paso-shooting-suspect-told-police-targeted-mexicans-190809202533922.html> Accessed 25 August, 2019

<https://www.aljazeera.com/news/2019/08/trump-meaningful-background-checks-guns-190810074205218.html> Accessed 25 August, 2019

<https://www.theguardian.com/us-news/2019/aug/08/racism-gun-control-dying-of-whiteness> Accessed 25 August, 2019

<https://www.theguardian.com/us-news/2019/aug/08/racism-gun-control-dying-of-whiteness> Accessed 25 August, 2019

<https://www.washingtonpost.com/outlook/2019/08/09/how-americans-are-supporting-gun-control-wake-mass-shootings-like-el-paso/> Accessed 25 August, 2019

<https://www.theguardian.com/us-news/2019/aug/12/bulletproof-backpacks-mass-shootings-sales-spike> Accessed 25 August, 2019

Small Arms Survey 2003: Development Denied" (PDF) (Press release). Small Arms Survey. July 8, 2003. Accessed 25 August, 2019.

According to Small Arms Survey (2013) 30 million firearms are being circulated throughout the African region, less than the total small arms in Europe. According to report, 38 different companies produce Small Arms in sub-Saharan Africa without indigenous companies meeting the demands with South Africa as the largest exporter of small arms in SSA, however, only \$6 million in small arms were exported out of the country while \$25 million in small arms were imported into South Africa in 2005 (Small Arms Survey).

According to report, armed conflicts cost Africa \$18 billion between 1990 and 2005, a period during which armed conflicts torn several African Counties apart with 23 of the 54 countries being engulfed: Algeria, Angola, Burundi, CAR, Chad, DR Congo, Eritrea, Ethiopia, Ghana, Guinea Bissau, Liberia, Sierra Leone, South Africa, Sudan, Uganda, majority of which were internal, between rebel groups and government forces (the International Action Network on Small Arms; Safe world and Oxfam International).

Matt Schrkeder and RachlStohl noted:

“illicit proliferations and misuse of firearms and Light Weapons rank among the most pressing security threats; serve as choice weapons to terrorists and responsible for half of the terrorist incidents documented in the 2003 Department of State report on global terrorism”.

The 1996 UN Panel of Governmental Experts to develop agenda for addressing the massive flow of small weapons, the panel recommended the UN convoke an international conference on small arms proliferation. On the regional front, the 1997 Firearms Convention and the complimentary Model Regulations by the OAS sought to cut small arms trafficking in the hemisphere as a measure to guarantee greater hemispheric security.

The 2001 UN Small Arms Conference held in New York seeks to coordinate small arms initiative for a common action agenda which includes:

The restructuring of the flow of small arms to state actors;

Setting the norms and standards on civilian possession of weapons;

Placing restrictions on the legal trade and manufacturing of small arms;

Setting the tone for the follow up process at reaching the issues concerning non-state actors.

The PoA requires state parties to outlaw the unauthorized manufacturing, possession, stockpiling, and trading in small arms and light weapons. While 193 members of the UN had legal status that criminalizes illicit possession of small arms, only to thirds have criminalize illicit manufacturing and trading in small and Light Weapons.

Proper arms brokering is central to effective arms control, i.e. the arms-related administrative, logistical and financing activities that facilitate international transfers of weapons. Among these activities includes the following verifications:

- i. The issuance and acquisition of the end-user certification;
- ii. The transportation, shipments of weapons to recipient entities.

The arms brokering processes is fraught with appalling gap, poorly regulated as several counties are yet to establish brokering legislation is currently being observed by 40countries. These gaps had been exploited by illicit arms brokers” who rather ply countries where there are either poor legal safeguards or least oversight on arms sales.

The European Union, in a 2004 resolution called for an international treaty on arms brokering facilitated by group of states. Among measures canvassed were: disarmament, demobilization and re-integration of ex-combatants, militiamen and volunteers as a way of curbing future proliferation and misuse of small and light weapons (SLWs)

Small arms and light weapons include: revolvers, self-loading pistols, rifles, assault rifles, sub-machine guns and light machine guns.

