

# Historic Perspective on the use of Weapons-of-War and Military Technology by Private Citizens within the United States

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## ABSTRACT

In an effort to enact new regulations on the private ownership of firearms within the US, the President has recently stated that the control of certain weapons that fall within the realm of dangerous or military technology have always been regulated as a matter of historical course within the United States. Recent Supreme Court rulings underscoring the importance of text, history, and tradition in the restriction of rights, further demonstrate the need for an accurate historical account of the regulation of the private ownership of military technology like cannons within the American framework. This paper presents an examination of both Federal arms regulations and accounts from the historical record relating to private ownership of cannons and other military grade weapons technology. While recent regulations dating from 1968 lay out background checks and tax stamp requirements for destructive devices, no historical precedent can be found for the prohibition of private ownership of cannons and similar devices at the federal level within the US.

(Keywords: artillery, cannon, military technology, private weapons ownership, gun control, privateering, military history, civil rights, US Supreme Court)

## INTRODUCTION

The United States has a unique perspective on the ownership and usage of weapons by private citizens that is found in few other nations. The right and necessity to keep and bear arms is a product of both the act of settlement of a large and wild portion of the North American continent as well as the act of revolutionary separation from the largest superpower of the age. There is little question that possession and use of small arms have been a significant part of the American

culture and societal fabric since the time of its founding. The enshrining of the right to keep and bear arms as the second enumerated right in the US Bill of Rights is also indicative of its relative importance to the founders of the United States (Maranto, 1997).

The United States has approximately 120.5 firearms per 100 people, or about 393 million guns, which is one of the highest total and per capita numbers in the world. Privately held firearms have always been in common use dating back to the pre-independence colonial period. Several colonies had laws that required that heads of households (including women) own and maintain firearms and that all able-bodied men be enrolled in the militia and carry personal firearms for the common defense (Cramer, 2006).

As we move past the time of pioneering homesteaders, revolutionary Minute Men, and wild west cowboys, modern society has begun to re-evaluate the role of arms in everyday life. These examinations of the norms of society are catalyzed by pressing problems of the modern age where we struggle to come to grips more frequently with the impacts of escalating street crime and school shootings than with the more venerable threat of bear attacks.

Political debate can often involve the selective use of historical concepts or out-right distortion of historic facts in order to further a rhetorical point. Debate on the costs and benefits of new legislation is healthy and should be part of the deliberative process within a constitutional republic, especially if the subject of that debate may have significant implications for the rights and welfare of its citizens. However, political debate, should be based on reality and well documented facts and not prevarications or hypothetical desires on how things should have been.

In the midst of the current cycle of debate about the role of private arms in American society, President Joe Biden has made a number of statements regarding what he has deemed a well-established precedence and historical tradition of regulating highly dangerous arms within the civilian public. The importance of examining any given historical context of such regulations becomes important not just for political arguments, but for very real legal reasons. The Supreme Court has long employed “text, history, and tradition” (THT) to determine the extent of, and exceptions to, certain constitutional rights. This has been important for such legal rights as the right to confrontation of one’s accusers and to trial by a criminal jury of one’s peers (Hardy, 2022).

In the recent US Supreme Court decision of *New York State Rifle & Pistol Association, Inc. vs. Bruen*, Superintendent of New York State Police, the Court emphasized the importance of THT in the decision and in the constitutionality of limitations on access to and use of arms (US Supreme Court, 2022). This interpretative tool will likely continue to play a prominent role in the Court’s jurisprudence, and so historical context and facts must be honestly evaluated by social and legal scholars.

On June 23, 2021, President Biden announced a plan to curb rising violence which relied on several steps including more aid to local police, expanding job programs for young adults, implementation of violence intervention programs, and tougher measures to restrict access to what have been called military grade weapons. The President said, “Rogue gun dealers feel like they can get away with selling guns to people who aren’t legally allowed to own them”. He added, “There has always been the ability to limit; rationally limit, the types of weapons that can be owned and who can own it.” He added that this regulatory power was rooted in history (PolitiFact NC, 2021).

