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U.S. STATE BUILDING AND THE SECOND AMENDMENT

by

Darren Dale Gil

A Dissertation  
Submitted to the Graduate School  
and the Department of Political Science,  
International Development, and International Affairs  
at The University of Southern Mississippi  
in Partial Fulfillment of the Requirements  
for the Degree of Doctor of Philosophy

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## ABSTRACT

### U.S. STATE BUILDING AND THE SECOND AMENDMENT

by Darren Dale Gil

August 2016

This dissertation used a comparative case study strategy employing a mixed methods thematic content analysis approach<sup>1</sup> to explore U.S. government support for Second Amendment freedoms as compared to other freedoms in the U.S. Bill of Rights in American-led state-building projects in Cuba (1898-1901), Germany (1945-1949), and Iraq (2003-2005). The dissertation tested for Republican and Democratic political party support regarding Second Amendment freedoms in U.S. state-building projects. Findings from the three case studies showed that the American government did not support individual arms rights in its state-building efforts as it did with the other nine Bill of Rights freedoms. Findings showed support by the Republican and Democratic parties for all Bill of Rights freedoms with the exception of Second Amendment freedoms.

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<sup>1</sup>Researchers have used other names, such as summative content analysis of text, for the identification of themes or major ideas in documents; see John Creswell, *Research Design: Qualitative, Quantitative and Mixed-Methods Approaches*, 3rd ed. (Thousand Oaks, CA: Sage Publications: 2009); John Creswell and Vicki Clark, *Designing and Conducting Mixed Methods Research* (Thousand Oaks, CA: Sage, 2007), 67-69, for more information on the nested or embedded approach and page 12 for more information on defining mixed methods using content analysis. Although this dissertation is focusing on the qualitative nature of the evidence, quantitative steps of data collection and analysis, which is historically linked to content analysis, will be included. The quantitative data for this dissertation will be descriptive in nature with no regression analysis.

## ACKNOWLEDGMENTS

I would like to thank The University of Southern Mississippi for providing the International Development Doctoral Program. This exceptional program afforded me, as a working professional, the opportunity to complete my Ph.D. degree.

I would like to thank my committee members for being supportive and understanding during my long dissertation process. Having spent so much time with the committee members during coursework and the dissertation process, I have been personally and professionally influenced by them. These positive influences will continue in my future research and personal life.

A special thanks to Dr. Robert Pauly, my committee chair, for his countless hours of reading, guidance, encouragement, and, most of all, patience throughout the entire process.

Thank you, Dr. Butler, for a real education on qualitative methods; Dr. Lansford, for your kind words on my unique security topic; and Dr. St. Marie for getting me through comps, not once but twice.

## DEDICATION

This dissertation is dedicated to my understanding, loyal, and loving wife, Deanna. Simply, this dissertation would not have been completed without her motivation and unwavering support.

I also dedicate this dissertation to my parents, Loretta (Pat) and Carlos (Dale) Gil, who instilled in me the value of education along with hard work and perseverance.

I dedicate this dissertation to my daughters, Denecia and Dalelyn, as they make me out to be greater than I am, and I never wanted to let them down. I also dedicate this work to my grandchildren, hopeful that they will understand the importance of education, hard work, and perseverance.

I dedicate this work and give special thanks to my friend, Vincent Cefalu, and his mother, Sally (rest in peace), as they both kept the pressure on me to complete a Ph.D.

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## CHAPTER I - INTRODUCTION

### Problem Statement

Using three case studies, Cuba (1898–1901), Germany (1945–1949), and Iraq (2003–2005), this research examined the United States’ support for individual firearms rights in U.S.-led state-building efforts between 1898 and 2005.

### Research Question

To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Cuba (1898–1901), Germany (1945–1949), and Iraq (2003–2005)?

H1: The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project.

H0: The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is not affected by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project.

### Significance of the Study

Using three case studies, this dissertation examined the concept of U.S. state building and the role of individual firearms rights as a written, political and acceptable practice. A review of literature regarding individual arms rights and U.S. state building yielded minimal data. This dissertation addressed a fundamental question regarding to

what extent, if any, the U.S. government supported Second Amendment freedoms specified in the U.S. Bill of Rights in its state-building efforts as compared with the other nine Bill of Rights freedoms.

By definition, democracy is government of the people and not people ruled by government.<sup>2</sup> Therefore, state-building efforts supportive of democracies identify individual rights as paramount to success. For example, among others, the U.S. Bill of Rights identifies the freedoms of speech, religion, and the press as individual rights. This dissertation focuses on the second right named in the Bill of Rights—the right to bear arms.

The role of individual firearms rights in U.S. history is well-documented based on the Second Amendment of the U.S. Bill of Rights providing for the individual right to bear arms.<sup>3</sup> With the Second Amendment, America’s founders and others addressed the need for protection from the elements—more importantly from government tyranny. This was a unique concept at the time the Second Amendment was written and contrasted with the former authority of Great Britain’s Monarchy. Therefore, for America’s internal state building, the importance of individual firearms rights was addressed and understood to be vital to democracy, as it is the second freedom identified in the Bill of Rights. Today,

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<sup>2</sup>Michael Cox, John Ikenberry, and Takashi Inoguchi, *American Democracy Promotion—Impulses, Strategies, and Impacts* (Oxford: Oxford Scholarship, 2000), discuss democracy, individual freedoms, and issues of governance. Dictionaries such as *Merriam-Webster* and *Oxford* provide similar definitions, identifying democracy as a form of government where power rests with the people, although it may be exercised by leaders selected through the voting process.

<sup>3</sup>Stephen Halbrook, *The Founders’ Second Amendment: Origins of the Right to Bear Arms* (Oakland, CA: Independence Institute, 2008), and John Lott, *More Guns, Less Crime: Understanding Crime and Gun Control Laws* 3rd ed. (Chicago: University of Chicago, 2010), discuss the issues of individual arms rights. One merely has to search Google or query Amazon Books using the key term “Second Amendment” for numerous books on the subject.

America stands as the longest lasting democracy in the world and the sole democracy in the world with a constitution guaranteeing individual firearms rights for citizens.<sup>4</sup>

Some state-building research suggests that security is the foundation for democratic state success since without security other components of democratic state building, such as economic and political development, falter and democracy is doomed to longer-term development at best and complete failure at worst.<sup>5</sup> In some cases, a government is unable to provide security; in others, it is the security problem. A government's inability to provide security for its citizens or, worse, a government that has become the security threat against its citizens results in a variety of outcomes.<sup>6</sup> Insecurity can result in failure of businesses and other economic opportunities, corruption, small-scale violence to chaos, and collapse of any social fabric or cohesion, ultimately culminating in conflict such as civil war.<sup>7</sup>

Currently, one goal of U.S. state building is to develop democracies in order to preclude international conflicts, as suggested by Doyle's Democratic Peace Theory.<sup>8</sup>

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<sup>4</sup>Law and Versteeg, "The Declining Influence of the United States Constitution," 762–858; GunPolicy.Org., "Armed Violence and Gun Laws, Country by Country." University of Sydney, Australia, <http://www.gunpolicy.org>; GunPolicy.Org, "Comparative Constitutions Project," <http://comparativeconstitutionsproject.org>.

<sup>5</sup>Lewis Erwin, "Disjointed Ways, Disunified Means: Learning from America's Struggle to Build an Afghan Nation Strategic Studies Institute, U.S. Army War College (Carlisle, PA: 2012). See Marina Ottaway and Stefan Mair, "States at Risk and Failed States: Putting Security First Carnegie Endowment for International Peace, September 2004, for their analysis on the important role security plays in nation building.

<sup>6</sup>Rosa Ehrenreich Brooks, "Failed States, or the State as Failure?" *University of Chicago Law Review* 72, no. 4 (2005): 1159–96.

<sup>7</sup>Jack Goldstone et al., "A Global Model for Forecasting Political Instability *American Journal of Political Science* 54, no. 1 (2010): 190–208, found that regime type is a leading indicator for instability onsets and that political institutions, more so than economic or demographic conditions, are the "most important predictors" of the onset of political instability.

<sup>8</sup>Michael Doyle, "Kant, Liberal Legacies, and Foreign Affairs, *Philosophy and Public Affairs* 12, no. 3 (1983): 205–35.

Furthermore, other researchers noted that democracies are less likely to experience internal violence.<sup>9</sup> Certainly, with globalization, civil wars and similar turmoil may result in undesirable economic and security positions for the United States. Conflict is generally not in America's national interest as no one can determine when, where, and how the conflict may end. Consequently, it is reasonable for the United States to work to develop democratic nations that are considered more peaceful and supportive of United States goals and interests.

The United States has violently intervened with military force in several sovereign states during the past century, including five Muslim nations within the past two decades.<sup>10</sup> Those interventions have resulted in violent clashes between U.S. forces and nationals under the auspices of state building. Instead of U.S. armed interventions in conflicts between nationals fighting for political control and destiny, a better concept might be for armed citizens of the target states to fight, coalesce, and ultimately determine their own futures. This tactic would allow the United States to preserve U.S. lives and treasure and afford foreign citizens the opportunity to develop their own futures.<sup>11</sup> If one of the goals of U.S. foreign policy is democracy-building and by

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<sup>9</sup>Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security* 22, no. 2 (1997): 54–89.

<sup>10</sup>Jayne Carson, *Nation Building: The American Way* (Carlisle, PA: U.S. Army War College, 2003); Erwin, "Disjointed Ways, Disunified Meansfrom"; Cox, Ikenberry, and Inoguchi *American Democracy Promotion*; James Dobbins et al., *America's Role in Nation-Building from Germany to Iraq* (Santa Monica, CA: Rand, 2003); Conrad Crane and Andrew Terrill, "Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post Conflict Scenario Strategic Studies Institute" (Carlisle, PA: U.S. Army War College, 2003); Jonah Goldberg, "The 'To Hell with Them' Doctrine *Townhall.com*, August 16, 2013, <http://townhall.com/columnists/jonahgoldberg/2013/08/16/the-to-hell-with-them-doctrine-n1665489>.

<sup>11</sup>Edward Luttwak, "Give War a Chance," *Foreign Affairs* 78, no. 4 (1999): 36–44; Edward Luttwak, *Strategy: The Logic of War and Peace* (Boston: Harvard University Press, 2003). Luttwak suggests that war can resolve political conflicts and develop peace and that allowing warring parties to fight



definition the democratic state must be developed and maintained by the citizenry, as the United States started over 200 years ago,<sup>12</sup> then allowing citizens of other nations to determine their destiny seems appropriate. Certainly, arms will be needed in any conflict between warring factions during civil war and, perhaps, for security afterwards. Individual firearms rights may be helpful in securing and maintaining democracy and individual freedom from government tyranny as well as other Bill of Rights freedoms.

The Second Amendment states, “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.” It can be argued that this amendment’s position in the Bill of Rights shows the founders understood arms as essential to securing individual freedoms identified in the First Amendment and, perhaps, the last hope in case of government tyranny. Individual firearms rights were certainly an issue of concern during constitutional discussions; otherwise, why mention arms at all? More recently, the U.S. Supreme Court has concluded that the right of U.S. citizens to possess firearms is “individual” and not “collective.”<sup>13</sup>

In the three cases of U.S. state-building for this dissertation, constitutions were developed identifying individual rights similar to those found in the Bill of Rights such as free speech, religious freedom, and freedom of the press. However, individual arms rights, as in the Second Amendment, are not found in these constitutions. An historical

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might be the best alternative. Andrew Arato, “Constitution-Making in Iraq,” *Dissent* 51 (Spring 2004): 21–28.

<sup>12</sup>Goldberg, “The ‘To Hell with Them’ Doctrine,” discusses the issues of U.S. intervention in Muslim nations where Muslim citizens do not show support for U.S. democratic intentions.

<sup>13</sup>The United States Supreme Court, *District of Columbia v. Heller*, No. 07-290, 2008, decided that the Second Amendment is an “individual” right under the U.S. Constitution.

examination of U.S. state-building efforts between 1898 and 2005 shows the United States has placed an emphasis on securing select Bill of Rights freedoms in its state-building projects but has not emphasized the Second Amendment.

Three case studies were selected for examination based upon selection criteria identified by leading qualitative researchers, such as Yin, Berg, and Holsti. For example, the cases selected offer different time periods, geographical locations, and U.S. administrations while being similar in their constitutional freedoms. The cases offered the opportunity to explore the research question in depth: Each case is separate, yet comparisons were made at the conclusion of the overall study. More detailed reasoning for case selection is presented in Case Selections. This dissertation specifically examined U.S. state-building efforts in Cuba from 1898 to 1902, Germany from 1944 to 1949, and Iraq from 2003 to 2005 in an attempt to identify U.S. support of the individual right to bear arms as compared to other freedoms in the Bill of Rights.

The question is not an abstract inquiry regarding guns and democracy. Second Amendment freedoms originated in the concepts of protection from government tyranny and other lesser threats to individual freedoms and the right to life, liberty, and the pursuit of happiness.<sup>14</sup> There is research showing a relationship between guns and “higher rates of freedom.”<sup>15</sup> Arguably, this unique U.S. freedom (e.g., the United States is the only nation-state in the modern world with constitutionally protected individual firearms

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<sup>14</sup>The Federalist Papers discusses the Constitution, freedom, life, liberty and the pursuit of happiness and specific discussions on armed citizens in Federalist No. 46.

<sup>15</sup>David Kopel, Carlisle Moody, and Howard Nemerov. “Is There a Relationship Between Guns and Freedom? Comparative Results from 59 Nations.” *Texas Review of Law and Politics* 13 (December 23, 2008). [http://papers.ssrn.com/sol3/papers.Cfm?abstract\\_id=1090441](http://papers.ssrn.com/sol3/papers.Cfm?abstract_id=1090441)

rights)<sup>16</sup> is one of the pillars responsible for U.S. hegemony in the world today, along with the other nine Bill of Rights amendments. Examining the historical positions of U.S. efforts in such cases is warranted. Such inquiries may identify deficiencies and areas for improvement in U.S. state-building efforts.

Using three case studies—Cuba (1898-1901), Germany (1945-1949), and Iraq (2003-2005)—this dissertation examined whether and to what extent U.S. policy was supportive of Second Amendment-type freedoms when compared to the other nine Bill of Rights freedoms in U.S.-led state building.

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<sup>16</sup>Law and Versteeg, “The Declining Influence”; GunPolicy.Org; “Comparative Constitutions Project.”

## CHAPTER II – LITERATURE REVIEW

### Synopsis of Literature Review

Several areas of study were addressed to fully answer the question of whether or not the United States has historically supported individual firearms rights in its state-building efforts: U.S.-led state-building efforts, firearms and security issues, and American domestic political influences. This dissertation links several areas of study to fully address the research question. The literature review examined the changing nature of security studies in the post-Cold War era, U.S.-led state building, U.S. politics and firearms, and constitutions and firearms and concluded with a literature review summary.

### The Changing Nature of Security Studies

The fields of security studies and international affairs have historically focused on interstate conflict where threats are posed by nations through traditional warfare—nation-state against nation-state.<sup>17</sup> Stephen Walt stated,

The study of international affairs is best understood as a protracted competition between the realist, liberal and radical traditions. Realism emphasizes the enduring propensity for conflict between states; liberalism identifies several ways to mitigate these conflictive tendencies; and the radical tradition describes how the entire system of state relations might be transformed.<sup>18</sup>

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<sup>17</sup>Tom Lansford, Robert Pauly, and Jack Covarrubias, *To Protect and Defend* (Burlington, VT: Ashgate, 2006), discuss security studies, U.S. policies, and various issues on security. Sam Sarkesian, John Williams, and Stephen Cimbala, *U.S. National Security: Policymakers, Processes and Politics*, 3rd ed. (Boulder, CO: Lynne Rienner, 2002), discuss the history of the international system, security threats and processes, and U.S. national security policy. See also Scott Burchill et al., *Theories of International Relations*, 3rd ed. (New York: Palgrave Macmillan, 2005).

<sup>18</sup>Stephen Walt, “International Relations: One World, Many Theories,” *Foreign Policy*, no. 110 (1998): 30.

In stating that realism “has dominated the study of international relations over the past fifty years,” Mearsheimer articulated that within the international system states are in conflict for power, security, and other self-interests.<sup>19</sup> Furthermore, what occurs within a nation’s borders is protected by the concept of national sovereignty. However, some suggest realism is “largely useless now that the cold war is over” and more liberal theories are needed for twenty-first century international politics.<sup>20</sup> Desch suggested that realism is an “overrated, if not bankrupt, body of theory.”<sup>21</sup>

In a world lacking Cold War bipolar competition, other security concerns and studies have gained momentum.<sup>22</sup> After the fall of the Berlin Wall in November 1989 and the breakup of the Soviet Union in 1990–1991, researchers and theorists reevaluated traditional concepts of security.<sup>23</sup> Liberal theories and policies supporting states working towards common interests to secure world stability received elevated status and argued that states should be able to work together to mitigate the effects of anarchy and further individual as well as mutual goals.<sup>24</sup> Roland Paris suggested that the “central tenet of this paradigm is the assumption that the surest foundation for peace, both within and between states, is market democracy, i.e., a liberal democratic polity and a market-oriented

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<sup>19</sup>John J. Mearsheimer, “Realism, the Real World, and the Academy in *Realism and Institutionalism in International Studies*, edited by Michael Brecher and Frank P. Harvey (Ann Arbor: University of Michigan Press, 2002), 23, discusses realism detractors.

<sup>20</sup>Ibid., 24.

<sup>21</sup>Michael Desch, “Culture Clash: Assessing the Importance of Ideas in Security Studies *International Security* 23, no. 1 (1998): 141.

<sup>22</sup>Ibid. 141-70.

<sup>23</sup>Ken Booth, “Security and Emancipation *Review of International Studies* 17, no. 4 (1991): 313–26; Desch, “Culture Clash.”

<sup>24</sup>Robert Jervis, “Realism, Neoliberalism, and Cooperation: Understanding the Debate,” *International Security* 24, no. 1 (1999): 42–63.

economy.”<sup>25</sup> Paris concluded that liberalism supports individual freedoms in other states and suggested the possibility of intervention to achieve liberalists’ goals.<sup>26</sup> Consequently, over time, other aspects of security studies have developed.<sup>27</sup>

Researchers and theorists have reevaluated traditional concepts of security and challenged traditional views on security.<sup>28</sup> The end of the Cold War resulted in a more liberal view in international affairs. Conclusions were made that the daily threat to the lives and well-being of most people and most nations differs from those suggested by the traditional realists’ military perspective. New concepts argue that it is the state—not the interstate enemy—that is the primary security threat.<sup>29</sup> Andrew Mack notes, “Indeed, in the 20th century millions more people have been killed by their own governments than by foreign armies.”<sup>30</sup> He goes further, emphasizing that, “While neo-realism’s treatment of states as unitary actors may have some heuristic utility for understanding the causes of interstate war, it makes little sense in those cases, typical of many armed conflicts in the developing world, where the state itself has failed, or elements of it are fighting each

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<sup>25</sup>Paris, “Peacebuilding.” 56.

<sup>26</sup>Ibid.; Doyle, “Kant, Liberal Legacies, and Foreign Affairs”; Mearsheimer, “Realism.”

<sup>27</sup>Desch, “Culture Clash.”

<sup>28</sup>See Booth, “Security and Emancipation” 318; Keith Krause and Michael Williams, “Broadening the Agenda of Security Studies: Politics and Methods,” *Mershon International Studies Review* 40, no. 2 (1996): 229–54, where the authors argue that the traditional focus of security studies needs to be broadened with alternatives views due to the “dynamics” of contemporary security.

<sup>29</sup>Booth, “Security and Emancipation”; William Easterly, Roberta Gatti, and Sergio Kurlat. “Development, Democracy and Mass Killings,” *Working Paper 93* (Washington, DC: Center for Global Development, 2006); R. Rummel, “Freedom, Democracy, Peace, Power, Democide, and War,” <http://www.hawaii.edu/powerkills/welcome.html>; R. Rummel, *Death by Government* (New Brunswick, NJ: Transaction, 1994).