Matt Schroeder, Manager Small Arms Sales Monitoring Project at the Federation of American Scientists and Rachel Stohl, Senior Analyst Center for Defense Information at the World Security Institute submit that states that are yet to criminalize exports, use and ownership of weapons should enact the curtailing Acts on illicit weapons trafficking.

The Republican and Democratic Splits on Gun Question: the Ideological Explanations

The Republicans espouses American conservatism with conservative stance on a broad range of issues such as abortion, prayer at school, social health and education program as well as taxation, foreign policy, immigration and the LGBT rights issue and the Gun control issue. The Republicans are socially conservative on Gun Rights enacted as the 2nd Amendment in 1791 and had maintained a conservative stance on the Gun control debate: Universal Background Check, outright banning and putting a lid on the lobbyist role of the NRA which had infiltrated the moral psyche of American politics making policy makers turning deaf hear and blind eye to a domestic cankerworm in 21st Century American Society.

A National Rifle Association.; Patriotic Action of Americans Residing Abroad". *The New York Times*. August 9, 1861. ISSN 0362-4331. Accessed 25 August, 2019.

A Brief History of NRA". National Rifle Association HQ. Archived from the original on July 3, 2013. Accessed 25 August, 2019.

How the NRA Rewrote the Second Amendment – Brennan Center for Justice". Brennan Center. Accessed 25 August, 2019.

In spite of the national and global reactions and condemnations of school shootings in recent times both the Executive, Legislative and Judicial branch are yet to deter the hounding trends if reckless gun shooting which had send many to untimely graves including four former US resident: Abraham Lincoln, James A. Garfield, William McKinley, and J.F. Kennedy and one of the greatest icons of racial freedom and equality in modern America Dr. Martin Luther King Jr.

The Democrats are driven ideologically by modern liberalism typical of social liberalism. They support rights to abortion, rights to same-sex for the LGBT (which they LGBT community won in the *Obergefell v. Hodges* 2015), support social intervention scheme to mitigate the plights of the people on a broad range of issues: health (as was in Obama Care, Medicare,) social security, minimum wage, and labor rights and categorically they stood strongly for gun control as way of taming the centuries-long

abuse of the 2nd Amendment. Democratic House leader Pelosi had never mince word in condemning the inaction of the Republican-dominated Senate. After the Charleston shootings, the Obama administration strove unsuccessfully to bring the Gun Right abuse to executive scrutiny, Obama laments:

“We cannot say by taking guns out of the hands of criminals, we are not upholding the 2nd Amendment”.

The Democrats of every hue had made the gun control debate a core issue ground for the 2020 election race. In the House Bill: “H.R.8” advanced by the Democrats, the liberals sought to expand the background checks mechanism, a massive legislative push to restore sanity in public life which had only attracted an insignificant majority of opposition members, only eight Republicans’ approval. According to House majority leader Stenny Hoyer:

“background checks and gun control is the solution to all this violence”...Not to act is the refusal to meet our responsibilities to the American People”.

Steiner Hoyer noted further that to consider the “red flag” Legislation will be considered by the House Committee on Judiciary, with oversight jurisdiction over gun control.

Observers had stressed that President Trump was not unambiguous on toughening measures on background checks in his post-violence address that was obsessed with “mental illness” emphasis.

McConnell likes Lyndon Jackson who stood out while every republican seems to have thrown away ethics, morality, and patriotism for Machiavellian politics in which morality has no place but power, greed, conspiracy to remain in power and vested interests. McConnell had demanded that background checks be carried out.

Consummate Democrats warned that the federal “red flag legislation” will be inadequate.

Senator Chuck Schumer noted:

“We Democrats are not going to settle for half measures republicans can feel better and try to push the issue of gun violence off to the side”(Sheryl Gay Stolberg August 7, 2019)

President Trump, though corroborated McConnell on background check, it is another thing altogether whether his 2020 presidential ambition and the lobbyist baits of the NRA would allow him to apply morality to politics in the idealist sense. Will he walk the talk in his wisdom as the oldest American to ever emerged president at 70 amid pressure from merchants of deaths and lobby group NRA?; can President Trump save the national and global personality of America on the Gun Control Question? (Acheoah, O.A.2019)

Can the Republicans narrow their conservative world views on gun rights and gun control and set the stage open for a bipartisan consensus to save America from this cankerworm that had eaten deep into the American society, state and people?