On May 30, 2022, President Biden doubled down on his statement that there have traditionally been federal limitations on the types of arms that could be possessed by private citizens, declaring that, “The Second Amendment is not absolute. When it was passed, you couldn’t own a cannon. You couldn’t own certain kinds of weapons. It’s just always been [that way]” (Goldiner, 2022). In 1994, then Senator Biden used similar rationale to defend the assault weapons ban that he helped usher into law. That law was allowed to sunset 10

years later and since that time, limitations on the types of arms allowed, largely were enacted on a state-by-state basis.

With this as a backdrop, this paper sets forth an examination of the veracity of the President’s statements that there is a historical context that establishes a text, history, and tradition of federal regulation of military grade arms for use by private citizens. In this presentation, we will not examine the qualifications of modern small arms as military-style assault rifles, as that examination is beyond the scope of this paper. We will focus instead on the stated example of cannon, and here we will include artillery, mortars, explosive grenades, and the like, as examples of military arms and technology that may have traditionally been permitted in the domain of private citizens, not under military control.

### **Origins of the American Right to Keep and Bear Arms and Federal Restrictions**

The US Constitution is not a document that grants rights. Rather it acknowledges the rights endowed by their creator; in other words, natural rights granted by the Divine to all of mankind (Maranto, 1997). Within the 10 original amendments to the US Constitution, the Second Amendment is very short and direct, consisting of a single sentence and 27 words. “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.”

The Second Amendment of the US Constitution was ratified on December 15, 1791. In an examination of this amendment, Glenn Harlan Reynolds, University of Tennessee law professor observes that “The Second Amendment places no limits on individual ownership of cannon, or any other arms” (PolitiFact NC, 2021). There have been many court cases to resolve whether the amendment confers an individual right to bear arms and in 2008, the U.S. Supreme Court ruled that it does (Cornell and DeDino, 2004). Fordham University law professor Nicholas Johnson said, “The amendment limited government action, not people”. Johnson added that the first federal gun control laws do not appear until well into the 20<sup>th</sup> century (PolitiFact NC, 2021).

One of the first Federal laws dealing with gun ownership that could be identified was passed in

1792 (Britannica ProCon, 2022). Under this statute, however, firearm ownership was not limited, but rather mandated, as the law required that every man eligible for militia service must personally own a gun and a supply of ammunition suitable for military usage. There were stiff financial penalties associated with failure to maintain arms for the common defense with fines that equated to over \$10,000 in 2020 dollars (Winkler, 2011).

The first true attempt to federally regulate private citizen's access to firearms occurred as a result of the rampant organized crime that grew around the illicit prohibition era trade in alcohol. The 1929 "St. Valentine's Day Massacre" in Chicago was the result of escalating gang battles between the Moran and Capone crime families, resulted in the bloody deaths of seven gangsters, and touched off a national debate on laws that would severely restrict access to machine guns (firearms that are capable of discharging multiple rounds with a single action of the trigger) and other gang-associated weapons like short-barreled shotguns and suppressors (Moser, 2012).

The prohibition era discussion ultimately resulted in the enactment of the 1934 *National Firearms Act* (NFA) (BATFE, 2009). While it is commonly believed that the NFA bans such weapons as machine guns, short-barreled shotguns and rifles, and firearms suppressors, these items are not banned by federal statute. The NFA instead imposes a strict federal background investigation, which at the time of this publication, can take as long as 14 months to complete, and a \$200 tax stamp for each NFA item purchased (MDS, 2022).

Following the NFA of 1934, major elements of federal gun control/restrictions were codified in the following legislation (Britannica ProCon, 2022; Congress.gov 2022):

- *The Federal Firearms Act of 1938* - made it illegal to sell guns to certain people (including convicted felons) and required federal firearms licensees to maintain customer records. This Act was overturned by the 1968 *Gun Control Act*.
- The NFA was amended in 1968 to address constitutionality concerns brought up by *Haynes v. US* (1968), that clarified that unregistered firearms already in possession of the owner do not have to be registered. The

amendments to the NFA also brought into regulation the category of destructive devices.