<sup>30</sup>Andrew Mack, “The Concept of Human Security: What Does Human Security Mean Today?” Presented at Bonn International Center for Conversion, *Brief 30, Promoting Security: But How and for Whom?* Contributions to BICC’s Ten Year Anniversary Conference, ed. Michael Brzoska and Peter Kroll, October 2004, 47, <http://www.hsrgroup.org/docs/Publications/Additional-Publications/Andrew-Mack-BonnCenterForConversionBrief-Concept-Human-Security.pdf>.

other.”<sup>31</sup> Paris noted, “Liberal internationalism appears to guide the work of most international agencies engaged in peacebuilding.”<sup>32</sup>

Linked to the new views is a “Doctrine to Protect,” wherein one state’s internal events might dictate international intrusion.<sup>33</sup> Such views are a direct attack on a state’s sovereignty and the traditional concepts fostered by realism. The distinction between what is national and what is foreign becomes less of a barrier in international relations under the relaxed rules of the Doctrine to Protect. Human rights and human security become the essential components of these concepts rather than traditional sovereignty and borders. Notably, the definition of human rights depends on who is providing it, as different human rights have been emphasized by various academics, governments, nongovernmental organizations, and individuals.<sup>34</sup> Whatever the definition, instead of the state being the focus on security issues, individuals are observed as the “referent object of security.”<sup>35</sup> “Human security suggests that security policy and security analysis, if they are to be effective and legitimate, must focus on the individual as the referent and

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<sup>31</sup>Ibid. 47.

<sup>32</sup>Paris, “Peacebuilding.” 55.

<sup>33</sup>[National security advisor] Susan Rice, *A Brookings Briefing: The US and UN Roles in Nation Building: A Comparative Analysis* (Washington, DC: Brookings Institution, February 18, 2005): 29, states that the Doctrine of Responsibility “is an important conceptual and moral breakthrough.”

<sup>34</sup>Joseph Alonso, “International Law and the United States Constitution in Conflict: A Case Study on the Second Amendment,” *Houston Journal of International Law* 26, no. 1 (2003): Article; Newt Gingrich, “The Right to Bear Arms is a Human Right, *Human Events*. April 18, 2012. <http://humanevents.com/2012/04/18/the-right-to-bear-arms-is-a-human-right/>; See Reynolds’, “The Next International Right discussion of firearms rights as an international right. See People’s Republic of China, State Council Information Office, “The Human Rights Record of the United States in 2011,” May 25, 2012.

<sup>35</sup>Edward Newman, “Human Security,” International Studies Association Compendium Project, [http://www.isacompendium.com/fragr\\_image/media/ISA\\_29](http://www.isacompendium.com/fragr_image/media/ISA_29), discusses the various aspects of human security, critical studies, and interactions with traditional security studies; Mack, “The Concept of Human Security.”

primary beneficiary.”<sup>36</sup> Liberal thinking supports the concepts of individual rights and democracy promotion as “democracies are considerably less likely to experience internal violence” and go to war against one another.<sup>37</sup>

As a result of the conceptual changes in the perceptions of sovereignty and security, alternative views regarding security studies have developed and researchers are broadening the scope of studies and examining state security at the human level.<sup>38</sup> For example, Booth argued for “a new breed of students trained in Security Studies, broadly defined.” He posited that an understanding of traditional defense would be essential, “but they would also be required to know the language and practice of human rights” and other issues.<sup>39</sup> Historically, under the realist view, individual human issues occurring within a state’s borders were matters for that state but that is no longer the case under the new thinking. In relation to the old thinkers who focused on the relationships between states in the international system, new thinkers argue that human security within the state must be a primary concern for security studies.

In sum, the security dilemma has changed from one of state against state to one of internal security. Interestingly, although the security dilemma may have changed, de Soysa, Jackson, and Ormhaug link the traditional “security dilemma” in international relations to small-arms possession in countries with climates of general insecurity. The

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<sup>36</sup>Newman, “Human Security.”

<sup>37</sup>Doyle, “Kant, Liberal Legacies, and Foreign Affairs”; Paris, “Peacebuilding 60; Also see Sean M. Lynn-Jones, “Why the United States Should Spread Democracy,” Discussion Paper 98-07, Center for Science and International Affairs, Harvard University, Belfer Center Studies in International Security, March 1998; R. J. Rummel, “Democracy, Power, Genocide, and Mass Murder,” *Journal of Conflict Resolution* 39, no. 1 (1995): 4.

<sup>38</sup>Karlyna Andersen, *Humanitarian Intervention: Is It an Emerging Responsibility?* (Carlisle, PA: U.S. Army War College, 2010); Krause and Williams, “Broadening the Agenda.”

<sup>39</sup>Booth, “Security and Emancipation 324.



researchers note, “Security forces will be more likely to need small arms if they are regularly used for human rights abuses and civilians will be more likely to carry small arms if they fear for their own personal security as threatened by state forces.”<sup>40</sup>

Supporting this concept of the internal security issue is Harbom and Wallensteen’s research showing civil war has, since the 1960s, been the most prevalent form of warfare.<sup>41</sup> Human rights and human security have become pillars in the reasoning behind state intervention by other states. Newman notes, “There is a greater understanding that human security deprivation—such as socioeconomic deprivation and exclusion, egregious abuses of human rights, and widespread health threats such as HIV/AIDS—affects peace and stability within and between states.”<sup>42</sup> Ottaway and Mair of the Carnegie Endowment for International Peace articulate that a consensus in international relations supports interventions in weak states, suggesting that such interventions “must be judged by conditions that threaten the physical integrity, welfare, self-determination, and opportunities of citizens—in other words, human security.”<sup>43</sup> Logan and Preble similarly argue that states do not necessarily affect U.S. security interests as much as specific entities within a state, citing Afghanistan’s connection to the terrorist acts of September 11, 2001.<sup>44</sup> Examples of this phenomenon can be seen in

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<sup>40</sup>Indra de Soysa, Thomas Jackson, and Christin Ormhaug. “Tools of the torturer? Small Arms Imports and Repression of Human Rights, 1992-2004.” *The International Journal of Human Rights* 14, no. 3, 378-393. First published February 16, 2010, by iFirst, 382.

<sup>41</sup>L. Harbom and P. Wallensteen, “Armed Conflict and Its International Dimensions, 1946–2004,” *Journal of Peace Research* 42, no. 5 (2005): 625.

<sup>42</sup>See Newman, “Human Security 2.”

<sup>43</sup>Ottaway and Mair, “States at Risk,” 2.

<sup>44</sup>Justin Logan and Christopher Preble, “Fixing Failed States: A Cure Worse than the Disease?” *Harvard International Review* (Winter 2008): 62–66.

Somalia and other locations where terrorist organizations find safe harbor to carry out international terror strikes.<sup>45</sup>

This dissertation complements contemporary security studies in its examination. There is substantial agreement among scholars, policymakers, and practitioners that the new threats are failing states, the violation of human rights, and human security;<sup>46</sup> hence the U.S. emphasis on democracy and human rights in its state-building efforts. The United States certainly has cause to further its state-building efforts if the Democratic Peace Theory popularized by Doyle and other researchers is correct that democratic states are less prone to go to war against one another.<sup>47</sup> In addition, research showing democracies produce less internal conflict provides additional reasoning for pursuing democratic state-building. This added dividend is important in that research shows increasing conflict within states while conflict between states has diminished. For example, Bloomfield and Reilly note, “In recent years a new type of conflict has come increasingly to the fore: conflict that takes place within and across states, or intra-state conflict, in the form of civil wars, armed insurrections, violent secessionist movements and other domestic warfare. The change has been dramatic: In the last three years, for example, every major armed conflict originated at the domestic level within a state rather

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<sup>45</sup>Julie Cohen, “Terrorism Havens: Somalia Council on Foreign Relations,” June 2010, <http://www.cfr.org/somalia/terrorism-havens-somalia/p9366>.

<sup>46</sup>Edward Newman, “Failed States and International Order: Constructing a Post-Westphalian World” *Contemporary Security Policy* 30, no. 3 (2009): 421–43.

<sup>47</sup>Doyle, “Kant, Liberal Legacies, and Foreign Affairs”; Paris, “Peacebuilding, 60. Also see Lynn-Jones, “Why the United States Should Spread Democracy”; Rummel, “Democracy, Power, Genocide, and Mass Murder 4. Bruce M. Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, NJ: Princeton University Press): 11.

than between states.”<sup>48</sup> Doyle and Sambanis similarly note, “Since the end of the Cold War period, almost all new armed conflicts have occurred within the territories of sovereign states.”<sup>49</sup> Hence, a U.S. foreign policy supportive of democratic state-building is logical as it supports U.S. democratic ideals and potentially increases security between and within states.

### U.S.-Led State-Building

The United States has been supportive of democratic state-building as indicated in various official policies and plans.<sup>50</sup> In fact, the United States has a long history of involvement in state building.<sup>51</sup> Consequently, it is worthwhile to briefly review U.S.-led state-building philosophy.

No single definition exists for state building, nation building, or democracy building.<sup>52</sup> The current U.S. foreign policy philosophy has been titled *democracy building*.<sup>53</sup> A search for a single definition for these terms yields a variety of definitions

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<sup>48</sup>David Bloomfield and Ben Reilly, “The Changing Nature of Conflict and Conflict Management, International Institute for Democracy and Electoral Assistance (International IDEA),” *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Sweden: Stockholm, 1998), 9.

<sup>49</sup>Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton, NJ: Princeton University Press, 2006), 3.

<sup>50</sup>United States of America, “National Security Strategy of the United States 2006, <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006>.

<sup>51</sup>Ted Galen Carpenter, “The Imperial Lure: Nation Building as a US Response to Terrorism” *Mediterranean Quarterly* (Winter 2006): 34–47; Robert Kagan, “Nation-Building: Our National Pastime,” *New York Times* (Book Review), October 14, 2011; Dobbins et al., *After the War: Nation-Building from FDR to George W. Bush* (Santa Monica, CA: Rand, 2008); Gary Dempsey and Roger Fontaine, *Fool’s Errands: America’s Recent Encounters with Nation Building* (Washington, DC: Cato Institute, 2001); Seth Jones et al., *Securing Tyrants or Fostering Reform: US Internal Security Assistance to Repressive and Transitioning Regimes* (Santa Monica, CA: Rand, 2006).

<sup>52</sup>Carson, *Nation Building*; Erwin, *Disjointed Ways, Disunified Means*; Cox, Ikenberry, and Inoguchi, *American Democracy Promotion*; James Dobbins et al., *America’s Role in Nation-Building*. 2.

<sup>53</sup>Blanton, “Promoting Human Rights”; Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004), 99.

and descriptions.<sup>54</sup> For example, Pei and Kasper use three “distinct criteria” to describe nation building: (1) a declared goal of regime change or the survival of a regime that is subject to collapse, (2) the deployment of large numbers of U.S. ground troops, and (3) the use of U.S. military and civilian personnel in the political administration of target countries.<sup>55</sup> Carson defines *nation building* as the “intervention in the affairs of a nation-state for the purpose of changing the state’s method of government and when the United States pursues these efforts there is one goal—democratization.”<sup>56</sup> The Rand Report, *America’s Role in Nation-Building*, provides a more general definition that suggests intervention that attempts fundamental democratic transformation.<sup>57</sup> Fukuyama defines *state building* as, “The creation of new government institutions and the strengthening of existing ones.”<sup>58</sup> He further explains his definition and position on state building:

We arrive at this conclusion either as a result of our desire to reconstruct conflict-ridden or war-torn societies, out of a desire to eliminate spawning grounds for terrorism, or out of a hope that poor countries will have a chance to develop economically. If there is a science, art, or *techne* to state-building, then it will serve all of these goals simultaneously and be in extremely high demand. In the United States, this effort has come to be known as nation-building. This terminology perhaps reflects the national experience, in which cultural and

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<sup>54</sup>Goetze and Guzina. “Statebuilding and Nationbuilding.”

<sup>55</sup>Minxin Pei and Sara Kasper, “Lessons from the Past: The American Record on Nation Building,” *Carnegie Endowment for International Peace* 24 (May 2003). <http://carnegieendowment.org/files/Policybrief24.pdf>

<sup>56</sup>Carson, *Nation Building*, 2.

<sup>57</sup>James Dobbins et al., *America’s Role in Nation-Building*, 2.

<sup>58</sup>Fukuyama, *State-Building*, p. ix.

historical identity was heavily shaped by political institutions like constitutionalism and democracy.<sup>59</sup>

For the purposes of this dissertation, state building will follow Fukuyama's definition, since, ultimately, when the United States intervenes in a state's affairs, American foreign policy suggests that democratic legitimacy is the goal. Ultimately such a goal rests with the approval of citizens of the targeted state. Current U.S. efforts in Iraq and Afghanistan exhibit the desire to develop and maintain enduring democratic political institutions in those states.

Notably, after securing itself from the British, America's democracy was founded on the ideals of individual human rights (although, at the time, slavery existed and other rights we have today were limited) and limitations on government as stipulated in the U.S. Constitution and later in the Bill of Rights. Naturally, as the longest lasting democracy with a proud history, one would expect the United States to promote its democratic state-building efforts using its own historical foundations as guidelines. Unquestionably, promoting such democratic ideals as freedom of the press, freedom of religion, and individual liberty in its state-building efforts seems reasonable for a democracy built upon these rights. Today, U.S. foreign interests flow from the nation's desired worldview for the future that is based upon the spread of democracy.<sup>60</sup> The U.S. worldview can be summarized as a world where a peace among nations results in universal commerce, respect for human rights, freedom of religion, the rule of law,

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<sup>59</sup>Ibid., 99.

<sup>60</sup>Larry Diamond, "Promoting Democracy." *Foreign Policy* 87 (February 2011): 25–46.

individual free will,<sup>61</sup> and the pursuit of happiness. Researchers note, “Democracy is an important predictor of respect for human rights.”<sup>62</sup> This worldview and its resulting desires are cemented in American culture as a result of America’s historical origins and cultural development. In their discussion of national interest, researchers Sam Sarkesian, John Williams, and Stephen Cimbala contend “national interests are expressions of US values projected into the international and domestic arenas” further noting, “It follows that interests nurture and expand democracy and open systems.”<sup>63</sup> Consequently, in state-building efforts, U.S. foreign policy routinely espouses the common and somewhat universal pillars of democracy such as those found in the First Amendment. Freedom of speech, the right to protest, freedom of religion, freedom of the press, the right to peaceful assembly, and the right to petition the government for a redress of grievances are included in this democracy. These freedoms are easily seen in recent democracy-building efforts and constitutional development where such democratic ideals as voting for government representatives have been successfully obtained. Widespread media releases regarding purple fingers of voters in Iraq and Afghanistan are examples.<sup>64</sup>

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<sup>61</sup>James Dobbins et al., *America’s Role in Nation-Building*; Blanton, “Promoting Human Rights.” In Chronicle Review, “Is Free Will an Illusion?” The Chronicle of Higher Education, March 18, 2012, <http://chronicle.com/article/Is-Free-Will-an-Illusion-/131159>, some “key thinkers” discuss the science of free will and compare and contrast recent neuroscience findings with historical interpretations from philosophers and theologians. Neuroscience may offer discoveries that free will does not exist and that humans are predisposed to their actions.

<sup>62</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer?” 384.

<sup>63</sup>Sarkesian, William, and Cimbala, *U.S. National Security: Policymakers, Processes and Politics*, 5.

<sup>64</sup>Elisabeth Bumiller and Rod Norland, “Afghan Vote Marked by Light Turnout and Violence *New York Times*, September 18, 2010, [http://www.nytimes.com/2010/09/19/world/asia/19afghan.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2010/09/19/world/asia/19afghan.html?pagewanted=all&_r=0); Bartle Bull, “Iraq Elections: Purple Fingers in Sadr City,” *New York Times*, February 1, 2005, <http://www.nytimes.com/2005/01/31/opinion/31iht-edbull.html>.

The Council on Foreign Relations, in its 2011 report, *Public Opinion on Global Issues*, found that seventy percent of Americans support the spread of individual human rights protections as noted in the Universal Declaration of Human Rights.<sup>65</sup> Although not verbatim, many of the rights cited in the Declaration are also found in the U.S. Bill of Rights. It is logical that the U.S. government would support foreign policy and state-building efforts supportive of rights similar to its Bill of Rights. As Richard Betts notes,

For most Americans, it is the ideas of the liberal tradition, from Locke to Woodrow Wilson, that shape their thinking about foreign policy. The sacred concepts of freedom, individualism, and cooperation are so ingrained in United States political culture that most people assume them to be the natural order of things, universal values that people everywhere would embrace if given the chance.<sup>66</sup>

Researchers suggest that starting with President Woodrow Wilson's administration, democracy promotion has been a defining characteristic of U.S. foreign policy for the greater part of the twentieth century.<sup>67</sup> Sandra Vogelgesang noted in *Foreign Affairs*, "The average American sees the Bill of Rights as an article of faith at home and an item for emulation abroad."<sup>68</sup> Researcher Tony Smith identifies such liberal policies as "national security liberalism" and states,

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<sup>65</sup>Council on Foreign Relations, "US Opinion on Human Rights, *Public Opinion on Global Issues* (New York: Council on Foreign Relations, 2011).

<sup>66</sup>Richard Betts, "Conflict or Cooperation? Three Visions Revisited." *Foreign Affairs* 89, no. 6 (2010): 1.

<sup>67</sup>Cox, Ikenberry, and Inoguchi, *American Democracy Promotion*; Diamond, "Promoting Democracy."

<sup>68</sup>Sandra Vogelgesang, "What Price Principle? U.S. Policy on Human Rights," *Foreign Affairs* 56, no. 4 (1978): 1.

American liberalism became confirmed national foreign policy not only because it corresponded to domestic interests and values but also because it corresponded to certain of the realities of world affairs in the twentieth century. Pacifists, peoples concerned by the tensions of ethnic diversity, the middle class and international business, secularists, nationalist leaders of weak states—all of these and more might find in liberal economic systems, international peacekeeping regimes, or democratic government proposals for world order that suited their needs and hence that elicited their support. As a consequence, the arguments in favour of American liberalism have been successful not only because they have a domestic constituency but because they have developed an international following as well.<sup>69</sup>

The United States has not been completely successful in its democratic state-building efforts.<sup>70</sup> For instance, the United States has conducted democratic state-building operations in Cuba, Haiti, Nicaragua, Panama, and South Vietnam.<sup>71</sup> Moreover, in some instances the United States has had to violently reintervene in past democratic state-building efforts because the governments ended up violating its citizens' human rights and reverted to nondemocratic regimes. For example, Cuba, Haiti, Nicaragua, and Panama required military reinterventions after initial U.S.-led state-building initiatives.<sup>72</sup> In other cases, U.S. inaction results in security failures. For example, Wolfgram notes in

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<sup>69</sup>Cox, Ikenberry, and Inoguchi, *American Democracy Promotion*, 99.

<sup>70</sup>Stephen Krasner, "We Don't Know How to Build Democracy: Regime-Building Is the Central Challenge of Our Time, But Surprisingly Little Is Known about How to Do So Successfully," *Los Angeles Times*, November 16, 2003, p. M1; Stephen Krasner and Carlos Pascual, "Addressing State Failure," *Foreign Affairs* 84, no. 4 (2005): 153–63.

<sup>71</sup>Pei and Kasper, "Lessons from the Past."

<sup>72</sup>*Ibid.*, 2.



Bosnia, Croatia, and Kosovo the U.S. and its allies' failure “. . . to commit their own troops to significant combat roles led to a reliance on local combatants, who then committed further violations of humanitarian norms, as with Croatian forces in Operation Storm in 1995.”<sup>73</sup>

As concluded by Campbell et al. in *Pathways to Freedom Political and Economic Lessons from Democratic Transitions*, “Despite a vast academic literature on democratization, the factors that allow some democratic transitions to succeed as others stall or backslide remain poorly understood by policymakers.”<sup>74</sup> Therefore, more examinations of U.S. state building are desirable.

In sum, there may be good cause for the development of democracies, as there is broad support for the belief that democracies do not go to war against one another, as Democratic Peace Theory posits. In addition, although internal civil conflict may still occur, democratic states are subject to less internal conflict.<sup>75</sup> America supports this position in its foreign policy and state-building efforts. Human rights are significant elements in building a state based upon democratic ideals. Therefore, U.S. foreign policy currently highlights democratic freedoms in its state-building efforts, certainly espousing the specific rights and freedoms contained in its own Bill of Rights. One area that has not

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<sup>73</sup>Mark Wolfgram, “When the Men with Guns Rule: Explaining Human Rights Failures in Kosovo since 1999,” *Political Science Quarterly* 123, no. 3 (2008): 461.