The Manifest Destiny mantra had since been ridiculed since the Second Amendment abuse had not been halted neither does the pax-Americana holds any moral credentials when the world-reckoned policeman of the earth has failed to police his home and spear the blood of his children been killed with impunity, no restraint, no human faces but politics, power, and crass prestige.

Mitch McConnell backed the Bill on a background check as congress split on the issue. Following the death of 12 on 31 May in the Virginia Beach Shooting the gun controls issue Topps every other debate in mainstream American politics.

Governor Northman came up with broad proposals on arms control as follows:

- i. A background check on all firearms sales;
- ii. A blanket ban on assault weapons;
- iii. High capacity magazines;
- iv. Bump stocks and Silencers;
- v. Limiting purchase to one handgun every 30 days;

- vi. Requiring stolen or lost arms are reported within 24 hours;
- vii. Creating an extreme risk protective order that would allow law enforcement to confiscate firearms from people deemed to be threats.

According to a survey by Morning Consult/Politico Poll, a week after El-Paso and Dayton Ohio' killings found that the GOP is split on the Gun Control debate with 47% supporting and 45% opposing the quest for gun control.

After the Marjory Stoneham Douglass High School incidence, 53% of the Republicans supported stricter gun measures while 42% opposed. According to the Gun Violence Archive report (2019), there had been 257 mass shootings so far in 2019 alone.

Catalogue of Gun-shootings related mortality in the United States

Since the assassination of, there had been several gun violence in America which had engulfed Americans of all works of life, political leaders, presidents, human rights activists, musical stars, children, couples and men of the security services had all fell victims at one time or the other to the abuse of the Second Amendment. There had been over 250 mass shootings in the United States as at with over 280 fatalities, three in August (3, 4 and 31) from El-Paso to Midland Odessa. The Questions remains when will Americans ever learn? And how many gun violent victims do American leaders want to burry before they learn from *the menace and ghost of 2nd Amendment?*

John Gramlich of Pew Research Center reported that:

- i. Suicide accounted for six-in ten U.S gun deaths in 2017 while murder represents 37 percent, suicide 60% and 3% for other deaths;
- ii. In 2017, 39,773 people died from gun-related injuries in the US according to center for Disease Control (CDC);
- iii. In 2017, six in ten gun-related deaths in the US were suicides(23,854) while 37% were murders(14542) according to CDC (486) unintentional and 555 involving law enforcement or those with unintended circumstances.
- iv. Three quarters of all murders in the United States in 2017(14542) out of (19510) involved firearms; about half of all suicides that year (23854) out of 47,173 involved a gun;

39,595 deaths were recorded in 1993, higher than Ofthe 39773 total-related gun deaths in 2017. Between 2014 and 2017, the number of gun-related murder rose from 32%, while the number of gun suicides rose each year between 2006 and 2017 (a 41% increase)

Per capita wise, about 12 gun deaths per 100000 people in 2017 the highest rates in more than two decades (a bit below the 16.3 gun deaths per 10000 people recorded in 1974), the highest so far in CDC database.

State-wise, in 2017 the states with the highest rates of gun-violence and death rates suicidal by CDC records are as follow:

- I. Alaska leads by 24.5 deaths per 100000 persons;
- II. Alabama follows with 22.9;
- III. Montana, 22.5 deaths per 100000 people;
- IV. Louisiana 21.7 deaths;
- V. Missouri and Mississippi both 21.5
- VI. Arkansas 20.3 deaths per 100000;
- VII. Meanwhile states with the lowest cases of violent gun-deaths are as follow:
- VIII. New Jersey 5.3 deaths per 100000; people;
- IX. Connecticut 5.1 deaths per 100,000; people;
- X. Rhode Island 3.9 deaths per 100,000 people;
- XI. New York and Massachusetts both 3.7 deaths per 100,000 people; and
- XII. Hawaii 2.5 deaths per 100000 people.

The United States death rates stood at 10.6 per 100,000 people in 2016, higher than Canada (2.1 per 100,000) and Australia (1.0), France (2.7), Germany 0.9 and Spain 0.6 per 100,000.

