

Non-Lethal Weapons: to Bear Arms for Defense[©]

The Second Amendment to our Constitution states, in its entirety: “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.” Amazing that such a simple statement could cause so much controversy today.

This Controversy Mired in Absolutist (yes/no) Demagoguery

I am not a Constitutional scholar (although I played one from time to time as an expert witness). My layman’s interpretation is that this Article of the Bill of Rights affirms every citizen’s right to defend him/herself, and to use arms for other legitimate purposes. But what are arms, i.e., weapons? Surely the Founding Fathers did not foresee, and probably would not countenance, AK-74s and suicide bomb vests (the arms of choice of our terrorist enemies). But handguns and long guns for defense, hunting and target-shooting probably would merit their approbation. Nevertheless, political discussion today has devolved into one of those yes/no absolutes which cannot be negotiated into a reasonable consensus among citizens.

My proposal is to avoid this no-win demagoguery—to think “out-of-box”—to attempt resolving this issue in a manner with which reasonable people can live. Let us first agree that a gun is really not an effective defense weapon. It is a tool requiring constant practice and maintenance to function adequately. Studies show conclusively that relatively few people, even gun-carrying professionals, can consistently hit a moving human target with accuracy. But a bullet once fired will ultimately hit someone or something, often afflicting significant damage. Second, current legal constraints and the very real possibility of post-incident litigation severely hamper a gun’s effectiveness. Third, criminals do not obey gun control laws. Consequently, a gun-armed populace is unlikely to be able to adequately protect its people and property. We need a better way.

My Proposed Better Approach to Personal/Societal Defense

Several varieties of non-lethal weapons can provide effective personal and societal defense. Pepper spray, pepper glop, taser guns and wands, etc. can, if utilized properly, do what guns cannot: stop crime by disabling doers, without causing lethal harm or property damage. Here is my outline of a four-step procedure for proper use of non-lethal weapons by interested citizens (NLCs).

First, usage must be certified and licensed. Agencies (my preference is for duly-vetted by society private sector organizations—insurance companies?) prescribe procedures and standards through which NLCs learn about and become proficient in non-lethal weapon operation and maintenance. Minimum time/accuracy qualifications must be met.

Second, continued practice and contact with others must be maintained. In order to keep one’s certification and license to carry and use non-lethal weapons for personal/societal defense, NLCs must re-qualify at least monthly. And they must meet monthly with other interested citizens and appropriate experts to learn about others’ experiences, new weapons and methods of use, etc.

Third, NLCs must identify themselves before using these weapons. Identity could take one of two forms—analogue to present-day police procedure. First, uniformed members of security organizations who qualify with non-lethal weapons should add a qualification badge to the uniform, and carry the weapon(s) openly. Alternatively, those preferring concealed-carry must also carry an identification medallion with neck chain, which can be conveniently donned prior to usage. In both cases, the weapons should not be used until/unless adequate verbal warning is given.

Fourth, duly qualified NLCs should be held harmless for usage. Since these weapons, by definition, cannot cause serious injury or property damage, the law must strictly prevent the plaintiff's bar from post-incident profiteering/rabble-raising. Even (first event) inadvertent incapacitation of a sworn law enforcement officer should be only a misdemeanor. The NLC must file with appropriate agencies, under penalty of perjury, a complete after-action report. Disputes should be resolved by mediation, not litigation. The NLCs must feel free to use the weapon(s) if they are to provide effective personal/societal protection.

Of course, this brief outline only begins to address pertinent issues here. Much careful analysis must develop this proposal more fully—if indeed the concept so briefly sketch here is believed to warrant such further development.