<sup>74</sup>Isobel Coleman and Terra Lawson-Remer, *Pathways to Freedom: Political and Economic Lessons from Democratic Transitions* (New York: Council on Foreign Relations, 2013), <http://www.cfr.org/democratization/pathways-freedom/p30800>

<sup>75</sup>Doyle, “Kant, Liberal Legacies, and Foreign Affairs,” notes that civil wars are excluded from his data tables. Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996), 34, states, “Democratic states have commonalities with other democratic states and hence do not fight each other.” Paris, “Peacebuilding 60; Lynn-Jones, “Why the United States Should Spread Democracy”; Rummel, “Democracy, Power, Genocide, and Mass Murder p. 4; *Silveira v Lockyear*, 328 F.3d 567 [9<sup>th</sup> Cir. 2003], Kozinski dissent.

been sufficiently researched is U.S. state-building efforts in the context of individual arms rights.

### U.S. Politics and Firearms

There is seemingly limitless research discussing the issue of firearms in America, although some argue firearms research has been stifled by political disagreements.<sup>76</sup> Americans differ on whether firearms possession should be considered an individual or collective right.<sup>77</sup> Although this is a never-ending discussion in the United States, the discussion is also repeated in many other countries.<sup>78</sup> Domestically, as well as internationally, there are differences on the use of arms in promoting democracy, resulting in arguments for and against individual arms rights.<sup>79</sup> These arguments

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<sup>76</sup>One merely has to enter the words firearms, violence, and Second Amendment in a Google search to receive thousands of results. These include academic papers, news articles, various opinion pieces, blogs, and other materials. Michael Luo, “N.R.A. Stymies Firearms Research, Scientists Say,” *New York Times*, U.S. section, January 25, 2011; Amy Semet, and Stephen Ansolabehere, “Profiling and Predicting Opinions on Gun Control: A Comparative Perspective on the Factors Underlying Opinion on Different Gun Control Measures Social Science Research Network,” July 13, 2011, doi:10.2139/ssrn.1884661.

<sup>77</sup>David Konig, “Why the Second Amendment Has a Preamble: Original Public Meaning and the Political Culture of Written Constitutions in Revolutionary America,” *University of California at Los Angeles Law Review*, 56, no. 5 (2009): 1295–342; Tom Smith, *Individualism and Collectivism in America: The Case of Gun Ownership and Attitudes Toward Gun Control* (Chicago: National Opinion Research Center, University of Chicago, April 2000); Peter Squires, *Gun Culture or Gun Control? Firearms, Violence and Society* (New York: Routledge, 2000); Michael Huemer, “Is There a Right to Own a Gun?” *Social Theory and Practice* 29, no. 2 (2003): 297–324.

<sup>78</sup>David Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo, NY: Prometheus Books, 1992); Squires, *Gun Culture or Gun Control?*

<sup>79</sup>Philip Cook and Jens Koper, “Guns in America: National Survey on Private Ownership and Use of Firearms,” Research Brief National Institute of Justice, Washington, DC, 1997; Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003,” Report to the National Institute of Justice, United States Department of Justice, Document No. 204431, July 2004, <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>; United Nations Press Release, Security Council, Addressing the Security Council, “Secretary General Sax’s International Community Must Reverse Global Proliferation of Small Arms,” September 24, 1999, U.N. Doc SG/SM/7145; David Kopel, Paul Gallant, and Joanne Eisen, “How Many Global Deaths from Arms? Reasons to Question the 740,000 Factoid Being Used to Promote the Arms Trade Treaty,” *New York University Journal of Law and Liberty* 5 (2010): 672; David Kopel, Paul Gallant, and Joanne Eisen, “Firearms Possession by ‘Non-State Actors’: The Question of Sovereignty” *Texas Review*

generally end up concluding that more gun laws (restrictions) are needed for greater security or that individual gun ownership promotes security.<sup>80</sup> Arguments are made that firearms should only be found in the possession of government with an exception for sporting purposes, as firearms serve no other useful purpose for citizens. U.S. Historian Garry Wills notes, “Until we are willing to outlaw the very existence or manufacture of handguns we have no right to call ourselves citizens or consider our behavior even minimally civil.”<sup>81</sup> Wills furthers the notion that governments should be the only sanctioned entity responsible for personal safety, anything less is uncivilized.<sup>82</sup> In contrast, other Americans view the Second Amendment as security for democracy and protection from government tyranny.<sup>83</sup> Research supports the concept that division on the topic is based upon where one stands regarding individual and collectivist values.<sup>84</sup> In his discussion on the conflict between pro-gun and antigun Americans, researcher and retired Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent William Vizzard

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*of Law and Politics* 8, no. 2 (2004): 373–436; Diana Sarosi and Janjira Sombatpoonsiri, “Arming Civilians for Self-Defense: The Impact of Firearms Proliferation on the Conflict Dynamics in Southern Thailand,” *Global Change: Peace and Security* 23, no. 3 (2011): 387–403; L. Yanik, “Guns and Human Rights: Major Powers, Global Arms Transfers, and Human Rights Violations,” *Human Rights Quarterly* 28, no. 2 (2006): 357–88.

<sup>80</sup>Adele Kirsten, “Citizens, Guns and the State: The Changing Relationship between Civil Society and the State on Reducing Armed Violence: Citizens Have the Power to Change and Influence Public Policy in a Democracy,” *South African Review of Sociology* 39, no. 2 (2008): 201–17; David Kopel and Richard Griffiths, “Hitler’s Control: The Lessons of Nazi History,” *National Review Online* (May 22, 2003); D. Kopel, “Armed Resistance to the Holocaust” *Journal on Firearms and Public Policy* 144 (2007): 143–61; Daniel Polsby, “Of Holocausts and Gun Control” *Washington University Law Quarterly* 75, no. 3 (1997): 1237–75; Daniel Polsby, “The False Promise of Gun Control” *The Atlantic*, March 1994.

<sup>81</sup>Garry Wills, “John Lennon’s War,” *Chicago–Sun Times*, December 12, 1980, 56.

<sup>82</sup>See Garry Wills, *A Necessary Evil: A History of American Distrust of Government* (New York: Simon and Schuster, 1999), for his discussion regarding the myths on the Second Amendment and firearms in U.S. history. See also, Garry Wills, “Guns and the Civilizing Process,” *Washington Post*, September 26, 1972, 16.

<sup>83</sup>Gingrich, “The Right to Bear Arms”; Katarzyna Celinska, “Individualism and Collectivism in America: The Case of Gun Ownership and Attitudes Toward Gun Control.” *Sociological Perspectives* 50 (2007): 229–247.

<sup>84</sup>Celinska, “Individualism and Collectivism in America.”

points out that the conflict over gun control is “a conflict over ideas, values, perceptions, and most of all, the role of government.”<sup>85</sup>

Research identifies correlations between how Americans identify politically and their positions on firearms freedoms.<sup>86</sup> Political links to firearms positions are historical and can be observed through approved legislation regarding individual firearms rights. Most restrictions on firearms rights were at the state level until 1927, when the Federal government initiated the first Federal legislation regarding firearms rights that limited the mailing of handguns through the U.S. Postal Service.<sup>87</sup> A review of all major Federal firearms legislation since then shows the majority of Federal legislation limiting individual arms rights was enacted while the Democratic party was in control of the Executive and Legislative branches of government.<sup>88</sup> Opposing positions on firearms rights were codified in Democratic and Republican platforms for the first time in 1968.<sup>89</sup> Today, differing opinions and platforms regarding individual arms rights and limits to Second Amendment freedoms continue as Republicans are viewed as more supportive of

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<sup>85</sup>William Vizzard, *Shots in the Dark: The Policy, Politics, and Symbolism of Gun Control* (Lanham, MD: Rowan & Littlefield, 2000): 5.

<sup>86</sup>David Kopel, “The Ideology of Gun Ownership and Gun Control in the United States *Quarterly Journal of Ideology* 18 (1995): 3–34; Jones, “Men, Married, Southerners”; Carroll, “Gun Ownership Higher”; Silver, “Party Identity in a Gun Cabinet reviews the 2008 General Social Survey and notes “It might seem strange that ownership of a single household object is so strongly tied to voting behavior and broader political attitudes in America”; Celinska, “Individualism and Collectivism in America”; Fairleigh Dickinson University, “Public Mind Poll,” *Beliefs about Sandy Hook Cover-Up, Coming Revolution Underlie Divide on Gun Control* (Teaneck, NJ, 2013).

<sup>87</sup>William Vizzard, *Shots in the Dark: The Policy, Politics and Symbolism of Gun Control*, (Lanham, MD: Rowman and Littlefield, 2000) 89.

<sup>88</sup>Cook and Goss, *The Gun Debate: What Everyone Needs to Know*; Gary Kleck, *Targeting Guns: Firearms and Their Control* (New York: Aldine De Gruyter, 1997); William Vizzard, *Shots in the Dark: The Policy, Politics and Symbolism of Gun Control*, (Lanham, MD: Rowman and Littlefield, 2000).

<sup>89</sup>Cook and Goss, *The Gun Debate: What Everyone Needs to Know*, 183.

firearms freedoms with Democrats favoring more firearms restrictions.<sup>90</sup> Several polls have been conducted regarding one's political-party affiliation and positions on various firearms policies.<sup>91</sup> For example, polling data collected by the National Opinion Research Center found liberals were more in favor of gun control than conservatives.<sup>92</sup> Republicans are thought to be more favorable regarding individual firearms liberties, while Democrats are thought to be more agreeable to restrictions on firearms liberties. This correlates with research showing the typical gun owner is Republican.<sup>93</sup>

Political financial contributions show strong linkage between political party and position on firearms issues.<sup>94</sup> Findings indicate strong financial support for Republicans by those favoring firearms freedoms, while support for the Democratic Party is drawn from those favoring firearms restrictions. Further linkage between political party and firearms ideology is found regarding membership in political organizations. Interestingly, eight U.S. Presidents were lifetime National Rifle Association (NRA) members; of those eight, seven were Republican with one Democrat, President John F. Kennedy.<sup>95</sup>

In his essay discussing firearms in social and political context, Chemerinsky highlights various associations between political party affiliation and positions on

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<sup>90</sup>Ibid, 184.

<sup>91</sup>Wilson, *Guns, Gun Control, and Elections*, 119; Pew Research, "Gun Control"; Celinska, "Individualism and Collectivism in America."

<sup>92</sup>Tom Smith, "Public Perspectives: Public Opinion about Gun Policies," in *Future of Children* 12, no. 2 (2002): 155–63, defines gun control as policies that regulate the manufacture and sale of firearms such as waiting periods, background checks, and registration requirements.

<sup>93</sup>Celinska, "Individualism and Collectivism in America."

<sup>94</sup>Alan Berlow and Gordon Witkin, "Gun Lobby's Money and Power Still Holds Sway over Congress," The Center for Public Integrity. Last modified May 19, 2014. <http://www.publicintegrity.org/2013/05/01/12591/gun-lobbys-money-and-power-still-holds-sway-over-congress>.

<sup>95</sup>Awr Hawkins, "JFK: Lifetime NRA Member, Second Amendment Defender," *Breitbart News*, November 18, 2013.

firearms issues.<sup>96</sup> Notably, Chemerinsky argues that guns help to define political ideology, noting that one's position regarding guns defines whether one is a liberal or a conservative. Gun-rights supporters are conservative, and gun-control advocates are liberal.<sup>97</sup> Chemerinsky further articulates that interpretation of the Second Amendment is not one of application of constitutional theory or interpretation but the ideology of the interpreter suggesting that the individual right to have guns is a value choice.<sup>98</sup> Interestingly, Semet and Ansolabehere found "a striking relationship between free speech rights and gun control" where supporters of free speech (another element of the Bill of Rights this dissertation compared) were more supportive of firearms freedoms.<sup>99</sup>

These political divisions on firearms can be viewed through the paradigms of firearm political advocacy groups, such as the National Rifle Association and the Brady Campaign to Prevent Gun Violence (BCPGV), formerly Handgun Control Incorporated. The NRA opposes many firearms restrictions whereas opponents, such as the BCPGV, are supportive of many firearms restrictions.<sup>100</sup> Politically and financially, the NRA primarily supports Republican candidates, whereas the BCPGV generally supports Democrats.<sup>101</sup>

Furthermore, the voting records of politicians regarding gun control significantly follow party lines. For example, Bouton et al. have documented the probability of U.S.

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<sup>96</sup>Erwin Chemerinsky, "Putting the Gun Control Debate in Social Perspectives. *Fordham Law Review* 73 (2004): 477-485.

<sup>97</sup>Ibid.

<sup>98</sup>Ibid., 481.

<sup>99</sup>Semet and Ansolabehere, "Profiling and Predicting Opinions on Gun Control." 44.

<sup>100</sup>See websites at [Bradycampaign.org](http://Bradycampaign.org) and [NRA.org](http://NRA.org).

<sup>101</sup>See websites at [Bradycampaign.org](http://Bradycampaign.org), [NRA.org](http://NRA.org). and Center for Responsive Politics.

senators voting for legislation increasing firearms freedoms between 1993 and 2010. The results are notable in that they show Republicans vote approximately eighty-five percent pro-gun, whereas Democrats only average thirty-five percent pro-gun votes.<sup>102</sup>

Former U.S. Speaker of the House Tip O’Neill is generally credited with the phrase, “All politics is local,” a phrase used to describe the relationship between political leaders and their constituents.<sup>103</sup> In a democracy, political leaders must maintain a viable constituency to gain or maintain the office they desire. Therefore, the desires of the voting public are inherent to political decision-making, including matters of foreign policy. The two leading U.S. political parties, Republican and Democratic, have constituencies representing opposing views regarding the role of firearms. These opposing views can be observed through examination of voting records, finances, political platforms, demographics, and policies and laws that each party supports.

This dissertation asserts that it is reasonable to assume that politicians from the two parties would be consistent in holding opposing positions on firearms policies in state building as they do domestically. This position is in contrast to the traditional concept of foreign policy differences between political parties stopping at the water’s edge.<sup>104</sup> Although the research is mixed, researchers find correlation between domestic

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<sup>102</sup>Laurent Bouton et al., “Guns and Votes,” CEPR Discussion Paper No. DP9726 (Washington, DC: Center for Economic and Policy Research, 2013). <http://ssrn.com/abstract=2353883>.

<sup>103</sup>Tip O’Neill and Gary Hymel, *All Politics Is Local and Other Rules of the Game* (Holbrook MA: Bob Adams, 1994), xvi.

<sup>104</sup>Jean-Philippe Therien and Alain Noel, “Political Parties and Foreign Aid” in *The American Political Science Review* 94, no. 1 (March 2000): 151-162; James McCormick and Eugene Wittkopf, “Bipartisanship, Partisanship, and Ideology in Congressional–Executive Foreign Policy Relations, 1947-1988,” *Journal of Politics* 52, no. 4 (November 1990), 1077-1100.

and foreign policy.<sup>105</sup> Some research identifies instances where political parties have changed foreign policy from prior positions.<sup>106</sup> Nevertheless, there is strong evidence revealing correlation between public opinion, political party, and matters of foreign policy.<sup>107</sup> In their article discussing domestic influence on foreign policy, Volgy and Schwartz note that politicians must account for their actions and “Political leaders in elective office aim to survive.”<sup>108</sup> Furthermore, domestic political considerations are a “critical dimension of explanation”<sup>109</sup> regarding foreign policy. Other research notes politicians “incurred political costs” in their foreign policy decision-making and, in particular, when confronting a salient issue.<sup>110</sup> Research and polling data suggest how one views the Second Amendment in American society is a salient issue and divides the American public. These divisions are observed between political parties where “people communicate their demands to the government.”<sup>111</sup> Political party positions on the

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<sup>105</sup>James Rosenau, “Pre-Theories and Theories of Foreign Policy,” *Approaches to Comparative and International Politics*, ed. R. Farrell, New York: Free Press, 1966; John Aldrich, Christopher Gelpi, Peter Feaver, Jason Reifler, and Kristin Sharp, “Foreign Policy and the Electoral Connection *Annual Review Political Science*, 2006, 9:496; James Fearon, “Domestic Politics, Foreign Policy, and Theories of International Relations,” *Annual Political Science Review* 1(1998): 289-313; Thomas Risse-Kappen, “Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies,” *World Politics* 43, no. 4 (July 1991): 479-512; Lawrence Jacobs and Benjamin Page, “Who Influences U.S. Foreign Policy?” *American Political Science Review* 99, no. 1 (February 2005): 107-123.

<sup>106</sup>McCormick and Wittkopf, “Bipartisanship, Partisanship, and Ideology in Congressional – Executive Foreign Policy Relations, 1947-1988”; Patrick Cronin and Benjamin Fordham, “Timeless Principles or Today’s Fashion? Testing the Stability of the Linkage between Ideology and Foreign Policy in the Senate.” *Journal of Politics* 61, no. 4 (November 1999), 967-998.

<sup>107</sup>Risse-Kappen, “Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies *World Politics*,” 479-512; Aldrich, Gelpi, Feaver, Reifler, and Sharp, *Annual Review Political Science*, 492.

<sup>108</sup>Thomas Volgy and John Swartz, “Does Politics Stop at the Water’s Edge? Domestic Political Factors and Foreign Policy Restructuring in the Cases of Great Britain, France, and West Germany,” *Journal of Politics* 53, no. 3 (August 1991): 615-643.

<sup>109</sup>*Ibid.*, 639.

<sup>110</sup>Aldrich, Gelpi, Feaver, Reifler, and Sharp, *Annual Review Political Science*, 492.

<sup>111</sup>John Hoadley, “The Emergence of Political Parties in Congress, 1789-1803, *The American Political Science Review* 74, no. 3(September 1980): 757-779.



individual arms rights issue have developed over time into core values for each party.<sup>112</sup> Hurwitz and Peffley note the importance of core values in foreign policy decision-making, noting that individuals form views about foreign policy using their “more general and abstract beliefs.”<sup>113</sup> Page and Shapiro provide evidence that the public has greater influence on public policy when the issue is important to the public.<sup>114</sup>

In sum, history shows that firearms freedoms is a core issue for many Americans and American political parties with Republicans viewed as the party more supportive of arms freedoms and Democrats as more restrictive of arms rights. Political parties need to maintain voter support in order to gain and maintain political power. Research shows correlation between domestic preferences, political party, and foreign policy decisions. Therefore, it is reasonable to assume political party positions regarding individual firearms freedoms in state-building would be consistent with domestic ideologies.

No empirical research correlating individual firearms rights, U.S. domestic politics, and state-building was located.<sup>115</sup> An examination of political party association with individual firearms rights in state-building can provide new insights and understanding between U.S. state-building, political parties, individual firearms rights, and U.S. foreign policy.

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<sup>112</sup>Paul Goren, “Core Principles and Policy Reasoning in Mass Publics: A Test of Two Theories,” *British Journal of Political Science* 31, 159-177.

<sup>113</sup>John Hurwitz and Mark Peffley, “How Are Foreign Policy Attitudes Structured? A Hierarchical Model,” *American Political Science Review* 81, no. 4 (December 1987): 1114.

<sup>114</sup>Benjamin Page and Robert Shapiro, “Effects of Public Opinion on Policy,” *American Political Science Review* 77, no. 1 (March 1983): 175-190.

<sup>115</sup>Some research examines human rights and democracy as determinants for U.S. arms sales. See Blanton, “Promoting Human Rights.”

## Firearms and Constitutions

Constitutional rights, an objective of U.S. state-building, can be identified in examining the constitutions of the cases for this dissertation. In Table 1 below, constitutions of this dissertation’s case studies were reviewed for elements of the U.S. Constitution’s Bill of Rights. The results show that all individual freedoms similar to those in the U.S. Bill of Rights are present with the exception of the Second Amendment.<sup>116</sup>

Table 1

### *Constitutional-Freedoms Case Study—U.S. Bill of Rights Comparisons*

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
CUBA	X		X	X	X	X	X	X	X	X
GERMANY	X		X	X	X	X	X	X	X	X
IRAQ	X		X	X	X	X	X	X	X	X

Note. The author developed the table data by reading each case study’s constitution and extracting delineated rights similar to those found in the U.S. Bill of Rights.