- *The Gun Control Act of 1968* (GCA) - prompted by the assassinations of President John Kennedy, Malcolm X, Martin Luther King, Jr., and Sen. Robert Kennedy was passed into law. The GCA regulates interstate gun commerce and prohibits interstate transfers unless completed among licensed entities.
- *The Firearm Owners' Protection Act of 1986* (FOPA) – revised regulations on Federal Firearms License holders; limited the number of inspections the Bureau of Alcohol, Tobacco, and Firearms could perform without a warrant; prevented the federal government from maintaining a database of gun dealer records; and removed the requirement that gun dealers keep track of ammunition sales.
- *The Brady Handgun Violence Prevention Act of 1993* - required a five-day waiting period for the commercial sale of a handgun in states without an alternate background check system. This waiting period has since been replaced by an "instant" background check system that can take up to three days if more information is needed on the transaction.
- *The Public Safety and Recreational Firearms Use Protection Act of 1994* – was part of the *Violent Crime Control and Law Enforcement Act of 1994* and outlawed 19 models of semi-automatic "assault weapons" by name and others by "military features," as well as the sale of magazines holding more than 10 rounds. The ban expired on Sep. 13, 2004 and was not renewed.
- *The Firearms Safety Act of 2022* - includes incentives for states to pass "red flag laws" that allow groups to petition courts to remove weapons from people deemed a threat to themselves or others. In addition, the bill expands an existing law that prevents people convicted of domestic abuse from owning a gun to include dating partners rather than just spouses and former spouses.

### **State and Local Restrictions Arise as Manifestations of Institutional Racism**

While colonial laws tended to respect the right of individuals to keep and bear arms, they didn't apply equally to every individual. Local laws dating back as far as 1643 in six colonies, required "at least one adult man in every house to carry a gun to church or other public meetings" in order to protect against attacks by Native Americans; to prevent the theft of firearms from unattended houses; and, as one 1743 South Carolina law stated, safeguard against "insurrections and other wicked attempts of Negroes and other Slaves" (Cramer 2006; Britannica ProCon, 2022).

In colonial and revolutionary America, gun restrictions included banning the sale of guns to Native Americans (although colonists often traded guns with indigenous people for food and fur); indentured servants (most prominently, the Irish), and slaves (to include freed slaves) (Cramer, 2006). The so-called "slave codes" (pre-1865), "black codes" (1865-1877), and "Jim Crow laws" (1877-1964) often prohibited those of African descent from owning firearms and often spoke of application to "free white men" Britannica ProCon, 2022). As an example, an 1833 Georgia law stated, "it shall not be lawful for any free person of colour in this state, to own, use, or carry fire arms of any description whatever... that the free person of colour, so detected in owning, using, or carrying fire arms, shall receive upon his bare back, thirty-nine lashes, and that the fire arm so found in the possession of said free person of colour, shall be exposed for public sale" (GeorgiaCarry.org, 2022).

The first state-wide gun prohibition in Maryland was a direct response to the Nat Turner slave revolt in 1831. Nat Turner was an educated slave who was also a preacher and leader of enslaved Africans. He claimed that he was chosen by God to lead his people from bondage and in August of 1831, he led a hap-hazard rebellion of about 75 armed slaves in a revolt that resulted in the murder of his owner's family and over 50 other white residents.

Turner was caught six weeks later, tried, and executed along with 57 of his followers (many executed without trial), but in the frenzied aftermath and vigilantism that followed, over 200 blacks were beaten by angry mobs or white militias (Breen, 2002). The incident sparked fear in plantation owners south of the Mason-Dixon

line, ended the organized emancipation movement in that region, and resulted in even harsher laws against enslaved people. Maryland quickly responded with a statewide law that prohibited the possession of weapons by enslaved blacks and further required that free blacks (only) obtain a license from a local court for possession or carry (open or concealed) of firearms (Capitol News Service, 2013).