The United States gun violent deaths are lower than similar figures from El-Salvador (39.2 per 100,000 people); Venezuela (38.7 per 100,000 people); Guatemala (32.3 per 100,000 people); Columbia (25.9 per 100,000 people) and Honduras (22.5 per 100,000 people) while the United States ranked 30th in gun fatality.

In the 2018 mid-term elections the gun-control debate dominated other themes as revealed in a Pew Research Survey which found that the Gun-Question topped the agenda with about 70% of voters ranking the gun issue higher than taxes, Medicare, social security and immigration.

Washington Post (2018) characterize the School shooting phenomenon as “uniquely American Crisis” with pupils at elementary, secondary and tertiary institutions been susceptible to gun-related deaths.

US Today (2019) reports:

“About 95% of public schools have students and teachers practice huddling in silence hiding from an imaginary gunman”.

According to Congressional Research Service (2019) there are about 310 million firearms in the United States (less those owned by the military of which 114 million were rifles and 86 million were short guns. General Survey found that gun ownership by household has declined by half between late 1970s and the early 1980s by 32% in 2015.

The National Survey on Private Ownership of Firearms (NSPOF) (1994) indicates that Americans owned 192 million guns as specified:

- .36% in rifles;
- .34% in hand guns;
- .26% in short guns;
- .4% in other types

Geographically, 25% of the household ownership is in the Northeast states, while 60% rates of ownership are in the East South Central States. A 2004 Gallup poll reported that 49% of men reported gun ownership while 33% of women owned arms, with 44% of Whites owning guns compared to 24% of the non-white.

Over half of rural dwellers are reported to own guns (56%) compared to 40% of sub-urbanites and 29% of urban dwellers.

By political Party affiliations, over half of Republicans bear guns (53%) relative to 36% of Independents and 31% of Democrats. The United States Justice Department (1994) reported that there was 1.5 million times per year usage rate of guns for personal defense.

McDonald et al ((1987-1990) found that guns were used in defense during a crime incidents 64, 615 times annually (258,460) times total over the whole period, about two times in 1000 criminal incidents (0.2%).

The US Department of Justice report that approximately 60% of all adults firearms deaths are by suicide, 61% more than homicidal cases, accounting for 51% of all suicides committed in 2006 (by firearms). The United States recorded seven gun homicides for every 100,000 people in 1993 (Pew Research 2018).

In 2014 of the 8124 gun homicides recorded, 68% were from hand guns, 6% from rifles and 25% from other types of weapons

In 2016, 11, 004 gun homicides were recorded (65% from hand guns, 6% from rifles and 30% from short guns). Cases of gun violence had higher prevalence rates in metropolises than in counties with 4.7 per 100,000 people homicide rates in 2013.

While the cost of the gun violence syndrome to human lives cannot be quantified, in material terms, the United States had lost \$100 billion per year to violent crimes through gun in 2000 in tax payers' money (\$516 million in medical bills for victims).

The Philosophical Fault-lines of Second Amendment

American statecraft had promoted liberal values, both classical and modern liberal world views than any other country in the last century, political and legal tradition that were imported from Europe as echoed in the Star Spangled banner: the Land of the free and the home of the brave, the first classical federation, with the first ever written constitution, the first Presidential system of government and many archetypal social, political and economic institutions, yet America missed it on the Gun-Question, thanks to the Liberal-Conservative split on the issue which had also taken the form of Democrat-Republican split.

Within mainstream American conservatism underpins the Republican social policies on abortion and 2nd Amendment (Gun right and Gun control). *How the Republican pro-gun right and anti-gun control stance does glorify their entire ideological pro-life claim in the form of anti-abortionist?* This ideological antithesis laid bare one of the flaws in American conservatism particularly on the “*anti-abortion and pro-gun antinomy*”.

The Second Amendment which was framed by James Madison to advance the natural rights to self-preservation in the form of right to self-defense but nebulously couched to imply right of the people's militia to bear arms as a bulwark against unjust ruler, has provided a conducive ground for a gun-permissive 21st Century America 228 years since the Amendment was enacted. The emphasis not to be infringed was to become a clause to rob generations of American political leaders of their moral and historical duties to correct the mistakes of the past as prevailing realities so compels. Today, both the Supreme Court has been amputated by the not to be infringed immutable-clause from carrying out their historic powers of Judicial Review which had ended many issues that threatened the corporate existence of America, the last being the LGBT question. *Why is the lady Justice blind on the Gun Right-Gun Control Issue?*;

Is there a tacit conspiracy theory which the NRA is driving upon which the Republicans had taken cover in the 2nd Amendment?