Richard Betts states in *Foreign Affairs* the following:

For most Americans, it is the ideas of the liberal tradition, from John Locke to Woodrow Wilson, that shape their thinking about foreign policy. The sacred

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<sup>116</sup>The author searched the constitutions of the cases looking for freedoms found in the U.S. Bill of Rights. Searches were conducted for similar language regarding individual freedoms. The ten amendments of the Bill of Rights were reviewed.

concepts of freedom, individualism, and cooperation are so ingrained in U.S. political culture that most people assume them to be the natural order of things, universal values that people everywhere would embrace if given the chance.<sup>117</sup>

With the goal of democracy for the world's nations, the United States would prefer constitutional democracies and would support developing nations in constructing and implementing constitutions. Ironically, Law and Versteeg argue in their research regarding constitutional development around the world that "other countries have, in recent decades, become increasingly unlikely to model either the rights-related provisions or the basic structural provisions of their own constitutions upon those found in the U.S. Constitution."<sup>118</sup> This is noteworthy since there was an increase in constitutional activity after the Cold War by former Soviet states.<sup>119</sup> Interestingly, in his article, *Governance in a Globalizing World*, Schauer articulates that constitution makers are less likely to use the U.S. Constitution as a foundation due to its extreme positions on freedom of speech, freedom of the press, and equality.<sup>120</sup> U.S. Supreme Court Justice Ruth Ginsburg has suggested bypassing the U.S. Constitution when looking for a foundation for current constitutional efforts: "I would not look to the U.S. constitution, if I were drafting a

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<sup>117</sup>Betts, "Conflict or Cooperation?" 1; see discussion linking culture and genetics, Baldwin Way and Matthew Lieberman, "Is There a Genetic Contribution to Cultural Differences? Collectivism, Individualism and Genetic Markers of Social Sensitivity," *Social Cognitive and Affective Neuroscience* 5, no. 2 (2010): 201–11.

<sup>118</sup>Law and Versteeg, "The Declining Influence of the United States Constitution"; Adam Liptak, "'We the People' Loses Appeal with People around the World" *NY Times*, February 6, 2012.

<sup>119</sup>See Zachary Elkins, Tom Ginsburg, and James Melton, *The Endurance of National Constitutions* (New York: Cambridge University Press, 2009), regarding the "waves" of constitution making after the fall of communism.

<sup>120</sup>Frederick Schauer, "The Politics and Incentives of Legal Transplantation" in *Governance in a Globalizing World*, eds. Joseph Nye and John Donahue (Washington, DC: Visions of Governance for the 21<sup>st</sup> Century, 2000): 253–68.

constitution in the year 2012;” instead she would look at more contemporary constitutions for guidance.<sup>121</sup>

Constitutional researcher, Andrew Arato, articulates that people interested in the constitutional history of the United States; and the thoughts of some of America’s founders, such as Thomas Paine, Thomas Jefferson, and James Madison, view constitutional authorship as, perhaps, the most significant dimension of popular sovereignty.<sup>122</sup> Arato noted this in his writings regarding U.S. involvement in developing Iraq’s constitution, where the United States wanted to select and appoint a council to “draw up” Iraq’s new constitution. Arato noted the thoughts of U.S. historical figures, such as Thomas Paine, who viewed the constitution of a country as not the act of government but of people constituting a government.<sup>123</sup> In his discussion, Arato notes not only the importance of the constitution itself, but also the influence and impact of a constitution on individual Iraqi citizens’ liberties. He further noted the significant roles of individuals selected to develop the constitution in the future of Iraqi citizens’ liberties. Arato’s concepts correlate with U.S. history, which suggest that a democratic state must originate from the will of its citizens.

In the United States, the discussion of firearms and constitutions is inherent as the Second Amendment of the U.S. Constitution provides for the individual citizen to possess firearms.<sup>124</sup> Hence, there are endless debates on individual and collective rights, the

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<sup>121</sup>Real Clear Politics, “Ruth Bader Ginsberg to Egypt: Don’t Use U.S. Constitution as a Model” (video), February 3, 2012. [http://www.realclearpolitics.com/video/2012/02/03/ruth\\_bader\\_ginsburg\\_to\\_egypt\\_dont\\_use\\_us\\_constitution\\_as\\_a\\_model.html](http://www.realclearpolitics.com/video/2012/02/03/ruth_bader_ginsburg_to_egypt_dont_use_us_constitution_as_a_model.html).

<sup>122</sup>Arato, “Constitution-Making in Iraq,” 21–28, discusses the process of making the Iraqi Constitution. He notes the issues of constitutional development.

<sup>123</sup>Ibid.

<sup>124</sup>*District of Columbia v. Heller*.

historical nature of firearms rights, U.S. Supreme Court decisions regarding arms rights, and so forth.<sup>125</sup> There is even some argument to amend the U.S. Constitution and change the Second Amendment so that both arms rights and anti-arms positions could be satisfied.<sup>126</sup> Additionally, there are conflicts between the Second Amendment and international attitudes toward firearms.<sup>127</sup>

There are many Americans who argue that the individual right to firearms is necessary not only for personal protection but for maintaining liberty, freedom, and security from government.<sup>128</sup> Such positions may be warranted as some researchers have noted, “There is a clear decline of rights when small arms increase among autocracies” and “in countries facing internal insecurity . . . respect for human rights and democracy may suffer.”<sup>129</sup> This concept is supported by de Soysa, Jackson, and Ormhaug who note “Security forces will be more likely to need small arms if they are regularly used for human rights abuses and civilians will be more likely to carry small arms if they fear for their own personal security as threatened by state forces.”<sup>130</sup> Interestingly, although no causation is proven, Freedom House notes, “The state of freedom declined for the eighth

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<sup>125</sup>Jason Howerton, “Disarming the Constitution,” *Blaze Magazine*, November 2012.

<sup>126</sup>Zachary Elkins, “Rewrite the Second Amendment” (Opinion Page), *New York Times*, April 4, 2013.

<sup>127</sup>Alonso, “The Second Amendment and Global Gun Control.”

<sup>128</sup>David Harmer, “Securing a Free State: Why the Second Amendment Matters,” *Brigham Young University Law Review* no. 1 (1998): 55–102, examines the correlation between a free state and individual arms rights under the second amendment; Seth Lipsky, “A Legal Backwater,” *American Spectator*, April 2012.

<sup>129</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer?” 379.

<sup>130</sup>*Ibid.*, 382.

consecutive year in 2013” and “For the eighth consecutive year, Freedom in the World recorded more declines in democracy worldwide than gains.”<sup>131</sup>

Yet, research shows that arms rights are not widespread around the world with only eight percent of constitutions guaranteed a right to bear arms in 1946 and only two percent doing so in 2006.<sup>132</sup> This research is supported by data identified in Table 1 showing none of the constitutions of the nations under study guarantee individual arms rights. Interestingly, arguably over time, citizen arms rights have been declining although a quarter of respondents to the *Small Arms Survey* (2006) agreed, “that it was important to carry a firearm for security.”<sup>133</sup> Moreover, some constitutions come close to actually prohibiting individual possession of firearms, as is the case in Japan.<sup>134</sup> In contrast, Switzerland is much more liberal in citizen firearms rights. Although there is no constitutional right to firearms, the Swiss are the third most armed populous per capita in the world and enjoy relative freedom in firearms rights in support of the nation’s security planning.<sup>135</sup>

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<sup>131</sup>Freedom House, “Freedom in the World,” 2014, <http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#.U95Rk1a9yIx>.

<sup>132</sup>Law and Versteeg, “The Declining Influence of the United States Constitution”; Zachary Elkins, Tom Ginsburg, and James Melton, “U.S. Gun Rights Truly Are American Exceptionalism,” *Bloomberg*, March 7, 2013.

<sup>133</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer? 382, citing the 2006 *Small Arms Survey*.

<sup>134</sup>Kopel, *The Samurai, the Mountie, and the Cowboy*, reviews and analyzes Japan’s historical treatment of firearms. He provides similar content for Great Britain, Canada, Australia, New Zealand, Jamaica, and Switzerland in his contrast and comparisons with the United States. His social and cultural discussions provide insight as to why other nation-states differ/agree with U.S. views on individual firearms rights.

<sup>135</sup>David Kopel and Stephen D’Andrill, “What America Can Learn from Switzerland Is that the Best Way to Reduce Gun Misuse Is to Promote Responsible Gun Ownership,” *American Rifleman*, February 1990.

There is no single reason provided for the decline in firearms rights. Some researchers argue that the decline is due to the general decline of other nations to follow the U.S. Constitution.<sup>136</sup> There are arguments suggesting that the United States is exceptional and uniquely qualified for individual firearms rights protections as a result of its cultural heritage and national identity.<sup>137</sup> Law and Versteeg note many scholars argue the U.S. Constitution is an example of American creed of “exceptionalism” and is set apart from other countries.<sup>138</sup> Thus, suggesting that there should be no expectations for elements of the U.S. Constitution, including firearms rights, to be included in the Constitutions of other nations. Professor Stephen Gardbaum compared the U.S. Constitution with other constitutions around the world and found the U.S. Constitution unique in some regards but quite similar in others, particularly the structural components.<sup>139</sup> Professor Gardbaum argues in a discussion on international law and other issues that the U.S. Constitution is somewhat exceptional in substance. He notes the exceptionalism of the Second Amendment of the U.S. Constitution:

The U.S. Supreme Court finally ruled for the first time on what had been the open question of whether there is an individual constitutional right to bear arms, an issue that arouses great passion and controversy. This latter point is sufficient by itself to distinguish the United States from other Western countries, where gun

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<sup>136</sup>Law and Versteeg, “The Declining Influence of the United States Constitution”; Zachary Elkins, Tom Ginsburg and James Melton, “Response: Comments on Law and Versteeg’s The Declining Influence of the United States Constitution *New York University Law Review*, Vol. 87:2088-2101.

<sup>137</sup>Desch, “Culture Clash”; Celinska, “Individualism and Collectivism in America”; Max Fisher, “What Makes America’s Gun Culture Totally Unique in the World, in Four Charts, *The Washington Post*, December 15, 2012; Law and Versteeg, “The Declining Influence of the United States Constitution 854.

<sup>138</sup>Law and Versteeg, “The Declining Influence of the United States Constitution 854.

<sup>139</sup>Stephen Gardbaum, “The Myth and the Reality of American Constitutional Exceptionalism,” *Michigan Law Review* 107 (December 2008): 391.

ownership is comparatively rare and tends not to be a subject that triggers—  
excuse the pun—the emotions.<sup>140</sup>

Others argue that the decline is due to the archaic nature of the Second Amendment, generational changes, and constitutional modernization where demand for some rights have increased while others decreased.<sup>141</sup> Still others suggest that international human rights instruments have replaced constitutional bill of rights.<sup>142</sup> If true, then replacement efforts would exclude individual arms rights since arms rights are contrary to the human rights consensus that arms equate to negative human rights may be problematic, unnecessary, or undesirable.<sup>143</sup> However, there has been some dissent against the human rights argument regarding the expansion of firearms rights around the globe. For example, the Secretary General of the International Criminal Police Organization (INTERPOL) noted that an armed citizenry might be needed in the war on terror. Secretary Noble states:

Ask yourself: “If that was Denver, Col., if that was Texas, would those guys have been able to spend hours, days, shooting people randomly?” Noble said, referring to states with pro-gun traditions. “What I’m saying is it makes police around the world question their views on gun control. It makes citizens question their views on gun control. You have to ask yourself, ‘Is an armed citizenry more necessary

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<sup>140</sup>Ibid., 407.

<sup>141</sup>Elkins, Ginsburg and Melton, “Response: Comments on Law and Versteeg’s The Declining Influence of the United States Constitution . *New York University Law Review*, Vol. 87:2088-2101.

<sup>142</sup>Law and Versteeg, “The Declining Influence of the United States Constitution.”

<sup>143</sup>Ibid., 853.



now than it was in the past with an evolving threat of terrorism?’ This is something that has to be discussed.<sup>144</sup>

Although Secretary Noble is referencing a response to terrorism, his reply might apply to government aggression as well. It should be noted that INTERPOL consists of 190-member nations and investigates firearms crimes around the world.<sup>145</sup>

In sum, the U.S. has promoted constitutional democracies, individual liberties, and freedoms in its state-building efforts. As noted in the constitutional-freedoms matrix in Table 1, similar U.S. Bill of Rights freedoms are enshrined in the constitutions of the case-study nations. Yet, none of the nations’ constitutions support individual arms rights. Further research of this phenomenon is warranted in order to develop additional insight and understanding of U.S. state-building.

#### Summary of Literature Review

It can be argued that security is the foundation for democratic state success. In some cases, a government is unable to provide security; in others, it is the security problem. The field of security studies has morphed over time from a paradigm focusing on traditional interstate conflict to one examining internal issues of states. Although realism and power politics continue in the international realm, the concept of human security has developed and reoriented some researchers to examine the international structure at the individual level rather than the state level. This view is linked to contemporary polices, such as the Doctrine to Protect, with its direct assault upon

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<sup>144</sup>Josh Margolin, “Interview with INTERPOL Secretary General Ronald Noble, Exclusive: After Westgate, Interpol Chief Ponders ‘Armed Citizenry.’” *ABC News*, October 21, 2013, <http://abcnews.go.com/Blotter/exclusive-westgate-interpol-chief-ponders-armed-citizenry/story?id=20637341>

<sup>145</sup>INTERPOL is the world’s largest international police organization, <http://www.interpol.int/en>.

traditional state sovereignty guarantees in favor of individual protections. Currently, U.S. state-building efforts are linked to this mode of thinking, as democracy promotion and the protection of individual rights and liberties are elements of U.S. foreign policy.

By definition, the democratic state must be developed and maintained by the citizenry, allowing them the opportunity to determine their destiny even if conflict is required for the final determination. Certainly, arms would be needed in any conflict between warring factions and, perhaps, for security afterward. Arguably, individual firearms rights may be helpful in securing and maintaining democracy and individual freedom from government tyranny. Moreover, some argue that individual arms rights may be understood to be a basic human right supportive of the most basic human right to life and survival.<sup>146</sup> Individual arms rights, as noted by some of America's founders and later cemented in the U.S. Constitution's Bill of Rights, are understood to be the ultimate guarantor of self-defense, liberty, and protection from government tyranny.<sup>147</sup>

A majority of Americans support Bill of Rights freedoms in U.S. foreign policy. Most of the freedoms found in the U.S. Bill of Rights were observed in the constitutions of the case studies for this dissertation. However, the Second Amendment is not mentioned in any of those constitutions. In fact, no cases of U.S. state-building show

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<sup>146</sup>Kopel, Moody, and Nemerov, "Is There a Relationship Between Guns and Freedom?"; Dave Kopel, "UN to World"; Kopel, Gallant, and Eisen, "Gun Ownership and Human Rights"; Reynolds', "The Next International Right," discussion of firearms rights as an international right; Gingrich, "The Right to Bear Arms."

<sup>147</sup>David Kopel, Paul Gallant, and Joanne Eisen, "The Human Right of Self-Defense *Brigham Young University Journal of Public Law* 22 (2008): 43–178, cite the great philosophers and use historic and more recent events to describe the human right of self-defense against tyranny and violence.

individual arms rights protections written in constitutions.<sup>148</sup> This research is a first step toward further understanding U.S. state-building and support for individual arms rights.

Findings from this research show where United States state-building efforts failed to result in inclusion of individual arms rights in constitutions. Furthermore, data identified instances of non-support regarding individual arms rights. This dissertation suggests that domestic political influences may play a role in the decisions. For instance, data may suggest that foreign positions parallel domestic positions, as Democrats would be hesitant to support the proliferation of Second Amendment style freedoms with Republicans being more supportive of the concept. Findings reveal no relationship regarding U.S. political party views on individual arms rights in the targeted case studies.

Furthermore, a review of U.S. state-building policy is warranted because the United States has not been completely successful in its state-building endeavors and had to intervene or reintervene using armed violence to correct problems. Additionally, any review of U.S. state-building should include examination of U.S. government support for U.S. Bill of Rights freedoms since the U.S. has historically emphasized their importance in state-building. Furthermore, with a continued emphasis on human rights, the United States must develop policies and responses when human-rights atrocities are identified.

This dissertation may form a starting point for further research regarding U.S. state-building and individual arms rights. Further research may include discussion on constitutionally protected individual arms rights in state-building and, in particular, democratic development and maintenance. In addition, it opens the door to further

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<sup>148</sup>GunPolicy.Org. "Armed Violence and Gun Laws, Country by Country," University of Sydney, Australia. <http://www.gunpolicy.org>.

research on how U.S. citizens view the expansion of individual arms rights around the world. U.S.'s views on the topic might identify further divisions between Republicans and Democrats regarding individual arms rights.

In sum, in all three cases of U.S. state-building presented in this dissertation, armed invasion was used to overthrow existing political structures, and constitutions were developed containing freedoms found in the U.S. Bill of Rights. However, in all cases no individual arms rights were included. This dissertation argues that the support (or non-support) provided by the United States regarding individual arms rights in state-building is determined by the political ideology of the party in control of the Executive Branch at the time of the intervention.

## CHAPTER III - METHODS

### Research Design

The dissertation used a multiple-case study strategy with a mixed methods approach primarily focused on thematic content analysis<sup>149</sup> to explore and assess U.S. government support for U.S. Bill of Rights freedoms in different time periods of U.S. state-building. Using three selected cases from different timeframes identified in previous state-building studies, thematic content analysis examined content data from each case to identify thematic textual evidence, along with concurrent descriptive quantitative data,<sup>150</sup> regarding the level of support given by the U.S. government for all Bill of Rights freedoms in state-building. In addition, since the Republican and Democrat political parties are closely associated with their disparate domestic positions on issues, such as firearms rights, it is of interest to see how political party positions and decisions on firearms rights compare in matters of foreign policy for each case and over time.<sup>151</sup> Consequently, party positions, differences, similarities, and changes in position may provide further understanding and insight regarding American political party views on foreign policy, constitution building, and if and how Second Amendment protections

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<sup>149</sup>Researchers have used other names, such as summative content analysis of text, for the identification of themes or major ideas in documents; see John Creswell, *Research Design: Qualitative, Quantitative and Mixed-Methods Approaches*, 3rd ed., Sage Publications: Thousand Oaks, Ca., 2009; John Creswell and Vicki Clark, *Designing and Conducting Mixed Methods Research* (Thousand Oaks, CA: Sage, 2007), 67-69, for more information on the nested or embedded approach and page 12 for more information on defining mixed methods using content analysis. Although this dissertation is focusing on the qualitative nature of the evidence, quantitative steps of data collection and analysis, which is historically linked to content analysis, will be included. The quantitative data for this dissertation will be descriptive in nature with no regression analysis.

<sup>150</sup>Ibid., This is consistent with the approaches suggested by Creswell and other researchers.

<sup>151</sup>See Bruce Berg, *Qualitative Research Methods for the Social Sciences*, 4<sup>th</sup> ed. (Boston: Allyn and Bacon, 2001), 233-236, where Berg discusses the various reasons for examination of organizations including to illustrate how organizations operate and the decision-making process.

carry over into state-building.<sup>152</sup> Even though none of the case study's constitutions resulted in Second Amendment freedoms, examination of how and why Second Amendment protections were excluded are of interest, since the Second Amendment and individual arms rights is a core political party issue important to many Americans. Thus, a multi-case study strategy, using mixed methods focused on thematic content analysis, can provide a unique examination of the phenomenon being investigated—U.S. state-building.

### *Qualitative-Quantitative Mixed Methods*

Qualitative data are collected from a variety of sources, including documents from private and public sources.<sup>153</sup> Qualitative research emphasizes the role of words, actions, and records on a topic.<sup>154</sup> Creswell and Clark articulate, “Qualitative researchers state only research questions and not hypotheses” and further note that qualitative research “looks for an in-depth understanding of a central phenomenon, not for explanations.”<sup>155</sup> Nagy Hesse-Biber and Leavy note in their text on qualitative research that the questions asked in qualitative research usually begin with words like *how*, *why*, and *what*.<sup>156</sup>

Communication through the written word can express attitudes, goals, intentions, values, themes, and other objectives. In the case of this dissertation, the foreign policy of the United States is analyzed through written communications relating to three historic

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<sup>152</sup>The issue of political party policy choices is discussed in Literature Review.

<sup>153</sup>Creswell and Clark, *Designing and Conducting Mixed Methods Research*, 6.

<sup>154</sup>Bruce Berg, *Qualitative Research Methods for the Social Sciences*, 6th ed. (Boston: Pearson, 2007), 304; Joseph Maxwell, *Qualitative Research Design: An Interactive Approach* (Thousand Oaks, CA: Sage, 2005), 22–23.

<sup>155</sup>John Creswell and Vicki Clark, *Designing and Conducting Mixed Methods Research* (Thousand Oaks, CA: Sage, 2007), 103–04.