### **Examination of Availability of Private Cannon and related Military Technology from Pre-Colonial Times through Reconstruction**

Most of the evidence for the approval and widespread use of cannon, artillery, and related military weapons comes from historic advertisements, ship records, and from a handful of local ordinances and regulations that attempted to curtail their use presumably for noise impacts or safety reasons within urban or peri-urban locations.

The following examples represent a clear picture that the private (non-military) purchase, possession, and usage of cannon and related military technology was not only historically allowed but was also commonplace. No regulations on a federal level could be found prior to the twentieth century, and local regulations seem to indicate that widespread private use of cannons was largely un-curtailed:

- In the 1740s, local, civilian owned and operated artillery units were in place in Rhode Island, New York, and Pennsylvania. In 1747, supported by the efforts of Benjamin Franklin, a plan was underway throughout the colonies where local colonists were to source and operate companies of horse, foot, and artillery units as a purely volunteer organization, which would be armed and equipped at its own expense, and its officers selected by its members (Eger, 2022).
- In 1746 a Massachusetts law was passed which restricted the firing of cannons owned by private individuals near certain sections of Boston Harbor (Larozier, 2022).
- In 1777, Brigadier General David Forman made a loan of his three privately owned artillery pieces to the Militia of the State of New Jersey to establish a guard unit for the

County of Monmouth (Hood, 1905; Larozier, 2022).

- In 1779, the Commonwealth of Pennsylvania imposed a loyalty test for the possession of privately held heavy ordnance. The Pennsylvania Test Act required all males over the age of eighteen to take an oath of allegiance to the state, to renounce their allegiance to the King, and to support the cause of freedom and independence for Pennsylvania. Anyone found “disaffected to independence and liberty” would have any cannon, mortar, or ordnance removed from their possession (Ousterhout, 1981; Larozier, 2022).
- In 1783 an advertisement taken out by Charles Pettit of Philadelphia advertised the sale of four-, six-, and nine-pounder cannons along with their associated equipment and ammunition for sale in *The Freeman’s Journal of the North-American Intelligencer* (Pettit, 1783).
- A 1789 advertisement for the Military Laboratory at 34 Dock Street, Philadelphia, advertised an impressive bill of sale to private ship owners and Captains including “cannon, swivels [swivel gun], howitzers, and carronades”. The extensive list of items for sale also included “hand grenadeos filled and fused” and “cannon cartridges ready made to every bore”. The advertisement was printed by R. Aitken and is documented in the Library of Congress (Printed Ephemera Collection; Portfolio 147, Folder 9a) (Military Laboratory, 1789; Larozier, 2022).
- In 1795, Major General Ira Allen of the Third Division of the Vermont State Militia, one of the leaders of the Green Mountain Boys and leading figure in the establishment of the Vermont Republic, made a private purchase of 24 cannon and 20,000 muskets from France. On his return trip, he was captured at sea and placed on trial in England, charged with furnishing arms for Irish rebels. After an eight-year trial, he was acquitted and his property returned to him (Hitchcock and Croffut, 1909; Larozier, 2022).
- Privateering was the act of a privately owned and armed vessel which held a commission to attack ships flagged as enemy ships of their native country. The practice was common

across the nations of Europe and was also exercised in the United States into the 19<sup>th</sup> century. Crews were not paid by the commissioning government but were entitled to receive portions of the value of any cargo or shipping that they could seize from an enemy vessel. When the War of 1812 commenced, the US Navy had only 15 warships commissioned, but armed merchant ships were plentiful. In Baltimore alone, there were 126 privately-owned and armed privateer ships with such colorful names as the *Catch-Me-If-You-Can*, the *Tomahawk*, the *Gallant Hull*, and the *Water Witch*. Records show that these ships usually carried 4-12 guns that ranged in size from 2 to 18 pounders. Many of these ships were highly successful with 22 of them taking over 10 British ships each and the most successful one, *The Surprise*, taking 43 enemy ships. The Baltimore privateer fleet was responsible for capturing or sinking 556 vessels during the war while suffering the loss of only 43 ships. Similar privateer fleets were also present in New York, Philadelphia, Boston, and Charleston harbors, among other eastern port cities (Cranwell and Crane, 1940; War of 1812 Privateers.org, 2020).