Seymour Martin Lipset describes America as the first New Nation, developing a new ideology, “*Americanism*” underpinned on liberty, egalitarianism, individualism, republicanism, democracy, laissez-Faire capitalism and Judeo-Christian values

Summary

If Abraham Lincoln, James A. Garfield, William McKinley, and John F. Kennedy were to rise up see that the ills of their fatherland which cost them their lives still hounds 21st Century America they would never forgive the present generation of political leaders of America for betraying the price they paid serving their country. They would be ashamed of 21st American conservative politics that had turned blind eyes to the cankerworm that had eaten the American society for over one and a half century. America of this world the envy of most societies for her values, prosperity, innovation and leadership in the international plain has only failed to address a major rot in its homeland. Year in year out America had normalized the wanton killings that had been going on in its society yet priding itself as the policeman of the earth under the rubric Pax-Americana while internal contradictions and sectarian cleavages continue to hound their citizens in their home country. The Moses of Black Americans who himself was a victim of the Second Amendment abuses, Abraham Lincoln once said:

“A house divided against itself cannot stand.” I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved -- I do not expect the house to fall -- but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest this further spread and place it where the public mind

shall rest in the belief that it is on a course of ultimate extinction; or its advocates shall press it forward, until it shall become alike lawful in all of the States, old as well as new, North as well as South”.

Lincoln pushed and achieved the abolitionist goals through the 13 and 14 Amendments to the United States Constitution. On pro-gun right and anti-gun control, the Republicans contradict themselves for they cannot be pro-life by one social outlook (that is anti-abortion) and at the same time taking an anti-life posturing on Gun control Question, that’s ideologically antithetical...a contradictory expectation in the American conservative political world view and that amounts to ideological betrayal of the ideals they stood for on their pro-life and anti-abortion stance (Acheoah, O.A 2019)

The Manifest Destiny mantra had since been in ridicule since the Second Amendment abuse had not been halted neither does the pax-Americana hold any moral and diplomatic credentials when the world-reckoned policeman of the earth has failed to police his home and spear the blood of his children been killed with impunity, no restraint, no human faces but politics, power, and crass prestige (Acheoah, O.A. 2019)

The Second Amendment abuse, is a taint on the values, ideals and diplomatic clout the United States commanded largely since the end of WWII and re-enforced by the collapse of Communism in Eastern Europe in the last decade of the 20th Century, throwing up America as the Uni-pole in a unipolar global order. The time is auspicious now for Donald Trump to pay Abraham Lincoln, James A. Garfield, William McKinley and John F. Kennedy as well as many patriots and children who had paid with their blood to the stench of this endemic, systemic and episodic cankerworm that has hounded America for over two centuries since the enactment of the Second Amendment in 1791.

There is nothing esoterically wrong with the Bill of Rights from England’s to America’s as efforts to concretize set of philosophical outlooks that sought the liberty of the people from absolutism, drift to tyranny (1689 and 1791). Indeed, the Bill of Rights had inspired the drafting of many constitutions world over with diverse modifications. In Nigeria for instance, the ideals espoused under the Bill of Rights come under the “Fundamental Human Rights” with the Gun-Right omitted from the broad sets of rights. It had become part of the broad established rules to check authoritarianism, with great universal acceptability as Baron de Montesquieu had sought in his principle of Separation of power which seeks to dilute power symmetrically and horizontally among the three arms of government. However, the Gun Rights Clauses to the Bill of Rights (1689) and (1791) set the stage for the protected to become the threat as had been seen in the abuses of the Second Amendments in the United States (the gun violence syndrome).