<sup>156</sup>Sharlene Nagy Hesse-Biber and Patricia Leavy, *The Practice of Qualitative Research*, 2nd ed. (Los Angeles: Sage, 2011), 3.

cases of U.S.-led state-building. “Historical analysis of social knowledge, traditions, and conclusions can increase appreciation and understanding of contemporary issues of health, race relations, crime and corrections, education, business trends, and an infinite array of social, political and spiritual realms.”<sup>157</sup>

Qualitative research is in contrast with quantitative approaches focused on the amount of what is under study— relationships between variables, comparisons, and cause and effect using controlled variables. Qualitative research has been criticized for relying on personal interpretation of data inferences, as such interpretations can dilute outcomes.<sup>158</sup> Berg highlights such continuous “back and forth” arguments regarding the two designs using Freed Kerlinger’s statement: “There is no such thing as qualitative data. Everything is either 1 or 0,” and D. T. Campbell’s comment, “All research ultimately has a qualitative grounding.”<sup>159</sup> Berg ultimately concludes that both strategies have merit depending upon the focus of the research. This research was consistent with Berg’s conclusions as it consists primarily of qualitative characteristics of thematic data. However, quantitative elements are presented through descriptive statistics as a result of collecting qualitative data, and to a lesser extent quantitative data simultaneously, during the data collection process. This is consistent with definitions of concurrent embedded or nested strategies.<sup>160</sup> While qualitative thematic content analysis data will collect insight

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<sup>157</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 265.

<sup>158</sup>Ibid.; Earl Babbie, *Observing Ourselves* (Belmont, CA: Wadsworth, 1986); Earl Babbie, *The Practice of Social Research*, 10th ed. (Belmont, CA: Wadsworth/Thompson Learning, 2004), and other qualitative researchers who discuss the issues associated with interpreting qualitative data.

<sup>159</sup>Ibid., Berg, 3.

<sup>160</sup>John Creswell, *Research Design: Qualitative, Quantitative and Mixed-Methods Approaches*, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2009); John Creswell and Vicki Clark, *Designing and Conducting Mixed Methods Research* (Thousand Oaks, CA: Sage, 2007), 67-69.

and understanding from the evidence, quantitative data will provide instances or number of times a theme is observed in evidence. Thus, as the focus of the research is of a thematic-quality nature, quantitative data may help in providing broader perspective for the researcher and discovery regarding the magnitude of the thematic findings. Both qualitative and quantitative findings are integrated in analysis of the findings.

This dissertation focused on three case studies using thematic content analysis to examine meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things as well as instances of occurrence, culled from documents and archive materials related to support levels of the U.S. government for U.S. Bill of Rights freedoms. Thus, this dissertation is consistent with generally accepted concepts in qualitative research while also possessing some quantitative characteristics suggesting a mixed-method examination.

### *Case-Study Research*

A review of academic materials discussing case study research finds a variety of insights and opinions regarding case studies. Patricia Brown notes in her review of literature on case study, “The case study has been regarded as a design, a methodology, a particular data collection procedure, and as a research strategy.”<sup>161</sup> Stake notes that case study is not a methodological choice but a selection of what is to be studied by a selected method.<sup>162</sup> Tellis notes, “Case studies tend to be selective, focusing on one or two issues that are fundamental to understanding the system being examined.”<sup>163</sup> Gerring states the

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<sup>161</sup>Patricia Brown, “A Review of the Literature on Case Study Research *Canadian Journal for New Scholars in Education* 1, no. 1 (July 2008).

<sup>162</sup>Robert Stake, “Case Studies” in *Handbook of Qualitative Research*, ed. Norman Denzin and Yvonna Lincoln (Thousand Oaks, CA: Sage): 435-453.

<sup>163</sup>Ibid.



importance of case study in exploration, “case studies often tackle subjects about which little is previously known.”<sup>164</sup> Johnson and Reynolds support this concept in *Political Science Research Methods*, arguing case studies may be used for exploratory purposes when little is known about some political phenomenon and that case studies are important for the development and evaluation of public policies and for testing theories of political phenomena.<sup>165</sup> Similarly, other researchers note that case studies may help in the development of hypotheses and can provide deep understanding of phenomena and how actors solve problems.<sup>166</sup> Gerring describes case-study as “a particular way of defining cases, not a way of analyzing cases or a way of modeling cases.”<sup>167</sup> Gerring further notes that case studies are an “intensive study of a single unit for the purposes of understanding a larger class of (similar) units”<sup>168</sup> described as a nation-state, a political party, or a person and can be observed at a single point in time or over some specified timeframe. Johnson and Reynolds support this view, noting that, “Much of our understanding of politics and political processes actually comes from case studies of individual presidents, senators, representatives.”<sup>169</sup>

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<sup>164</sup>John Gerring, “What Is a Case Study and What Is It Good For?” *American Political Science Review* 98, no. 2 (2004): 345.

<sup>165</sup>Janet Johnson and H. T. Reynolds, *Political Science Research Methods* (Washington, DC: CQ Press, 2005): 84-85.

<sup>166</sup>Winston Tellis, “Application of a Case Study Methodology” in *The Qualitative Report* 3, no. 3 (1997): 3, accessed June 13, 2013. <http://www.nova.edu/ssss/OR/OR3-3/tellis2.html>; Berg, *Qualitative Research Methods for the Social Sciences*, 284; Babbie, *Observing Ourselves*; Ruth McRoy, “Qualitative Research,” accessed June 13, 2013, [http://www.uncp.edu/home/marson/qualitative\\_research.html](http://www.uncp.edu/home/marson/qualitative_research.html); Johnson and Reynolds, *Political Science Research Methods*, 84; Izak Benbast, David Goldstein, and Melissa Mead, “The Case Research Strategy in Studies of Information Systems, *MIS Quarterly* 11, no. 3 (1987): 372; Gerring, “What Is a Case Study and What Is It Good For?”

<sup>167</sup>Gerring, “What Is a Case Study and What Is It Good For?” 340.

<sup>168</sup>*Ibid.*, 342.

<sup>169</sup>Johnson and Reynolds, *Political Science Research Methods*, 88.

There are arguments noting case study suffers from lack of validity, reliability, and generalizability.<sup>170</sup> However, Yin notes case study can offer unique contributions of knowledge regarding various phenomena, including political phenomena.<sup>171</sup> Stake echoes Yin's views by acknowledging that case study has been considered weaker than experimental studies but counters the suggestion by noting the aims of case study are to improve understanding of a phenomenon through explanation and descriptions.<sup>172</sup> Yin notes criticism is unwarranted as "case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study does not represent a 'sample,' and the investigator's goal is to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization)."<sup>173</sup> Stake articulates that case study represents the case and not the world and specifies the utility of case study research is in its "extension of experience."<sup>174</sup> Berg argues, if the concept of human behavior predictability is accepted, then proper case studies have scientific value and can generally provide understanding about other groups, individuals, and events.<sup>175</sup> While case studies can rest on evidence from a single source,<sup>176</sup> to counter arguments of weak validity, reliability and generalizability, it is

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<sup>170</sup>Bent Flyvbjerg, "Five Misunderstandings about Case-Study Research, *Qualitative Inquiry* 12, no. 2 (2006): 219; Berg, *Qualitative Research Methods for the Social Sciences*, 4<sup>th</sup> ed., 232.

<sup>171</sup>Brown, "A Review of the Literature on Case Study Research," 9.

<sup>172</sup>Robert Stake, "The Case Study Method in Social Inquiry, in *Case Study Method: Key Issues, Key Texts*, ed. R. Gomm, M. Hammersley and P. Foster (London: Sage): 20-21; Robert Stake, *The Art of the Case Study* (Thousand Oaks: Sage, 1995): 102.

<sup>173</sup>Janet Johnson and H. T. Reynolds, *Political Science Research Methods* (Washington, DC: CQ Press, 2005), 87.

<sup>174</sup>Stake, "Case Studies," 245.

<sup>175</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 4<sup>th</sup> ed., 232.

<sup>176</sup>Albert Mills, Gabrielle Durepos, and Eiden Wiebe, *Encyclopedia of Case Study Research*, Los Angeles: Sage Research, 2010.

generally recommended researchers use triangulation or use of multiple data sources to avoid bias and establish validity.<sup>177</sup> Definitions of triangulation include multiple methods of data collection and data analysis but do not specify a specific method or system of collection for all research.<sup>178</sup> There are disagreements regarding the need for triangulation. Some researchers argue triangulation is required for validity in qualitative research, whereas others suggest triangulation helps to ensure that research is rich, robust, comprehensive, and well-developed.<sup>179</sup> Triangulation has been criticized as being naive in suggesting a single definitive account of the social world.<sup>180</sup> Such researchers argue that research findings should be observed as one among many possible interpretations of social life.<sup>181</sup> Golafshani notes that triangulation may include multiple methods of data collection and analysis but does not specify any mandatory requirements since selected methods depend on the nature of the research.<sup>182</sup> Researchers utilizing constructionist concepts support the idea that triangulation results in richer research and diverse construction of realities.<sup>183</sup> Yin supports triangulation and its concepts in providing validity, reliability, and generalization. Yin has identified four types of triangulation: data

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<sup>177</sup>Robert Yin, *Case Study Research, Design and Methods*, 4th ed. (Los Angeles: Sage, 2009); Geoffrey E. Mills, *Action Research: A Guide for the Teacher Researcher, 2<sup>nd</sup> Edition* (Columbus, OH: Merrill/Prentice-Hall, 2003): 52.

<sup>178</sup>Yin, *Case Study Research, Design and Methods*; Goffrey E. Mills, *Action Research: A Guide for the Teacher Researcher*; D. Cohen and B. Crabtree, "Qualitative Research Guidelines Project, *Robert Wood Johnson Foundation*, July 2006, accessed July 1, 2015, <http://www.qualres.org/HomeTria-3692.html>; Nahid Golafshani, "Understanding Reliability and Validity in Qualitative Research, *The Qualitative Report* 8, no. 4 (December 2003), 604.

<sup>179</sup>Cohen and Crabtree, "Qualitative Research Guidelines Project," 1142; Alan Bryman, "Triangulation," *Encyclopedia of Social Science Research Methods*, Sage Publications, November 2011, 1142.

<sup>180</sup>Bryman, "Triangulation," 1132.

<sup>181</sup>Ibid., 1143.

<sup>182</sup>Golafshani, "Understanding Reliability and Validity in Qualitative Research," 604.

<sup>183</sup>Ibid.; Nahid Golafshani, "Understanding Reliability and Validity in Qualitative Research *The Qualitative Report*, Vol. 8, No. 4, December 2003, 604.

source, investigator, theories, and methodological.<sup>184</sup> Denzin and Patton have similarly identified four types of triangulation: methods, sources, analyst, and theory.<sup>185</sup> Although this dissertation focused on the qualitative nature of the evidence, quantitative data consisting of descriptive statistics, which are consistent with content analysis,<sup>186</sup> are included as noted in System of Enumeration and Data Collection Procedures. Thus, triangulation, defined as a validity procedure seeking convergence among multiple and different sources of information to form themes or categories in a study to establish truthfulness about a phenomenon,<sup>187</sup> has been considered and will be implemented through the use of data sources, i.e. archive materials and documents, thereby providing within-method triangulation<sup>188</sup> In addition, support of between-method triangulation is provided through the necessity of collecting instances (quantitative) of thematic data and reporting descriptive statistics.<sup>189</sup> The use of multiple data collection sites can support triangulation as well, since evidence collected from different sites can be convergent or dismissive regarding problem under study.

This dissertation is supportive of a case study strategy in that the question asked is new with no previous studies focused on the research question. Further, consistent with case study strategy, this dissertation is explorative in nature and provided deeper understanding regarding the larger phenomenon of U.S. state-building. In addition, this

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<sup>184</sup>Robert Yin, *Case Study Research, Design and Methods*, 4th ed. (Los Angeles: Sage, 2009).

<sup>185</sup>Cohen and Crabtree, "Qualitative Research Guidelines Project."

<sup>186</sup>Florian Kohlbacher, "The Use of Qualitative Content Analysis in Case Study Research," *Forum: Qualitative Social Research* 7, no. 1 (January 2006): Article 21.

<sup>187</sup>Nahid Golafshani, "Understanding Reliability and Validity in Qualitative Research," *Qualitative Report* 8, no. 4 (December 2003): 604.

<sup>188</sup>Bryman, "Triangulation," 1142.

<sup>189</sup>*Ibid.*

dissertation focused on a few specific issues with a desire to understand how and why the U.S. government made decisions regarding Bill of Rights freedoms in foreign constitution development. This dissertation used multiple data sources, multiple data collection sites, and some quantitative analysis consistent with the concept of triangulation, where the goal is for research to be “rich, robust, comprehensive and well-developed.”<sup>190</sup> Lastly, using Stake’s description, this case-study strategy will build a clearer view of the phenomenon, U.S. state-building and constitutional development, through explanation and descriptions.<sup>191</sup>

### *Case Selection*

In reviewing the literature regarding case studies, there is no agreement for the number of cases to be used.<sup>192</sup> Seawright and Gerring note that selecting cases is not an easy task; as a result, many scholars rely on time, money, expertise, and access as the primary factors in case selection. Seawright and Gerring suggest that case-study analysis has two objectives—a representative sample and useful variation on the dimensions of theoretical interest.<sup>193</sup> These are pragmatic reasons for selection, but they do not provide “methodological” justification according to Seawright and Gerring.<sup>194</sup>

Generalization is generally identified as a concern in case selection as some researchers note its importance while others consider it overrated.<sup>195</sup> Random sampling is

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<sup>190</sup>Cohen and Crabtree, “Qualitative Research Guidelines Project.”

<sup>191</sup>Stake, “The Case Study Method in Social Inquiry,” 20-29; Stake, *The Art of the Case Study*, 102.

<sup>192</sup>Ibid., 87; Gerring, “What is a Case Study and What is it Good For?”

<sup>193</sup>Jason Seawright and John Gerring, “Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options,” *Political Research Quarterly* 61, no. 2 (2008): 294–308.

<sup>194</sup>Ibid.

<sup>195</sup>Flyvbjerg, “Five Misunderstandings about Case-Study Research, 226.

often viewed as the preferred manner of selection; yet random selection of cases may result in poor representativeness.<sup>196</sup> Tellis states, “Case study research is not sampling research; that is a fact asserted by all the major researchers in the field, including Yin, Stake, Feagin and others” and suggests selection of cases must maximize what can be learned in the period of time available for the study. In essence, selection should be a process where cases are selected for their suitability to researching an identified topic.<sup>197</sup> Johnson and Reynolds note that the study of more than one case is beneficial as it may show generalization and may be beneficial to theory building.<sup>198</sup> Other researchers argue that multiple case studies dilute overall analysis and diminish depth since focus is split among multiple cases.<sup>199</sup> Patton states, “There are no rules for sample size in qualitative inquiry” and that samples used in a case study should focus on “information richness.”<sup>200</sup>

Although some researchers identify as many as 200 cases of U.S. nation-building, no cases have resulted in constitutions containing individual arms rights.<sup>201</sup> Consequently, the outcome of interest, individual firearms rights, is lacking in every case open to examination as part of this research. Therefore, an examination of a case where U.S. state-building resulted in individual arms rights in a constitution is impossible. This issue affected case selection, since a case of U.S. state-building resulting in constitutional recognition of individual arms rights would have been a deviant or extreme case and of

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<sup>196</sup>Seawright and Gerring, “Case Selection Techniques.”

<sup>197</sup>Tellis, “Application of a Case Study Methodology,” 3.

<sup>198</sup>Johnson and Reynolds, *Political Science Research Methods*, 87.

<sup>199</sup>Gerring, “What Is a Case Study and What Is It Good For?”

<sup>200</sup>M. Patton, *Qualitative Evaluation and Research Methods* (Thousand Oaks, CA: Sage, 1990). 244.

<sup>201</sup>GunPolicy.Org data identifying country policies regarding individual firearms rights; Law and Versteeg, “The Declining Influence of the United States Constitution.”

interest for this dissertation.<sup>202</sup> Interestingly, some researchers advise against focusing on the outcomes of the dependent variable, as doing so might bias conclusions.<sup>203</sup> If a case had been identified with the outcome of individual arms rights, it would have been considered “deviant” and, perhaps, deserved a focused single-case review. Purposive sampling was used to select three cases from those routinely cited in research relating to U.S. state-building efforts.<sup>204</sup> The selected cases resulted in constitutions containing all Bill of Rights style freedoms with the exception of the Second Amendment. Although a case study resulting in a constitutional right to bear arms is not possible, case study can still be useful as evidence may be discovered that contains discussion about individual firearms freedoms and, perhaps, explanations regarding exclusion or inclusion of Second Amendment freedoms. Such evidence might identify unique characteristics for each case or may provide general reasoning among the three cases regarding lack of Second Amendment protections in the constitutions. In addition, since the U.S. state-building efforts were conducted under different executive administrations and mix of political parties, data might suggest an American political party position regarding inclusion or exclusion of Second Amendment freedoms.

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<sup>202</sup>See Flyvbjerg, “Five Misunderstandings about Case-Study Research” and Seawright and Gerring, “Case Selection Techniques,” for discussion on the methods of case selection which include typical, diverse, extreme, deviant, influential, most similar and most different.

<sup>203</sup>Barbara Geddes, “How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics,” *Political Analysis* 2, no. 1 (1990): 131–50.

<sup>204</sup>James Dobbins et al., *America’s Role in Nation-Building*; Pei and Kasper, “Lessons from the Past.”

The cases offer backgrounds typically found among the 17 cases of state-building noted in Pei and Kasper's analysis.<sup>205</sup> Pei and Kasper note distinctions in population, time periods, duration of state-building, approach to state-building, type of administration, and whether democracy was achieved after ten years in their discussion. In addition to Pei and Kasper's criteria, other background criteria, such as type of governance at time of intervention, post-intervention constitution enactment, geography, and U.S. political party in power, were included in case selection. The cases examined for this dissertation were Cuba (1898–1901), Germany (1945–1949), and Iraq (2003–2005). Brief narratives regarding the backgrounds of the cases are presented below.

*Interventions.* In all three case studies, the United States used armed military invasion to overthrow political regimes that violated its citizens' human rights.

*Time period.* The three cases represent different periods in history under different executive administrations. History shows that over time social–cultural, political, security, and economic views change. Therefore, it is beneficial to include case studies from various points in U.S. state-building history. Using cases from a range of time periods provides a unique and expansive examination on the topic. Starting in the nineteenth century, Cuba from 1898 to 1901 was selected as it is generally accepted as the first attempt at state-building by the United States.<sup>206</sup> In the 20th century, Germany from 1945 to 1949 was selected as it falls at the midpoint of U.S. state-building to date. Iraq from 2003 to 2005 is one of the more recent U.S. state-building endeavors. The

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<sup>205</sup>Note that Pei and Kasper, "Lessons from the Past" discuss sixteen prior cases of nation building in their report. Had they added the case of Iraq, which the report discussed, there would be seventeen cases of U.S. state - building. The U.S. invasion of Iraq occurred a month before the article was published.

<sup>206</sup>Ibid.



beginning years are identified as the year the U.S. instituted governance. The ending years correlate with constitution ratification.

*Type of governance at time of U.S. intervention.* All three countries were under different types of regimes prior to U.S. intervention. Cuba, a territory of Spain, was relinquished to the United States as a result of the Spanish–American War of 1898. Germany was controlled by a Fascist regime until allied forces, including the United States, freed it in World War II. Iraq was under the dictatorship of Saddam Hussein until the United States removed his regime from power.

*Geographical location.* Each selected case is different geographically. Cuba, a small country, is an island located in the Caribbean and 90 miles from the United States. Germany is located in Europe, and Iraq is located in the Middle East. Germany and Iraq are comparable in physical size, as both are approximately 400,000 km<sup>2</sup>.<sup>207</sup>

*Culture.* Cuba, Germany, and Iraq all exhibit unique cultures. Cuba was discovered during New World explorations, is a former Spanish colony, and developed under Spanish rule until U.S. intervention.<sup>208</sup> At the time of U.S. intervention, the Cuban population was a mixture of approximately fifty-four percent white and forty-seven percent black,<sup>209</sup> counting a small number of Chinese as white. The primary religion was either Roman Catholic or a closely linked religion arising in the Afro-Cuban population. In sum, Cuba at the time of intervention, although there were racial divisions, consisted

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<sup>207</sup>“Germany Compared to Iraq,” <http://mapfight.appspot.com/de-vs-iq/germany-iraq-size-comparison>.

<sup>208</sup>Encyclopedia Britannica Online, “Cuba,” accessed June 5, 2014, <http://www.britannica.com/EBchecked/topic/145542/Cuba/233416/Soils>.