- In 1855, the Town of Dayton, OH, passed a local regulation that if “any persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of the council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs” (Malambre, 1855; Larozier, 2022).
- In 1861, an advertisement in the *Louisville Daily Courier* proclaimed a high-quality and high-accuracy rifled cannon for sale. The advertisement stated that anyone wishing to purchase arms of this type and description could personally examine them to their satisfaction at the location on Main St. in Louisville (Mullane, 1861).
- Pennsylvania passed The Act of June 10, 1881, P. L. III, [Section 1], which makes any

person, who “shall knowingly and willfully sell or cause to be sold to any person under the age of sixteen years any cannon, revolver, pistol or other such deadly weapon” guilty of a misdemeanor. (Supreme Court of Pennsylvania, 1923; Laroziar, 2022).

- A 1927 advertisement in the *Bannerman’s Army-Navy Goods* catalog proclaimed 18 World War I era, intact 78.5mm German field artillery guns (about 1,000 lbs. each) for sale, along with 4,400 shells of canister shot and explosive projectiles, and associated fuzes, ready to ship. The advertisement boasted “no red tape will delay our delivery” (Eger, 2022).
- Even in 1934, when the NFA went into effect, while regulating machine guns, short barreled shotguns and rifles, and suppressors, Congress kept artillery pieces fully legal and free to own without restriction. This oddly set up a three-decade long period where a citizen could legally purchase modern and functional field artillery on a cash-and carry basis but would require a federal background check and a federal tax stamp to purchase a single shot shotgun with a barrel length of 17 ½“. This legal status continued until the GCA/NFA amendments of 1968 established the category of “destructive devices” for most modern arms with a bore diameter of over .50-caliber (Eger, 2022).
- An advertisement from the Hunters Lodge in Alexandria, VA which circulated in numerous magazines circa 1958 offered a host of fully operational military collectables for sale including the Finnish Lathi Anti-Tank Rifle (\$99.95), the Soviet 14.5mm PTRS Anti-Tank Rifle (\$99.95), the M1938 Soviet 50mm mortar (\$19.95), the Chinese Type 31 60mm mortar (\$29.95, sights were an extra \$10), and the M1934 25mm Hotchkiss cannon complete with 5,000 miles of tire tread, guaranteed (\$125) (Hunters Lodge, 1958).

### **Present Status of the Purchase of Cannons and Destructive Devices**

Most forms of cannon, mortars, and artillery require a low-order explosive as propellant to launch their projectiles. Propellants usually deflagrate, meaning they rapidly burn rather than detonate like high-order explosives. An artillery projectile can be accelerated to a high velocity in

a very short time by the rapid generation of gas from the burning propellant. This high pressure is achieved by burning the propellant in a contained area, either the chamber of a gun barrel or within an enclosed round casing.

Until the late 19th century, the only available propellant was black powder, which was relatively low power, required large volumes to fire mid to heavy projectiles, and created thick clouds of obscuring smoke when fired. Black powder cannon and mortars were typically muzzle loading devices and did not tend to fire fixed rounds of ammunition in the way modern breach loaded weapons do.