The problematique on the Gun Right Abuse rest in the fact that the Second Amendment is couched to amputate the entire American Institutions from repealing its texts when future circumstances so require, taking off the oversight role of the Parliament to modify rules that no longer meet the yearnings of the people the law is meant for. Had the 1789 Constitution not been repealed would the 2nd Amendment be incorporated into the first written statute book in modern history. Laws made by the people can be altered by the people when times so requires, no one is above the law but collectively the people are above laws that is antithetical to the aspirations, interests and survivability. It is historically fallacious and philosophically conspiratorial to maintain that the 2nd Amendment cannot be infringed if Presidents George Washington, Lincoln, Garfield, McKinley, Reagan were to rise up they would corrigibly demand that the Second Amendment be repealed or expunged from the Constitution of the United States of America.

Conclusion

On Gun Control, American Political must not re-enforce the Machiavellian dictum that morality are the only possible attributes that characterized politics. That is fallacious as far as idealism has proven evidently from successes of the United Nations and the European Union where morality has

since met with politics transforming the era of aggressive wars for power and greed to an era where set of international norms regulate interstate behaviors and as the EU has proven the era of complex military entanglement in Europe is over, Germanophobia in France over Alsace Lorraine is over, there is now a single currency (the Euro), a single passport (the Schengen Area), thanks to Immanuel Kant and Saint Simon the philosophical forerunners of contemporary UN and EU. In sum, “*it is morality that should be applied to politics and not the other way round*”, this should be the response of the political leadership to the Gun abuses, the Gun Rights/Gun Control Questions and the 2nd Amendment as enacted 228 years ago.

The time is auspicious to repeal the Second Amendment to give it a new interpretation in line with contemporary realities 228 years down the line. The Second Amendment should be re-framed, re-couched in a language-text that gives room for gun-rights limitations, gun control. The “*not to be infringed*” was a fraudulently to deny the American people the rights to collectively restrain the excesses that were to come in as had been evident in gun violence syndrome for near two centuries.

While the gun right legislation is neither African nor Asiatic, it is peculiarly Euro-America, a philosophy to safeguard the individuals and the people now turned one of the most abused sections of American Constitution worsened by the politicization of the Gun-Right/Gun-Control Questions. The leading lights of mainstream 21st Century American Politics must rise above this ill of a society, state and people. How many must die by gun in America before the leadership put a lid.

It is ideologically inconsistent, nationally unpatriotic and morally nihilistic for the Republicans to be pro-life social conservatively on the abortion question, being anti-abortionist and pro-gun right or anti-gun control. That is a major ideological contradiction and antinomy of the American Conservatism.

Like Lincoln, Kennedy and Dr. King, Dredrick Owens and Kayla Rolland are innocent victims and culprit of institutional failure of the society they were born in. Second Amendment must be repealed now, laws are meant to serve the people and not the other way round, no one is above the law they say but the people collectively through the parliament are above any section of the law which had anachronistically become antithetical to their interests. That a constitution is rigid does not make it unalterable as prevailing political, socio-cultural realities so requires, its rigidities only implies the complexity in the process to its amendment and does not make the statute book immutable. If the 1789 version of the US’ Constitution was immutably framed and ratified, how then would the first ten amendments including the 2nd Amendment would have been incorporated into statute book in 1791?

Recommendations

On the 2nd Amendments, there is need to rethink the praxis of American Conservatism as applicable to Gun Right, and Gun control question

Historical analogy shows that England where America borrowed the Gun right from in their 1689 Bill of Rights had not recorded such a national shame from gun right abuses as United States had recorded, the political leaders must converge and forge a unanimity on the Gun Control debate to put a permanent lid on the episodic trends of abuses of the Second Amendment.

The Democrats and Republicans must forge a bipartisan consensus to save America from the moral drift to gun violence culture. They must like Abraham Lincoln and Andrew B. Johnson but party cleavages aside and forge unanimity on the required gun control measure.

The Second Amendment should be repealed to incorporate limitations to that right, and proclamation of oversight clauses to regulate gun bearing in America. Total freedom in the form of not to be infringed is tantamount to institutionalization of anarchy. America had led nations commendably, helped ended two World Wars, promote democracy, human rights and liberty across globe, by taking a social conservative stance on Gun control, American political leaders have not shown in capability will and principle that it can fix home grown problems, casting shadow about the policeman of the earth (pax-Americana) that had failed to police his home. Charity begins at home.

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