<sup>209</sup>University of South Carolina, “Report on the Census of Cuba 1899.” Washington, DC: United States War Department, Cuban Census Office, 1900).

of a small island with cultural links. Germany has a long history of development within Europe.<sup>210</sup> The German population at the time of intervention was homogeneous. Although the events of WWII disrupted the German population and distortions in the data have been identified, the majority of the German population was white, Christian, and united by a long history and a common language. Iraq, in the “cradle of civilization,” has a long history of Middle East development.<sup>211</sup> Given that Iraq is overwhelmingly Muslim, one might expect Iraq to be a more homogeneous society. However, the history of Iraq shows the formation of a problematic nation-state with rival religious groups in a less homogeneous society. Iraq exhibits significant differences in ethnicity, religion, and language. For example, the ethnic majority of Iraq is Arabic (approximately sixty percent) with twenty-five percent Kurdish. The religious divide in Iraq shows sixty percent of Iraq is Shia and twenty percent Sunni, with the remainder professing Christian and other beliefs. Language and geography are divided in Iraq, with the majority of Iraq speaking Arabic (seventy-five percent) and Kurds speaking their own language. Kurds reside primarily in the north while the Sunnis reside in the middle and the Shia in the south.<sup>212</sup>

*Post-intervention constitution.* Cuba, Germany, and Iraq are similar in that each developed and implemented a constitution after U.S. intervention. Archival and

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<sup>210</sup>Encyclopedia Britannica Online, “Germany,” accessed June 5, 2014, <http://www.britannica.com/EBchecked/topic/231186/Germany/58003/People>.

<sup>211</sup>Encyclopedia Britannica Online, “Iraq,” accessed August 04, 2014, <http://www.britannica.com/EBchecked/topic/293631/Iraq/232258/Arabs>.

<sup>212</sup>Ibid.; “Iraq,” *CIA World Factbook*, 2004, accessed June 5, 2013, <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

document research results regarding U.S. influence in constitution-making are essential elements of this dissertation.

*Success-failure of U.S. intervention.* Results are different among the selected case studies. Today, Cuba is a communist state and is seen as a failure of U.S. intervention.<sup>213</sup> On more than one occasion, the United States has been involved in state-building in Cuba. Yet, the stated goal of a democratic state has not been realized in Cuba. Cuba continues as a communist state even though the United States has launched armed actions to overthrow it. Moreover, recent polling data suggest that Cubans desire more freedom.<sup>214</sup> With the resulting failure in developing democracy, identifying the extent that the United States supported individual arms rights in 1898–1901 is critical to this examination.

West Germany from 1945 to 1949 is generally accepted as one of the few successful U.S. endeavors in state-building.<sup>215</sup> With the fall of the Berlin Wall in 1989, Germany was finally reunited and is now a democratic republic. In addition, given the nature and extent of Fascist Germany's participation in the murder of its own citizens and the seizure of arms from citizens,<sup>216</sup> understanding the United States' position on individual arms rights for a post-World War II Germany is an important part of this dissertation.

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<sup>213</sup>Pei and Kasper, "Lessons from the Past."

<sup>214</sup>See Gallup Polling data, which shows that seventy-four percent of Cubans polled are not satisfied with their level of freedom, accessed November 12, 2013, <http://www.gallup.com/poll/25915/just-one-four-urban-cubans-satisfied-personal-freedoms.aspx>.

<sup>215</sup>Pei and Kasper, "Lessons from the Past."

<sup>216</sup>Stephen Halbrook, "NAZI Firearms Law and the Disarming of the German Jews *Arizona Journal of International and Comparative Law* 17, no. 3 (2000): 483–535.

Iraq continues as a fledgling democracy with its final outcome undecided. Iraqi citizens suffered under the dictatorship of the late former President Saddam Hussein for decades.<sup>217</sup> He, his regime, and his family members brutalized citizens and targeted specific religious groups. The United States invaded, destroyed his dictatorship, and helped provide foundations for a new state. Due to the atrocities committed by Hussein's regime, it is worth examining United States postwar, constitution-building efforts in Iraq regarding individual protections, including arms rights.

*Executive branch political party in power during state-building timeframes.*<sup>218</sup>

There are differences among the cases regarding which American political party held the Executive Branch. During the Cuban and Iraq state-building time periods, the Executive Branch of the U.S. government was held by the Republican Party. The Democratic Party held executive power during the German state-building timeframe. Examination of the U.S. political party in power at the time of intervention is a significant component of this dissertation's hypothesis.

*Legislative branch political party in power during state-building timeframes.*<sup>219</sup>

There are differences among the cases regarding American political party in control of the legislative branch during the constitution-development periods. For Cuba's timeframe, 1898–1901, Republicans held power in both the Senate and the House of Representatives. During the timeframe for Germany, 1945–1949, the Democratic Party

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<sup>217</sup>George Washington University, "National Security Archives Documents" which identify human rights violations under Hussein, <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB129/part17-saddam-hr.pdf>.

<sup>218</sup>See the Timeframes and Party Affiliation of Presidents at <http://www.whitehouse.gov>.

<sup>219</sup>See the separate information links for the Senate and the House of Representatives at [Congress.gov](http://Congress.gov), and read the history under History, Art, and Archives for the House of Representative and History, Art and Statistics for the Senate.

controlled the House of Representatives. In the Senate, Democrats were in power from 1945 to 1947, the Republicans were in power from 1947 to 1949, with the Democratic Party holding power during the end of the German constitution-building period (January 1949-May 1949). During the timeframe for Iraq, 2003–2005, the Republican Party held power in the Senate and the House of Representatives. Examination of American political party in power at the time of intervention is a significant component of this dissertation’s hypothesis.

Using a research strategy consisting of three case studies of U.S. state-building selected from cases routinely cited in state-building research, this dissertation used thematic content analysis and descriptive statistics to examine the level of support provided by the U.S. government for U.S. Bill of Rights freedoms. The focus is new and exploratory as the relationship has not been researched previously. The cases of U.S. state-building—Cuba (1898–1902), Germany (1945–1949), and Iraq (2003–2005)—provide for a beginning in understanding this aspect of state building.

### Content Analysis

This dissertation, using a form of content analysis, thematic content analysis, is particularly consistent with the strategy of case-study research and document and archival analysis.<sup>220</sup> Many qualitative researchers suggest an important role for the researcher is to interpret and to present, through explanation and description, a clear view of the

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<sup>220</sup>Seawright and Gerring, “Case Selection Techniques”; Benbasat, Goldstein, and Mead, “The Case Research Strategy in Studies of Information Systems,” 372; Yin, *Case Study Research, Design and Methods*; Kohlbacher, “The Use of Qualitative Content Analysis in Case Study Research,” January 2006.

phenomenon being studied.<sup>221</sup> Although content analysis has a long history of being used in quantitative studies,<sup>222</sup> thematic content analysis focusing on the qualitative nature of the evidence is also historically linked to case study research.<sup>223</sup> There are presently no published thematic content analyses studies of official U.S. presidential, congressional, state department, or defense department documents regarding individual arms rights and U.S. state-building efforts. Researchers generally agree that content analysis is a qualitative analysis technique whereby codes and themes collected from data are used to describe a phenomenon.<sup>224</sup> Berg highlights the concept that content analysis is a coding and data-interpreting process noting,

A careful, detailed, systematic examination and interpretation of a particular body of material in an effort to identify patterns, themes, biases, and meanings.

Typically, content analysis is performed on various forms of human communications; this may include various permutations of written documents, photographs, motion pictures or videotape, and audiotapes.<sup>225</sup>

Holsti defined *content analysis* in more general terms as “any technique for making inferences by objectively and systematically identifying specified characteristics

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<sup>221</sup>Ole Holsti. “Content Analysis” in *The Handbook of Social Psychology* (2nd ed., Volume 2), edited by G. Lindzey and E. Aronson (New Delhi: Amerind, 1968); Brown, “A Review of the Literature on Case Study Research.”

<sup>222</sup>Kohlbacher, “The Use of Qualitative Content Analysis in Case Study Research,” January 2006.

<sup>223</sup>Ibid.

<sup>224</sup>Berg, *Qualitative Research Methods for the Social Sciences*; H. Hsieh and S. Shannon, “Three Approaches to Qualitative Content Analysis,” *Qualitative Health Research* 15, no. 9 (2005): 1277–88; Ole Holsti, “Content Analysis” in *The Handbook of Social Psychology*; Ole Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley, 1969).

<sup>225</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 303.

of messages.”<sup>226</sup> Researchers note three specific characteristics of content analysis—objectivity, system, and generality—and suggest that these characteristics are required for the content analysis to prove useful.<sup>227</sup> Objectivity stipulates that each step in the research process must be carried out on the basis of explicitly formulated rules and procedures. System means that the inclusion and exclusion of content or categories is done according to consistently applied rules. Generality suggests that the findings must have some theoretical relevance.<sup>228</sup> Bowen and Bowen note,

Adherence to the requirements of system, objectivity and generality does not guarantee that a content analysis will disclose the reality contained in the text. But then, there are no requirements of any scientific methods that can ever guarantee certainty. Instead, these requirements provide normative guidance for making the content of bodies of text rationally intelligible.<sup>229</sup>

The literature review failed to identify any published thematic content analysis of official U.S. presidential, congressional, state department, and defense department documents regarding individual arms rights and U.S. state-building efforts. A systematic search of such documents can provide further understanding of the relationship between U.S. state-building and Bill of Rights freedoms. The researcher conducted searches and examined historical documents and archive material retrieved from electronic sites as well as traditional physical locations.

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<sup>226</sup>Ole Holsti, “Content Analysis” in *The Handbook of Social Psychology* (2nd ed., Volume 2), edited by G. Lindzey and E. Aronson (New Delhi: Amerind, 1975), 601.

<sup>227</sup>Ibid.; Chieh-Chieh Bowen and William Bowen, “Content Analysis *Handbook of Research Methods in Public Administration*,” ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

<sup>228</sup>Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley, 1969).

<sup>229</sup>Bowen and Bowen, *Handbook of Research Methods in Public Administration*, 692.

Documents collected for examination resulted from triage searching for key words and themes. More specific collection procedures are discussed under data-collection procedures. From the collected documents, the researcher used thematic content analysis to assess the extent the U.S. government supported Bill of Rights freedoms in these state-building endeavors. Thematic content analysis of documents and archive materials may reveal knowledge and improve understanding of relationships between U.S. state-building, Bill of Rights freedoms, and, in particular, individual rights. Data found in documents provide a researcher with specific words and themes used by the authors of those documents. Authors use words to present their views and concepts on topics. Therefore, examining documents and words should have a direct correlation to the authors' concepts, political positions, and views about the world. For example, U.S. presidential speeches may announce public policies that are supportive of a president's particular view or ideology. Similarly, Congressional speeches may denounce or support Executive Branch decisions and policies. More importantly, the information extracted from these documents may help explain the positions taken by the U.S. government on a variety of topics, including foreign policy.<sup>230</sup> Ultimately, after closely examining data, patterns may be discovered that lead to greater understanding of the author's intentions and beliefs. Understandably, these findings are limited to the context in which the information was retrieved. Therefore, the findings from the research may not be generalized to a larger environment. However, content analysis is strengthened by adherence to a detailed methodology.<sup>231</sup> Using a multi-case study strategy with a mixed

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<sup>230</sup>This concept is discussed in the Literature Review.

<sup>231</sup>Kohlbacher, "The Use of Qualitative Content Analysis in Case Study Research," January 2006.



methods approach focused on thematic content analysis encompasses a detailed methodology.

### Data Source Selection

Yin has identified six sources for data used in case studies: documentation, archival records, interviews, direct observation, participant observation, and physical artifacts.<sup>232</sup> As a multi-case study using historical evidence, the researcher is limited to documentation and archival records.<sup>233</sup> Stake articulates that, “When we speak of methods in case study, we are again speaking principally of observation, interview and document review.”<sup>234</sup> Bowen notes in some instances a single source of data may be the only necessary or viable source available to conduct research.<sup>235</sup> This dissertation conforms to these principles through the use of documentation and archival records. Yin and other researchers note that these sources of data have strengths and weaknesses. For example, documentary evidence is strong in that it is stable, unobtrusive, and exact and presents broad coverage. Yin identifies weaknesses as irretrievability, biased selectivity, and reporting author bias. He suggests that archival evidence has similar strengths and weaknesses as documents, with the only difference being that privacy concerns may inhibit access to archival evidence.<sup>236</sup> Based on the principles and recommendations provided by Yin, Stake, and others, this dissertation uses both archival and document sources culled from electronic and traditional physical locations to collect data.

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<sup>232</sup>Yin, *Case Study Research, Design and Methods*, 4th ed. (Los Angeles: Sage, 2009).

<sup>233</sup> Since Iraq would be the only case open to possible interviews, to ensure consistency in methods for the cases, interview sources were discounted.

<sup>234</sup>Stake, *The Art of Case Study*, 114.

<sup>235</sup>Glenn Bowen, “Document Analysis as a Qualitative Research Method,” *Qualitative Research Journal* 9, no. 2, 2009, 27-40.

<sup>236</sup>Robert Yin, *Case Study Research, Design and Methods*, 4th ed. (Los Angeles: Sage, 2009).

Due to U.S. foreign policy being based upon a division of authority within the U.S. government, various data sources linked to these authorities are required for the study. For example, although the executive branch of the U.S. government is primarily responsible for the execution of foreign policy, other elements of government, such as Congress, also have foreign policy input.<sup>237</sup> Therefore, Presidential and Congressional sources are needed. This is consistent with the views of Johnson and Reynolds that the understanding of politics and political processes actually comes from the study of individual presidents, senators, and representatives.<sup>238</sup>

The Executive Branch is primarily responsible for foreign policy.<sup>239</sup> As noted in the Rand book *After The War: Nation-Building from FDR to George W. Bush*, “The president is both constitutionally and empirically the prime mover of U.S. foreign policy.”<sup>240</sup> Consequently, the primary actors for foreign policy in the Executive Branch rest with the President, Secretary of State, and Secretary of Defense. As the chief executive for U.S. foreign policy, the President or the Executive Branch can make foreign policy through the following:

1. Responses to foreign events.
2. Proposals for legislation.
3. Negotiation of international agreements.
4. Policy statements.

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<sup>237</sup>As noted in the U.S. Constitution, Congress has the authority to declare war and approve Treaties.

<sup>238</sup>Johnson and Reynolds, *Political Science Research Methods*, 88.

<sup>239</sup>Richard Grimmett, “Foreign Policy Roles of the President and Congress, June 1, 1999, <http://fpc.state.gov/6172.htm>; Sarkesian, William, and Cimbala, *U.S. National Security: Policymakers, Processes and Politics*, 67.

<sup>240</sup>James Dobbins et al., *After the War*. 3.

5. Policy implementation.

6. Independent action.<sup>241</sup>

The U.S. Congress has legislative authority regarding U.S. foreign-policy issues and, therefore, can influence foreign policy. For example, the U.S. Senate is empowered with certain foreign oversight, such as approval of treaties. Congress also possesses authority regarding funding for foreign activities. Thus, Senators and Congressmen have direct influence on U.S. foreign policy through:<sup>242</sup>

1. Resolutions and policy statements.

2. Legislative directives.

3. Legislative pressure.

4. Legislative restrictions/funding denials.

5. Informal advice.

6. Congressional oversight.<sup>243</sup>

Due to the division in responsibility for foreign policy, an examination of historical Presidential, Secretary of State, Secretary of Defense, and Senatorial documents is needed to identify how and to what extent the U.S. government has pursued individual firearms rights in state-building. The selection of multiple data sources and the sampling frame are a result of the divisions in U.S. foreign policy. The sampling frame for this dissertation was the following:

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<sup>241</sup>Grimmett, "Foreign Policy Roles of the President and Congress."

<sup>242</sup>Ibid.; Sarah Snyder, "Human Rights and U.S. Foreign Relations: A Historiographical Review" *Passport* 1, no. 44 (2013): 16–21, notes Congressional involvement in foreign policy.

<sup>243</sup>Grimmett, "Foreign Policy Roles of the President and Congress."

1. Constitutions and their associated developmental documents regarding the target nations, as they may include content discussing state-implemented individual arms rights.

2. Presidential speeches made during the democracy-building time periods of the case studies, as they may hold insights as to presidential “push” toward arms rights for the developing states.

3. Supplemental presidential documents and other materials from presidents discovered during the referenced time periods for any data regarding individual firearms rights and U.S. state-building efforts.

4. Speeches from Secretaries of State and Defense during the referenced time periods for any data regarding individual firearms rights and U.S. state-building efforts. The U.S. Secretary of State is the chief U.S. official responsible for implementation of U.S. foreign policy and carrying out the wishes of the President. These policies include post-conflict state-building. Their positions may contain insight as to the push for individual arms rights in targeted states. The Department of Defense is charged with carrying out U.S. enforcement actions and, in most cases, implementing policies that follow the conclusion of military intervention.

5. Supplemental documents and other materials from Secretaries of State and Defense discovered during the referenced time periods for any data regarding individual firearms rights and U.S. state-building efforts.

6. Senatorial speeches made during the state-building time periods, as they may hold insights into arms rights for the developing states.

7. Documents, including speeches and other materials, from the senators during the referenced time periods for any data regarding individual firearms rights and U.S. state-building efforts.

In summary, the President, Secretary of State, Secretary of Defense, and Congress are the authorities regarding the formulation and implementation of U.S. foreign policy, including state-building endeavors. Therefore, an examination of documents from these entities is warranted to obtain data required to address the research question regarding United States state-building and individual arms rights. Edward Corwin succinctly clarifies political power and roles in U.S. foreign policy:<sup>244</sup>

Actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose*, the Senate and the Congress are often in a technical position at least to *dispose*. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion's share falling usually, though by no means always, to the President.<sup>245</sup>

This dissertation identified data sources believed to be sufficient to achieve research objectives and support the overall methodology. There are other data sources that could be used in the research. No doubt such sources might provide additional data exhibiting further understanding on the state-building case studies. However, research must start somewhere and to be valid must have a coherent methodology, including specifications and limitations for data sources. The researcher selected data sources that adequately address the exploratory nature of the research. Other data sources and

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<sup>244</sup>Edward S. Corwin, *The President, Office and Powers, 1787–1957* (New York: New York University Press, 1957), 171.

<sup>245</sup>*Ibid.*

methodologies may be selected for future studies to increase knowledge on the issue and provide comparison for this study.

One consideration regarding the selection of data sources is the language. It is possible that some data sources may be written in a language other than English, such as German, Spanish, or Arabic. Such data were not encountered, thus interpretation were not required.

### Categories of Content

The categories of content to be measured are specific liberties found in the U.S. Bill of Rights.<sup>246</sup>

#### *Amendment I*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### *Amendment II*

A well-regulated Militia, being necessary to the security of a free state, and the right of the people to keep and bear Arms shall not be infringed.

#### *Amendment III*

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

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<sup>246</sup>The Bill of Rights were accessed October 17, 2013, directly from the U.S. Archives website, [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html) .

*Amendment IV*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

*Amendment V*

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

*Amendment VI*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence [*sic*].

*Amendment VII*

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

*Amendment VIII*

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

*Amendment IX*

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

*Amendment X*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.<sup>247</sup>

Although the focus of this dissertation is specifically on the Second Amendment in U.S. state-building, exploring the support provided the other nine amendments may provide additional insight, comparisons, and understanding of how the United States views the Second Amendment as compared to other freedoms found in the U.S. Bill of Rights.

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<sup>247</sup>The Bill of Rights were accessed October 17, 2013, directly from the U.S. Archives website, [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html) .



## Data Collection Sites

Academic research on the general topic of international relations is copious. In addition, there are many sources of information on U.S. foreign policy and state-building. Therefore, realistic decisions and expectations must be made regarding from where data are to be collected. As a result of the Internet, access to documents regarding U.S. foreign policy has been facilitated. This dissertation focuses on data collected from archives, university repositories, and other government and private organization records using the Internet and traditional research sites. Computer search engines, such as Google, are powerful tools for filtering data. Data can be gathered rapidly and efficiently through the use of computer technology.<sup>248</sup> U.S. government agencies, U.S. public and private universities, and nation-states have libraries, webpages, and links accessible on the Internet and provide a variety of information including primary sources. The National Archives and Records Administration (NARA) has stated that documents recording U.S. history are at risk, and it has been working to preserve records electronically with the Electronic Records Archives.<sup>249</sup> The preserved information can include historical records and documents that hold data such as speeches, personal communications, notes, records, and constitutions. These records and documents can be queried electronically. A researcher merely has to enter a topic, such as “state-building,” in the search engine for a database to be searched with results returned immediately. The results can be further examined by additional searches for key words and phrases within documents. If key words or phrases are found, the researcher can review the document for a more complete

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<sup>248</sup>McRoy, “Qualitative Research,” 6; Babbie, *Observing Ourselves*.