It wasn’t until 1846 that both nitrocellulose (guncotton) and nitroglycerin were invented. Nitrocellulose is more powerful than black powder and is largely smokeless. The combination of nitrocellulose and nitroglycerin later formed even more powerful double-based smokeless powders that became the stable propellant used in most types of modern artillery and cannon. These modern smokeless powders enabled the advent of larger self-contained artillery shells which housed the priming compound, powder, and projectile in a single (usually brass) self-contained shell and are still common for arms up to about 120mm. In modern artillery, propelling charges for larger projectiles can also occur as bagged propellants which are ignited by electrical charges.

Under the NFA as amended in 1968, a destructive device includes three types of explosive weapons:

1. Bombs, grenades, rockets, missiles, and mines (or similar devices).
2. Any type of weapon, that will (or may be readily converted to) expel a projectile using an explosive or other propellant (with a barrel bore of more than one-half inch (.50 cal); certain shotguns may be excepted).
3. Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in (1) and (2).

The term “destructive device” does not include any device that is neither designed nor redesigned for use as a weapon, for example, a stick of commercial dynamite. The term also exempts signaling, pyrotechnic, line throwing,

safety, antique, or replica devices. Muzzle loading cannon, mortars, and artillery that are designed to fire using black powder and do not load from the breach or take fixed cartridge rounds are considered replicas of antique cannons, regardless of when they were manufactured and are not regulated under the NFA.

There are many hobbyist clubs that regularly build and fire black powder cannons for competition and recreation. Likewise, there are dozens of manufacturers that sell historic, replica, and modern muzzle loading artillery. Many modern pieces use inert projectiles that range from golf-balls (1.68 inches), to billiard balls (2.25 inches), to soda cans filled with sand or cement (2.6 inches), to bowling balls (8.59 inches). At the time of this publication there were dozens of manufacturers and resellers of modern and replica black powder cannons and mortars advertising their wares for sale on the internet including Hern Ironworks, Coach's Club Cannons, Northwest Firearms, Brooks USA, and Dixie Gunworks.

In verifying the continued legality of these devices, the BATFE stated, "Muzzleloading cannons manufactured in or before 1898 (and replicas thereof) that are not capable of firing fixed ammunition are considered antiques and not subject to the provisions of either the Gun Control Act (GCA) or National Firearms Act (NFA)" (BATFE, 2020).

With regards to modern artillery, cannon, grenades, and mortars, these are regulated under the NFA as destructive devices, but that doesn't mean they are banned from possession by federal law. Rather, they are regulated in the same way machine guns, suppressors, and short barreled rifles/shotguns are regulated. If a citizen that does not have a felony record, has no issues of domestic abuse, isn't a habitual drunkard or user of illegal drugs, doesn't have a history of mental illness or any other disqualifying factors, wishes to own a destructive device, he or she may apply for it, go through the lengthy federal investigation period, and pay for the NFA tax stamp, and then may own one (subject to any applicable state or local laws in their state of residence). It is worth noting that any explosive rounds for a destructive device are typically considered destructive devices in and of themselves and would require the same background checks and tax stamps, it is for this reason that collectors of destructive

devices typically fire inert, or chalk filled rounds, as firing live rounds is a very expensive hobby.

As of 2018, 39 states allowed the ownership of destructive devices with no restriction beyond the federal requirements; 7 states (CA, IL, MA, MN, NY, PA, and VA) allow some destructive devices with additional restrictions; and 4 states (DE, IA, NJ, and RI) as well as the District of Columbia ban them at the state level (National Gun Trusts, 2018).

## CONCLUSIONS

It can be demonstrated from an examination of historical records including local laws regulating the discharge of cannon, historical advertisements for the sale and transfer of these devices, and an overview of federal regulations associated with arms of all types as well as modern destructive devices, that the private ownership of cannon, mortar, and similar artillery pieces has been a component of the American experience since pre-revolutionary times, and such private ownership remained unregulated at the federal level until 1968. Even under that federal regulation, ownership of historic and replica muzzle loading black powder pieces remains unrestricted, and provisions for the ownership of modern destructive devices (following background investigation and obtaining of a federal tax stamp) are made at the federal level but may be further restricted at the state level.