<sup>249</sup>Ibid.

understanding of the content and determine if the content is pertinent to the research question and useful for analysis. In sum, the actual method used (electronic research or physical visit) will be documented as part of the research process. The sites identified below were used to collect the data:

1. The American Presidency Project archive at University of California, Santa Barbara, <http://www.presidency.ucsb.edu/>
2. The Public Papers of the Presidents of the United States, University of Michigan, <http://quod.lib.umich.edu/p/ppotpus/>
3. The George W. Bush Presidential Library, Southern Methodist University, Dallas, Texas, <http://www.georgewbushlibrary.smu.edu/Home.aspx>
4. The Harry S. Truman Presidential Library, Independence, Missouri, <http://www.trumanlibrary.org>
5. The William McKinley Presidential Library, Canton, Ohio, <http://www.mckinleymuseum.org>
6. GPO Compilation of Presidential Documents, Washington, DC, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>
7. Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin, Madison, Wisconsin, <http://history.state.gov/historicaldocuments>
8. Library of Congress, Washington, DC, <http://www.loc.gov>
9. DOS, Remarks, Testimony, Speeches, and Briefings by Department of State Officials, Washington, DC, <http://www.state.gov/r/pa/ei/speeches/>

10. University of Virginia, Presidential Speech Archive, Charlottesville, Virginia,  
<http://millercenter.org/president/speeches>
11. Presidential Rhetoric, Historical Presidential Speeches, [http://www  
.presidentialrhetoric.com/historicspeeches/index.html](http://www.presidentialrhetoric.com/historicspeeches/index.html)
12. U.S. Senate Speeches, [http://www.senate.gov/general/Features/Finding  
\\_speeches\\_display.htm](http://www.senate.gov/general/Features/Finding_speeches_display.htm)
13. Constitution Finder, <http://confinder.richmond.edu/index.html>
14. The National Archives, Washington, DC, <http://www.archives.gov>

#### Recording Unit

The recording unit is the word. Key words were cultivated from the ten freedoms found in the U.S. Bill of Rights. The words selected were based on key themes of the democratic freedoms commonly associated with U.S. state-building and found in the U.S. Bill of Rights. The words selected for content analysis are as follows:

#### *Amendment I*

Religion

Speech

Press

Assembly

Petition

*Amendment II*

Arms. (In addition, firearm(s) and gun(s) will be included as they are synonymous to arms)<sup>250</sup>

*Amendment III*

Soldier

*Amendment IV*

Searches

Seizures

*Amendment V*

Crime

Indictment

Jeopardy

Life

Limb

Witness

Liberty

Private property

Due Process

*Amendment VI*

Speedy trial

Jury

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<sup>250</sup>*Merriam-Webster Dictionary Online*, "Firearm," accessed August 20, 2013, <http://www.merriam-webster.com/dictionary/firearm>.

Informed accusation

Confront witnesses

Obtaining witnesses

Counsel

*Amendment VII*

Trial jury

*Amendment VIII*

Bail

Cruel unusual punishments

*Amendment IX*

Enumeration constitution

*Amendment X*

Powers delegated reserved

It is understood that “selection of the appropriate recording unit is often a matter of trial and error, adjustment, and compromise in the pursuit of measures that capture the content of the material being coded.”<sup>251</sup> No problems were encountered during the research.

Some data sources may be written in a language other than English, such as German, Spanish, or Arabic. No such issues were encountered.

### Data Collection Procedures

For this dissertation, multiple-source sites required unique search processes inherent to each site being used. Therefore, general data-collection procedures are

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<sup>251</sup>Johnson and Reynolds, *Political Science Research Methods*, 224.

outlined here. However, the specific paths to the data collected for each site will be documented with each search and noted with the final results.

Using the search engines provided by the data-collection sites, searches for documents (sampling frame) regarding U.S. state building of the target nation-states were conducted using the following procedures:

1. Initially, the researcher queried the specific nation-state, Cuba, West Germany, or Iraq. This limited the data to the nation-states targeted for the research. If the initial search results showed data for the nation-state, Step 2 was initiated. The researcher recorded each site searched and results (data collected or not collected).
2. If the initial search of the collection site produced documents, additional searches were conducted to focus the search on the topic of state-building and individual rights. The researcher conducted searches of the collected documents using search words: human rights, civil rights, individual rights, civil liberties, constitution, and firearms rights (and synonyms). If these words were identified in the documents, then additional search measures as noted in Step 3 were conducted.
3. The researcher searched for recording units (words) in the document. Once identified, a line-by-line reading of the content surrounding each recording unit was conducted to determine whether the recording unit is related to the research question. If the researcher determined the recording unit related, further review and assessment of the theme of the content in which the recording unit was used was conducted. Search of results at this point required

the researcher to specifically read, examine, and record the relevant thematic data on the Data Coding Sheet and the Microsoft Excel database.

4. The researcher initially enumerated findings on a coding sheet identifying the date coded, person coding, title of document, primary focus of document, recording unit located, theme associated with the content (freedoms of religion, speech, arms, etc.), any political party affiliation, an abstract of the sentence in which the word is used, and comments and any other information or data appropriate for the study. During the process, the researcher determined that data storage would be facilitated through the use of a Microsoft Excel database. So, data contained in the coding documents was transferred to the electronic database.
5. Searches of the National Archive followed procedures outlined by the archives.

#### Data Collection Process Example

Iraq could entail a search of the Presidential Rhetoric, Historical Presidential Speeches site. Initially, a search for Iraq would be conducted. This would most likely produce many documents for evaluation. To further focus the search within the documents retrieved, a second search for the words *arms rights* would be conducted. If that search finds *arms rights* in a document, then the researcher would assess the use of *arms rights* in the document to determine whether the use of *arms rights* is related to the research question. For example, a sentence reading, *President Bush requested that individual arms rights be facilitated by the U.S. State Department in development of the Iraq Constitution* would be considered related to the research question as it reflects upon

the topic of arms rights for Iraq. The theme of the content would then be evaluated as to arms rights. In this case, the theme would be recorded as favorable to individual arms rights. Since President Bush is a member of the Republican Party, the finding would be considered Republican support. At this point, the researcher would record findings on the Data Coding Sheet (see Appendix A). In addition, the findings were recorded in a Microsoft Excel database.

### System of Enumeration

The system of enumeration was documentation of the theme associated with the recording unit (words), political party affiliation and number of instances of occurrence, as determined by the coder. Themes were enumerated as supportive, non-supportive or inapplicable regarding the freedom associated with the word. For example, if a sentence read, *President Bush requested that individual arms rights be facilitated by the U.S. State Department in development of the Iraq Constitution*, the theme would be documented as supportive regarding individual arms rights by the Republican Party. However, if a sentence reads, *President Bush requested that individual arms rights not be facilitated by the U.S. State Department in development of the Iraq Constitution*, the theme would be recorded as non-supportive to individual arms rights by the Republican Party. A date of review, description of the evidence, including the name (title) and type of document, any political party affiliation, the Bill of Rights theme identified, and the number of instances where the Bill of Rights theme was observed was recorded. The recorder for the process was the researcher.



## CHAPTER IV– RESULTS OF CUBA CASE STUDY

This chapter outlines the findings of the thematic content analysis for the Cuba case study. This case study addressed the research question: To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms, specified in the U.S. Bill of Rights, in its state-building efforts in Cuba from 1898-1901. The case study also tested the hypothesis: The extent of the U.S. government's incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project. In accordance with the dissertation's methodological approach, 13 digitally-based sources and one traditional archive were used to address the research question and test the hypothesis by using systematic thematic content analysis focusing on U.S. Presidential, U.S. State Department, U.S. Congressional, and U.S. Department of Defense documents and records exhibiting themes related to U.S. government support for Bill of Rights freedoms in U.S. state-building in Cuba.

Upon completion of steps 1 and 2 in the Methodology, a total of 50 documents were found to contain primary and secondary data. There were 39 documents collected from the digital collection sites and 11 collected from the National Archives. In some instances, duplicate documents were collected from different data collection sites. For example, searches of the American Presidency Project archive and the University of Virginia-Miller Center resulted in both sources producing an identical document such as

*President McKinley's 4th Annual Message to Congress.*<sup>252</sup> It is the same document obtained from the two separate data collection sites that contained the same data regarding Bill of Rights freedoms. Recording the instances of Bill of Rights freedoms twice from the same document would overemphasize the particular Bill of Rights freedom(s) found in the document and distort results. The duplication may be beneficial to triangulation to some extent; however, to prevent findings from being multiplied and distorted duplicate findings were recorded only once in Results.

Step 3 assessments resulted in nine documents containing themes relevant to the research question and addressed the hypothesis. Other documents reviewed from step 2 were determined inapplicable. The nine documents are identified in the results for each Bill of Rights freedom under the corresponding data collection site. There were seven documents collected from electronic sources and two documents collected from the National Archives. Some data collection sites produced no findings and are identified in Research Limitations. In instances where one document contained themes relevant to multiple Bill of Rights freedoms, results were identified under the appropriate Bill of Rights freedoms and supported by the same document.

Themes were interpreted using Boyatzis' definition of a theme where "... a pattern found in the information that at minimum describes and organizes the possible observations and at maximum interprets aspects of the phenomenon."<sup>253</sup> In this case, in order to be presented as a theme, the evidence had to be identified or described as either

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<sup>252</sup>American Presidency Project, "President McKinley 4<sup>th</sup> Annual Message to Congress 12/3/1900," accessed November 14, 2014, <http://www.presidency.ucsb.edu>; University of Virginia–Miller Center, "President McKinley's 4<sup>th</sup> Annual Message to Congress 12/3/1900," accessed November 20, 2014, <http://millercenter.org/president/speeches>.

<sup>253</sup>Richard E. Boyatzis, *Transforming Qualitative Information: Thematic Analysis and Code Development*, Sage Publications, (Thousand Oaks, London, New Delhi, 1998): 4.

supportive or non-supportive of a U.S. Bill of Rights freedom (the phenomenon). There are weaknesses associated with coder interpretation of content. For example, in their discussions on manifest and latent content, Bruce Berg, Earl Babbie, and others note validity and reliability difficulties associated with interpretation and inference of content under examination.<sup>254</sup> They argue, although coding manifest content can exhibit preciseness and reliability in the number of times a word is used, it does not identify underlying themes associated with the word, as in latent content analysis. In contrast, latent content analysis, where the coder must provide assessments for content, reliability, and specificity, may suffer due to coder bias and inconsistencies. They offer some resolution to such weaknesses by suggesting the coding of both manifest and latent content. They also suggest providing “. . . detailed excerpts from relevant statements (messages) that document the researcher’s interpretations” can help in minimizing reliability and validity concerns.<sup>255</sup> The researcher offers coded manifest and latent data analysis as well as excerpts for each thematic interpretation used in this case study. Further discussion of interpretation is presented in Other Findings and Research Limitations. In addition, political party association with each finding is presented. Additional evidence and findings linked to the research topic, but unable to adequately address the research question or test the hypothesis, are noted in Other Findings.

Study findings are reported as themes and accompanied by direct quotes extracted from the evidence to illustrate each theme. Tables are included to display in tabular form

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<sup>254</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309, discusses controversies over interpretation of content and suggest resolutions, including resolutions suggested by Holsti; Babbie, *The Practice of Social Research*. ”

<sup>255</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309; Babbie, *The Practice of Social Research*, 319.

the ten Bill of Rights freedoms, whether thematic data were supportive or non-supportive of the indicated freedom, the number of times relevant thematic data were identified for the indicated freedom and political party affiliation. Tables will be empty where no thematic data were identified. Other Findings, Discussion of Results, and Research Limitations follow Results.

*The American Presidency Project*

A total of 17 documents were collected from the *American Presidency Project*.

There are five documents containing relevant themes incorporated into the findings.

Table 2 displays the results regarding thematic support of Bill of Rights freedoms contained in the five documents.

Table 2

*American Presidency Project – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)*	Y(1)**	N(1)		Y(3)	Y(1)					Y(2)
Democrat Support (Y/N)										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in President William McKinley's *Executive Order ref Military Occupation of Cuba*, July 13, 1898, where he ordered, ". . . but to protect them in their homes . . . and their personal and religious rights" and "All churches and buildings devoted to religious worship . . . to be protected."<sup>256</sup>

Thematic non-support for Second Amendment freedoms was located in President McKinley's *Third Annual Message to Congress*, December 5, 1899, "disarmament of the Cuban volunteer army in interest of public peace and welfare of the people."<sup>257</sup> Since McKinley's response regarded the collective "army" consisting of individual Cubans and similar to the term *militia* in the Second Amendment, it was interpreted as a non-supportive theme for Second Amendment freedoms.

Thematic support for Fourth Amendment freedoms was identified in the *Republican Party Platform of 1900*, in which the Spanish-American War was noted with specific regard to Cuba. The Platform noted that "victory concluded a war for liberty and human rights" and stated the American government "must protect the person and property of every citizen wherever they are wrongfully violated or placed in peril."<sup>258</sup>

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<sup>256</sup>American Presidency Project, "President McKinley Executive Order ref Military Occupation of Cuba July 13, 1898," accessed November 15, 2014, <http://www.presidency.ucsb.edu>.

<sup>257</sup>American Presidency Project, "President McKinley 3rd Annual Message to Congress 12/5/1899," accessed November 14, 2014, <http://www.presidency.ucsb.edu>.

<sup>258</sup>American Presidency Project, "Republican Party Platform of 1900," accessed November 16, 2014, <http://www.presidency.ucsb.edu>.

Thematic support for Fourth Amendment freedoms was identified in McKinley's *Executive order ref Military Occupation of Cuba*, July 13, 1898, in which he stated Cubans are entitled to "security in their persons and property" and the U.S. government must protect them in their homes as "Private property . . . is to be respected."<sup>259</sup>

Thematic support for Fourth Amendment freedoms was identified in McKinley's *Second Annual Message to Congress*, December 5, 1898, in which he showed support for Cubans to be secure in their persons and property by stating, ". . . it will be my duty to continue the military governments which have existed since our occupation and give to the people security in life and property..."<sup>260</sup>

Thematic support for Fifth Amendment freedoms was identified in McKinley's *Executive Order ref Military Occupation of Cuba*, July 13, 1898, "Private property taken for the use of the army is to be paid for when possible in cash at a fair valuation. . ."<sup>261</sup>

Thematic support for Tenth Amendment freedoms was identified in McKinley's *Third Annual Message to Congress*, December 5, 1899, ". . . we shall proceed to provide for elections which will commit the municipal governments of the island to the officers elected by the people."<sup>262</sup> McKinley also notes the experience of elections will help ". . .

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<sup>259</sup>American Presidency Project, "President McKinley Executive Order ref Military Occupation of Cuba, July 13, 1898," accessed November 16, 2014, <http://www.presidency.ucsb.edu>.

<sup>260</sup>American Presidency Project, "President McKinley 2nd Annual Message to Congress 12/5/1898," accessed November 9, 2014, <http://www.presidency.ucsb.edu>; University of Virginia–Miller Center, "President McKinley's 2<sup>nd</sup> Annual Message to Congress 12/5/1898," accessed November 20, 2014, <http://millercenter.org/president/speeches>.

<sup>261</sup>American Presidency Project, "President McKinley Executive Order ref Military Occupation of Cuba, July 13, 1898," accessed November 16, 2014, <http://www.presidency.ucsb.edu>.

<sup>262</sup>American Presidency Project, "President McKinley 3rd Annual Message to Congress 12/5/1899," accessed November 14, 2014, <http://www.presidency.ucsb.edu>.

to draft a constitution and establish a general system of independent government for the island.”<sup>263</sup>

Thematic support for Tenth Amendment freedoms was identified in McKinley’s *Fourth Annual Message to Congress*, December 3, 1900, in which he discusses the delegations of power and the forming a government from “Federal to municipal.”<sup>264</sup> He also states:

And whereas, the people of Cuba have established municipal governments, deriving their authority from the suffrages of the people given under just and equal laws, and are now ready, in like manner, to proceed to the establishment of a general government which shall assume and exercise sovereignty, jurisdiction, and control over the island.<sup>265</sup>

*The National Archives, Washington, DC*

A total of eleven documents were collected from *The National Archives*. There are two documents containing relevant themes incorporated into the findings. Table 3 displays the results regarding thematic support of Bill of Rights freedoms contained in the documents.

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<sup>263</sup>Ibid.

<sup>264</sup>American Presidency Project, “President McKinley 4<sup>th</sup> Annual Message to Congress 12/3/1900,” accessed November 14, 2014, <http://www.presidency.ucsb.edu>]; University of Virginia–Miller Center, “President McKinley’s 4<sup>th</sup> Annual Message to Congress 12/3/1900,” accessed November 20, 2014, <http://millercenter.org/president/speeches>.

<sup>265</sup>Ibid.

Table 3

*The National Archives – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)*	Y(1)**	N(1)			Y(1)					Y(1)
Democrat Support (Y/N)										

Note. \*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in the *Report of Secretary of War*, June 30, 1901, from Secretary of State Elihu Root, in which the Secretary discusses fulfillment of US *Treaty of Paris* obligations. He notes obligations under the *Treaty of Paris* “that the inhabitants shall be secured in the free exercise of their religion.”<sup>266</sup>

Thematic non-support for Second Amendment freedoms was identified in letter “L.R. 5721 C.F.,” dated October 23, 1900, in which the Acting Collector of Customs for Cuba requests the importation of a .38 caliber revolver for the personal use of Mr. Vicente Font. Mr. Font was a cashier for a local company. The Acting Collector of Customs for Cuba notes in the letter that Mr. Font is “of good character and conduct, and recommends that his request be granted.” The Military Governor of Cuba denied the request with no comments.<sup>267</sup>

<sup>266</sup>Report of the Secretary of War – ending June 30, 1901, RG140 Records of the Military Government of Cuba, United States National Archives.

<sup>267</sup>L.R. 5721 C.F. October 23, 1900, Letter to Military Governor requesting import of firearm for Vicente Font, RG140 Records of the Military Government of Cuba, United States National Archives.



Thematic support for Fifth Amendment freedoms was identified in the *Report of Secretary of War*, June 30, 1901, from Secretary of State Elihu Root, in which the Secretary notes obligations on treatment under the *Treaty of Paris* “that inhabitants shall retain rights of property.”<sup>268</sup>

Thematic support for Tenth Amendment freedoms was identified in the *Report of Secretary of War*, June 30, 1901, from Secretary of State Elihu Root in which the Secretary notes:

It is plain that the government to which we were thus to transfer our temporary obligations should be a government based upon the peaceful suffrages of the people of Cuba, representing the entire people and holding their power from the people, and subject to the limitations and safeguards which the experience of constitutional government has shown to be necessary to the preservation of individual rights.<sup>269</sup>

*The Library of Congress*

One document was collected from *The Library of Congress*. The document contains relevant themes incorporated into the findings. Table 4 displays the results regarding thematic support of Bill of Rights freedoms contained in the document.

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<sup>268</sup>Report of Secretary of War 6/30/1901 discussing requirements of the Treaty of Paris, RG140 Records of the Military Government of Cuba, United States National Archives.

<sup>269</sup>Ibid.

Table 4

*Library of Congress – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)*	Y(4)**		Y(1)	Y(2)	Y(7)	Y(2)	Y(2)	Y(3)	Y(2)	Y(2)
Democrat Support (Y/N)										

Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for Bill of Rights freedoms was the *Translation of the Proposed Constitution for Cuba, The Official Acceptance of the Platt Amendment, and the Electoral Law*, November 1901.<sup>270</sup> This document is the transcription of the Cuban Constitution submitted to the U.S. government for approval. The Constitution required U.S. approval prior to implementation by the Cuban government. It identifies the freedoms the Cuban government incorporated into the Cuba Constitution.

Thematic support for First Amendment freedoms was identified in Article 25 as follows: “Every person may freely, without censorship, express his thoughts either by word of mouth or in writing, through the press, or in any other manner whatsoever, subject to the responsibilities specified by law, whenever thereby attacks are made upon the honor of individuals, upon social order, and upon public peace.”<sup>271</sup>

<sup>270</sup>Library of Congress, “Translation of the Proposed Constitution for Cuba, The Official Acceptance of the Platt Amendment, and the Electoral law,” accessed November 14, 2014, <http://lccn.loc.gov/unk85005160>; <https://catalog.loc.gov/vwebv/holdingsInfo?searchId=15662&recCount=25&recPointer=23&bid=9575815>.

<sup>271</sup>Ibid.