Any characterization of a historical precedence for the prohibition of these arms as part of the regular course of "sensible gun control" within the United States is demonstrably false. It is important to have a clear understanding of the text, history, and tradition of the legal background of these matters to support clear jurisprudence and legislation moving forward.

## REFERENCES

1. Breen, Patrick. 2002. "Nat Turner's Revolt (1831)". February 22, 2002. In: *Encyclopedia Virginia*. <https://encyclopediaofvirginia.org/entries/nat-turners-revolt-nat-1831>.
2. Britannica ProCon.org. 2022. "The History of Gun Control". ProCon.org. <https://gun-control.procon.org/history-of-gun-control/>

3. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE). 2009. *National Firearms Act Handbook*. US Printing Office: Washington, DC. Apr. 2009. <http://www.atf.gov>.
4. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE). 2020. "Are Muzzleloading Cannons Considered Destructive Devices?". [26 U.S.C. 5845; 27 CFR 479.11] [https://www.atf.gov/firearms/qa/are-muzzleloading-cannons-considered-destructive-devices#:~:text=Generally%2C%20no.,National%20Firearms%20Act%20\(NFA\)](https://www.atf.gov/firearms/qa/are-muzzleloading-cannons-considered-destructive-devices#:~:text=Generally%2C%20no.,National%20Firearms%20Act%20(NFA)).
5. The Capitol News Service. 2013. "The History of Gun Legislation in Maryland". *The Chestertown Spy*. February 23, 2013. <https://chestertownspy.org/2013/02/23/the-history-of-gun-legislation-in-maryland/>
6. Congress.gov. 2022. "Legislative Database". <https://www.congress.gov/>
7. Cornell, S. and N. DeDino. 2004. "A Well Regulated Right: The Early American Origins of Gun Control". [ir.lawnet.fordham.edu](http://ir.lawnet.fordham.edu)
8. Cramer, C.E. 2006. *Armed America: The Story of How and Why Guns Became as American as Apple Pie*. Thomas Nelson Publishers: Nashville, TN.
9. Cranwell, J.P. and W.B. Crane. 1940. *Men of Marque*. W.W Norton & Company Inc.: New York, NY. Pg. 371-401.
10. Eger, C. 2022. "Biden Fails Fact Check on Revolutionary War Cannon Ownership". Gun News. July 3, 2022. <https://versacarry.com/gun-news/biden-fails-fact-check-on-revolutionary-war-cannon-ownership/>
11. Hardy, D.T. 2022. "What "Text, History, and Tradition" Matter in Construing the Constitution?" Social Science Research Network (SSRN). April 24, 2022. <https://ssrn.com/abstract=4092111> or <http://dx.doi.org/10.2139/ssrn.4092111>
12. Georgiacarry.com. 2022. "The History of Georgia's Carry Laws: The Continuing Legacy of Slavery and Racism". Georgiacarry.com. <https://www.georgiacarry.org/cms/georgias-carry-laws-explained/history-of-georgias-carry-laws/>
13. Goldiner, D. 2022. "Biden says 'You Couldn't Buy Cannons' under Second Amendment in Swipe at Guns after Texas School Massacre". *Seattle Times*. May 30, 2022. <https://www.seattletimes.com/nation-world/nation-politics/biden-says-you-couldnt-buy-cannons-under-second-amendment-in-swipe-at-guns-after-texas-school-massacre/>
14. Hitchcock, E.A. and W.A. Croffut. 1909. *Fifty Years in Camp and Field: Diary of Major-General Ethan Allen Hitchcock*. G.P. Putnam's Sons: New York, NY.
15. Hood, J. 1905. *Index of Colonial and State Laws of New Jersey Between the Years 1663 and 1903 Inclusive*. Sinnickson Chew & Sons: Camden, NJ.
16. Hunters Lodge. 1958. "Collector-Decorator Sensation". National Advertisement. Hunters Lodge: Alexandria, VA. <https://images.wideopenspaces.com/wp-content/uploads/2016/11/15-Vintage-Gun-Ads-That-Will-Make-You-Laugh-3-773x1024.gif>
17. Larozier, M. 2022. "Gun Law 101 - Were There Limitations on Arms Ownership in Early America?". Fudd Busters (YouTube Channel). [https://www.youtube.com/watch?v=\\_BDqJYJfy1E&t=41s](https://www.youtube.com/watch?v=_BDqJYJfy1E&t=41s)
18. Malambre, G.W. 1855. *Laws and General Ordinances of the City of Dayton*. Empire Steam Printing House: Dayton, OH. Pg. 214.
19. Maranto, A.R. 1997. "In Defense of Liberty". *The Palladium: The Political Arena*. 97:7-8.
20. Maryland Shooters (MDS.com). 2022. "Current ATF Wait Time". Maryland Shooters: NFA/Class 3/Title II. <https://www.mdshooters.com/threads/current-atf-wait-time.23516/>
21. Military Laboratory. 1789. "Military Laboratory, at No. 34, Dock Street near the Drawbridge, Philadelphia: Where Owners and Commanders of Armed Vessels may be Supplied, for Either the use of Small Arms or Cannon, at the Shortest Notice, with Every Species of Military Store". R. Aitken: Philadelphia, PA. US Library of Congress. Portfolio 147, Folder 9a. <http://hdl.loc.gov/loc.rbc/rbpe.1470090a>
22. Moser, W. 2012. "Gun Control in the Age of Al Capone". *Chicago Magazine*. July 25, 2012. <http://www.chicagomag.com>.
23. Mullane, J. 1861. "For Sale Advertisement- A Rifled Cannon". *Louisville Daily Courier*: Louisville, KY. April 20, 1961. Pg 2. <https://www.newspapers.com/clip/54021794/20-apr-courier-cannon-4-sale/>
24. National Gun Trusts. 2018. "What NFA Firearms are Permitted by Each State?"



<https://www.nationalguntrusts.com/blogs/nfa-gun-trust-aff-information-database-blog/nfa-items-permitted-by-state>

25. Ousterhout, A.M. 1981. "Controlling the Opposition in Pennsylvania During the American Revolution". *The Pennsylvania Magazine of History and Biography*. January: 3-34.
26. Pettit, C. 1783. "For Sale Advertisement – A Few Pair of Cannon". *The Freeman's Journal of the North-American Intelligencer*: Philadelphia, PA. March 12, 1783. Pg. 4.  
<https://www.newspapers.com/clip/25810730/cannon-for-sale-1783/>
27. PolitiFact NC. 2021. "Fact Check: Biden says Second Amendment Limits Gun Rights". WRAL.com: Raleigh, NC.  
<https://www.wral.com/fact-check-biden-says-second-amendment-limits-gun-rights/19758274/>
28. Supreme Court of Pennsylvania. 1923. "McMillen v. Steele, 275 Pa. 584". Appeals, Nos. 152 and 153. *McMillen et al., Appellants, v. Steele*. Harrisburg, PA.
29. US Supreme Court. 2022. "New York State Rifle & Pistol Association, Inc., et al. v. Bruen, Superintendent of New York State Police, et al. Certiorari to The United States Court of Appeals for The Second Circuit". No. 20–843. Argued November 3, 2021—Decided June 23, 2022.  
[https://www.supremecourt.gov/opinions/21pdf/20-843\\_7j80.pdf](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf)
30. Warof1812Privateers.org. 2020. "Private Armed Vessels Out of Baltimore and Their Prizes: 1812 To 1815". War of 1812 Privateers.  
[https://www.1812privateers.org/United\\_States/menofmarque01.htm](https://www.1812privateers.org/United_States/menofmarque01.htm)
31. Winkler, A. 2011. "The Secret History of Guns". *The Atlantic*. Sep. 2011. <http://www.theatlantic.com>

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