Thematic support for First Amendment freedoms was identified in Article 26:

“The profession of all religious beliefs, as well as the practice of all forms of worship, are free, without further restriction than that demanded by the respect for Christian morality and public order. The church shall be separated from the state, which shall in no case subsidize any religion.”<sup>272</sup>

Thematic support for First Amendment freedoms was identified in Article 27:

“All persons shall have the right to address petitions to the authorities, to have them duly acted on, and to be informed of the action taken thereon.”<sup>273</sup>

Thematic support for First Amendment freedoms was identified in Article 28:

“All inhabitants of the Republic have the right to assemble peacefully unarmed, and to associate for all lawful pursuits of life.”<sup>274</sup>

Thematic support for Third Amendment freedoms was identified in Article 24:

“No person shall be compelled to change his domicile or residence except by virtue of an order issued by a competent authority and in a manner prescribed by law.”<sup>275</sup>

Thematic support for Fourth Amendment freedoms was identified in Article 22:

“All correspondence and other private documents are inviolable, and neither shall be seized or examined except by order of a competent authority and with the formalities prescribed by the laws, and in all cases all points therein not relating to the matter under investigation shall be kept secret.”<sup>276</sup>

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<sup>272</sup>Ibid.

<sup>273</sup>Ibid.

<sup>274</sup>Ibid.

<sup>275</sup>Ibid.

<sup>276</sup>Ibid.

Thematic support for Fourth Amendment freedoms was identified in Article 23:  
“No person's domicile shall be violated; and therefore no one shall enter that of another at night, except by permission of its occupant, unless it be for the purpose of giving aid and assistance to victims of crime or accident; or in the daytime, except in such cases and manner as prescribed by law.”<sup>277</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 15:  
“No person shall be arrested except in such cases and in the manner prescribed by law.”<sup>278</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 18:  
“No person shall be arrested except by warrant of a competent judge or court. The order directing the serving of the warrant of arrest shall be affirmed or reversed, after the accused shall have been heard in his defense, within 72 hours next following his imprisonment.”<sup>279</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 19:  
“No person shall be indicted or sentenced except by competent judge or court, by virtue of laws in force prior to the commission of the crime, and in such manner as therein prescribed.”<sup>280</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 20:  
“Any person arrested or imprisoned without legal formalities, or not in accordance with the provisions of this Constitution and the laws, shall be set at liberty at his own request

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<sup>277</sup>Ibid.

<sup>278</sup>Ibid.

<sup>279</sup>Ibid.

<sup>280</sup>Ibid.

or that of any citizen. The law will determine the prompt action which shall be taken in the case.”<sup>281</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 21: “No person whatsoever is bound to give evidence against himself, nor husband or wife against each other, nor relatives within the fourth degree of consanguinity or second of affinity.”<sup>282</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 32: “No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same. Should the latter requirement not have been complied with, the judges and courts shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.”<sup>283</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 33: “In no case shall the penalty of confiscation of property be imposed.”<sup>284</sup>

Thematic support for Sixth Amendment freedoms was identified in Article 16, which mandates that “Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within 24 hours immediately following the arrest.”<sup>285</sup>

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<sup>281</sup>Ibid.

<sup>282</sup>Ibid.

<sup>283</sup>Ibid.

<sup>284</sup>Ibid.

<sup>285</sup>Ibid.

Thematic support for Sixth Amendment freedoms was identified in Article 17:

“All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of a competent judge or court. Within the same time notice shall be served upon the party interested of any action which may have been taken in the matter.”<sup>286</sup>

Thematic support for Seventh Amendment freedoms was identified in Article 32:

No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same.

Should the latter requirement not have been complied with, the judges and courts shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.<sup>287</sup>

Thematic support for Seventh Amendment freedoms was identified in Article 33:

“In no case shall the penalty of confiscation of property be imposed.”<sup>288</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 16:

“Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within 24 hours immediately following the arrest.”<sup>289</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 17:

“All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of a competent judge or court. Within

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<sup>286</sup>Ibid.

<sup>287</sup>Ibid.

<sup>288</sup>Ibid.

<sup>289</sup>Ibid.

the same time notice shall be served upon the party interested of any action which may have been taken in the matter.”<sup>290</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 20: “Any person arrested or imprisoned without legal formalities, or not in accordance with the provisions of this Constitution and the laws, shall be set at liberty at his own request or that of any citizen. The law will determine the prompt action which shall be taken in the case.”<sup>291</sup>

Thematic support for Ninth Amendment freedoms was identified in Article 36: specifying the “The enumeration of the rights expressly guaranteed by this Constitution does not exclude others that may be based upon the principle of the sovereignty of the people and upon the republican form of government.”<sup>292</sup>

Thematic support for Ninth Amendment freedoms was identified in Article 37: “The laws regulating the exercise of the rights which this Constitution guarantees shall become null and void if they diminish, restrict, or change the said rights.”<sup>293</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 36: “The enumeration of the rights expressly guaranteed by this Constitution does not exclude others that may be based upon the principle of the sovereignty of the people and upon the republican form of government.”<sup>294</sup>

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<sup>290</sup>Ibid.

<sup>291</sup>Ibid.

<sup>292</sup>Ibid.

<sup>293</sup>Ibid

<sup>294</sup>Ibid.

Thematic support for Tenth Amendment freedoms was identified in Article 43:  
 “Sovereignty is vested in the people of Cuba and all public powers are derived  
 therefrom.”<sup>295</sup>

*Department of State, Office of the Historian, Foreign Relations of the United States,  
 University of Wisconsin, Madison*

One document was collected from Department of State, Office of the Historian,  
 Foreign Relations of the United States, University of Wisconsin, Madison. The document  
 contains relevant themes incorporated into the findings. Table 5 displays the results  
 regarding thematic support of Bill of Rights freedoms contained in the document.

Table 5

*Department of State, Office of the Historian, Foreign Relations of the United States,  
 University of Wisconsin, Madison—U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Support (Y)/Non Support (N)* Democrat Support (Y/N)	Y(1)*				Y(3)		Y(1)			

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total  
 number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for Bill of Rights freedoms was identified in the *Treaty of Paris*  
 (1898), which articulated the end of war agreement between the United States and Spain.

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<sup>295</sup>Ibid.



Thematic support for First Amendment freedoms was identified in Article X:  
“The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.”<sup>296</sup>

Thematic support for Fifth Amendment freedoms was identified in the *Treaty of Paris* (1898), Article VIII:

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.<sup>297</sup>

Thematic support for Fifth Amendment freedoms was identified in the *Treaty of Paris* (1898), Article IX, which articulates the protections regarding private property in post-war Cuba. The Article states, “Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds.”<sup>298</sup>

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<sup>296</sup>Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin, Madison, Wisconsin, “Treaty of Peace Between the United States of America And the Kingdom of Spain,” accessed October 26, 2014. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=div&did=FRUS.FRUS1900.i0030&isize=text>.

<sup>297</sup>Ibid.

<sup>298</sup>Ibid.

Thematic support for Fifth Amendment freedoms was identified in the *Treaty of Paris* (1898), Article XIII, “The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected.”<sup>299</sup>

Thematic support for Seventh Amendment freedoms was identified in the *Treaty of Paris* (1898), Article XII:

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.
2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.<sup>300</sup>

#### *Cumulative Findings from all Data Sources*

A total of nine documents were found to contain evidence relevant to Bill of Rights freedoms and political party affiliation. Thematic analysis of the nine documents

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<sup>299</sup>Ibid.

<sup>300</sup>Ibid.

resulted in 42 instances where content was interpreted relevant to the research question and the hypothesis.

Table 6 displays the cumulative results regarding thematic political party support or non-support for all U.S. Bill of Rights freedoms as a result of the case study.

Table 6

*Cumulative Findings – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3 <sup>rd</sup>	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)*	Y(7)**	N(2)	Y(1)	Y(5)	Y(12)	Y(2)	Y(3)	Y(3)	Y(2)	Y(5)
Democrat Support (Y/N)										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

The cumulative findings show support by the American government under the control of the Republican Party for all Bill of Rights freedoms with the exception of the Second Amendment. No evidence was recovered regarding the Democratic Party and support levels for Bill of Right freedoms. Some Bill of Rights freedoms are noted more frequently than others as Table 6 displays the First and Fifth Amendments as the most recorded. Further analysis of the results will be presented in Discussion of Results.

Other Findings

Berg states that other “relevant” themes may be identified in content analysis.<sup>301</sup> Other relevant themes were noted during the research process. Although some of the other relevant themes may not be germane specifically to the research question, they are

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<sup>301</sup>Bruce Berg, *Qualitative Research Methods for the Social Sciences* (Boston: Pearson, 2007), 325.

associated with the overall focus of the research regarding U.S. state-building. In addition, some of the other findings are related to the research question and hypothesis but were not included in Results due to difficulty in interpretation of political party support.

Interestingly, the *Treaty of Paris* (1898), Article IX discusses civil rights for Cuba but does not specify any particular Bill of Rights freedoms: “The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.”<sup>302</sup> Consequently, civil rights determinations were made by the U.S. Congress at a later date and noted in the U.S. approved Cuba Constitution.

Interestingly, arms rights were noted in the *Treaty of Paris* (1898). However, the arms rights mentioned were not in relation to Cuban citizens or individual arms rights. The thematic support identified was for collective arms rights as identified in Article V: “The arms of the soldiers in question shall be restored to them.”<sup>303</sup> Thematic support for collective firearm responsibilities was also noted in the *Translation of the Proposed Constitution for Cuba, The Official Acceptance of the Platt Amendment, and the Electoral Law*, November 1901, Title II, The Cuban People: Article 9: “Every Cuban shall - First. Bear arms in defense of his country in such cases and in the manner determined by the laws.”<sup>304</sup> Since Article 9 does not manifestly identify individual arms

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<sup>302</sup>Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin, Madison, Wisconsin, “Treaty of Peace Between the United States of America And the Kingdom of Spain. Accessed October 26, 2014. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=div&did=FRUS.FRUS1900.i0030&isize=text>.

<sup>303</sup>Ibid.

<sup>304</sup>Library of Congress, “Translation of the Proposed Constitution for Cuba, The Official Acceptance of the Platt Amendment, and the Electoral law,” accessed November 14, 2014, <http://lcn.loc.gov/unk85005160>; <https://catalog.loc.gov/vwebv/holdingsInfo?searchId=15662&recCount=25&recPointer=23&Ibid=9575815>.

rights, the researcher did not interpret the article as an individual right and include it in the Findings. The researcher's interpretation is consistent with U.S. Supreme Court discussions and reasoning in the *District of Columbia v. Heller* decision regarding collective interpretation of arms rights.<sup>305</sup>

Thematic support for collective arms freedoms was identified in the *Records of the Military Government in Cuba*, "L.R. 3166 C.F.," June 9, 1900:

Theft of firearm by rural guard from Post Office person. Firearm ultimately returned due to Order No. 74 issued February 16, 1900 allowing public offices to keep firearms where records or funds are kept. Military Governor of Cuba Order No. 74 states, "The military governor of Cuba directs the publication of the following order: At all public offices where records or funds are kept the custodian thereof is allowed to keep in such office arms and ammunition necessary for proper protection of the funds and property under his charge."<sup>306</sup>

Thematic support for individual arms rights could not be determined in letter "L.R. 3107 C.F.," June 6, 1900, which is a request from Pedro Brasac requesting authority to carry firearms as a result of him being a travelling salesman and carrying large sums of money. His request was submitted to the Military Governor of Cuba. Mr. Brasac was referred to civil authorities for his area.<sup>307</sup> Although the U.S. Military Governor banned individual possession of firearms, since no final decision on his

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<sup>305</sup>U.S. Supreme Court, *District of Columbia v. Heller*, 554 U.S. 570 (2008).

<sup>306</sup>L.R. 3166 CF June 9, 1900, discussing theft of firearm by rural guard from Post Office person, RG140 Records of the Military Government of Cuba, United States National Archives.

<sup>307</sup>L.R. 3107 C.F. June 6, 1900, letter request from Pedro Brasac requesting authority to carry firearms, RG140 Records of the Military Government of Cuba, United States National Archives.

individual firearms rights could be identified, thematic support could not be interpreted and therefore was not included in Results.

Thematic arms rights support could not be determined in letter “L.R. 5752 C.F.,” October 24, 1900, in which the Colt Arms Company requested information on “restrictions to importations of firearms due to numerous orders for their goods.” Colt was referred to the Chief of Customs Service. Although the U.S. Military Governor banned importation of firearms, since no final decision on Colt’s request was identified, thematic support for arms rights could not be interpreted and therefore not included in Results.<sup>308</sup>

Documents were collected containing thematic data for both Cuba and the Philippines. This is due to the Philippines-Cuba association during the Spanish-American War. Interestingly, documents referring to U.S. state-building for the Philippines were found to be much more specific and supportive of Bill of Rights themes as compared to those for Cuba. In some cases Bill of Rights freedoms were quoted verbatim for the Philippines. For example, in President McKinley’s *Fourth Annual Message to Congress*, December 3, 1900:

At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the

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<sup>308</sup>L.R. 5752 C.F. October 24, 1900, Colt inquiry into arms imports, RG140 Records of the Military Government of Cuba, United States National Archives.

experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar. It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules: That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex-post facto law shall be passed; that no law shall be passed abridging the freedom of

speech or of the press, or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.<sup>309</sup>

Whereas, his statement discussing the development of a constitution for Cuba was in the same document:

In calling the convention to order, the Military Governor of Cuba made the following statement: As Military Governor of the island, representing the President of the United States, I call this convention to order. It will be your duty, first, to frame and adopt a constitution for Cuba, and when that has been done to formulate what in your opinion ought to be the relations between Cuba and the United States. The constitution must be adequate to secure a stable, orderly, and free government. When you have formulated the relations which in your opinion ought to exist between Cuba and the United States the Government of the United States will doubtless take such action on its part as shall lead to a final and authoritative agreement between the people of the two countries to the promotion of their common interests. All friends of Cuba will follow your deliberations with the deepest interest, earnestly desiring that you shall reach just conclusions, and that by the dignity, individual self-restraint, and wise conservatism which shall characterize your proceedings the capacity of the Cuban people for representative

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<sup>309</sup>American Presidency Project, "President McKinley 4<sup>th</sup> Annual Message to Congress 12/3/1900," accessed November 14, 2014, <http://www.presidency.ucsb.edu>.



government may be signally illustrated. The fundamental distinction between true representative government and dictatorship is that in the former every representative of the people, in whatever office, confines himself strictly within the limits of his defined powers. Without such restraint there can be no free constitutional government. Under the order pursuant to which you have been elected and convened you have no duty and no authority to take part in the present government of the island. Your powers are strictly limited by the terms of that order. When the convention concludes its labors I will transmit to the Congress the constitution as framed by the convention for its consideration and for such action as it may deem advisable.<sup>310</sup>

President McKinley's message exhibits significant thematic differences between Cuba and the Philippines regarding Bill of Rights freedoms. Arguably, due to the political atmosphere in the United States at the time and since the Philippines was ceded to the United States rather than given post-conflict independence, as in Cuba, Cuba may have been afforded more discretion regarding its future.

Evidence identified several specific terms associated with democracy, international relations, and state-building, such as *freedom, liberty, human rights, protect life, protect property, and right to protect*. For example, the concept of the *Right to Protect* was observed in President McKinley's *Message to Congress Requesting a Declaration of War With Spain*, April 11, 1898:

In the last annual message of my immediate predecessor, during the pending struggle, it was said: When the inability of Spain to deal successfully with the

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<sup>310</sup>Ibid.

insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. The grounds for such intervention may be briefly summarized as follows: First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door. Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection. Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people and by the wanton destruction of property and devastation of the island. Fourth, and which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations; when the lives and liberty of our citizens are in constant danger and their property destroyed and

themselves ruined; where our trading vessels are liable to seizure and are seized at our very door by war ships of a foreign nation; the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising—all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace and compel us to keep on a semi war footing with a nation with which we are at peace.<sup>311</sup>

Thematic support for the concept of the Right to Protect was also located in McKinley's *Second Annual Message to Congress*, December 5, 1898, in which he justifies war with Spain in the “interest of humanity, duty to protect life and property of our citizens in Cuba . . .”<sup>312</sup>

These other findings exhibit themes supportive of democracy, freedom, constitutional government, and collective firearms rights. Also, proximal support for some Bill of Rights style freedoms with a focus on property and judicial rights was observed in the evidence.

### Discussion of Results

This case study set out to address the research question: To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Cuba 1898-1901? The hypothesis argues that the extent of the U.S. government's incorporation

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<sup>311</sup>American Presidency Project, “President McKinley's *Message to Congress Requesting a Declaration of War With Spain*, April 11, 1898,” accessed November 9, 2014, <http://www.presidency.ucsb.edu>.

<sup>312</sup>American Presidency Project, “President McKinley 2nd Annual Message to Congress 12/5/1898,” accessed November 9, 2014, <http://www.presidency.ucsb.edu>; University of Virginia–Miller Center, “President McKinley's 2<sup>nd</sup> Annual Message to Congress 12/5/1898,” accessed November 20, 2014, <http://millercenter.org/president/speeches>.

of individual firearms rights, as opposed to the other nine Bill of Rights freedoms, in U.S.-led Cuba state-building efforts is driven by the ideology of the political party in control of the Executive Branch at the time of the conduct of Cuba state-building. This case study, part of a multi-case study strategy, collected evidence from multiple sources and sites and used thematic content analysis to systematically identify themes showing the level of U.S. government and associated political party support for all ten Bill of Rights freedoms in U.S. led Cuba state-building 1898-1901.

The hypothesis for this dissertation argues domestic differences between political parties may also be observed in regard to support for Second Amendment freedoms in Cuba state-building. Yet, results of this case study show no distinct party differences in positions regarding any Bill of Rights freedoms development for Cuba. Results do note that the party in power (Republican) was found to be supportive of all Bill of Rights freedoms less the Second Amendment.<sup>313</sup> The lack of evidence identifying a Democratic Party position on Bill of Rights freedoms appears problematic. However, during the timeframe for this case study, 1898-1901, Republicans held power in both the Legislative and Executive branches of the U.S. government.<sup>314</sup> So, it may not be surprising that data showing Democratic Party leanings regarding U.S. state-building efforts was not identified within the selected data collection sites. Nevertheless, since being the opposition party offers opportunities to speak against the party in power on matters of national interest, such as U.S. state-building, one would think documented opposition to

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<sup>313</sup>See the time frames and party affiliation of presidents at <http://www.whitehouse.gov>.

<sup>314</sup>Ibid.: See the separate information links for the Senate and the House of Representatives at [Congress.gov](http://Congress.gov), and read the history under History, Art, and Archives for the House of Representative and History, Art and Statistics for the Senate.

the party in power would be located. Examination of Republican and Democratic political party platforms for 1900 failed to yield any discussion of firearms rights.<sup>315</sup> Certainly, there may be evidence somewhere that identifies the position of the Democratic Party, but none was found during the research process. Yet, the lack of evidence may be evidence itself, as Powner notes that a researcher cannot declare the absence in reference to an issue means that a policymaker did not have a position on the issue(s) in question. She states, “. . . lack of evidence can itself be evidence in certain circumstances.”<sup>316</sup> Even though Powner’s concept suggests, along with other possibilities, the lack of Democratic documentation as agreement with U.S. government policy for Cuba, any specific differences between the Republican and Democratic parties regarding U.S. state-building and Bill of Rights freedoms were not discovered. Specific explanations to address this phenomenon were not identified in the data.

Significantly, evidence identified in Findings reveals U.S. government support for all Bill of Rights freedoms in Cuba state-building less the Second Amendment. Thematic data were collected showing a propensity of U.S. government support of First and Fifth Amendment freedoms. The evidence shows where the U.S. government was not hesitant in using specific language supportive of many Bill of Rights freedoms less the Second Amendment. Politicians and heads of agencies made specific references in speeches, military orders, and diplomatic cables supportive of specific freedoms, such as religious, press, and property. In contrast, evidence shows that although the U.S. government

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<sup>315</sup>See Political Party Platforms for 1900 at American Presidency Project, <http://www.presidency.ucsb.edu> [accessed November 15, 2014]

<sup>316</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student’s Practical Guide* (Washington, DC: CQ Press, 2015): 219.

contemplated the issue, unlike other Bill of Rights freedoms, there were no speeches, military orders, or diplomatic cables exhibiting support for individual arms rights during Cuba state-building. Moreover, thematic non-supportive evidence was collected identifying the U.S. government controlled by the Republican Party as hesitant toward allowing individual arms freedoms. Furthermore, evidence was collected suggesting U.S. government support for collective firearms possession by the state. These findings are consistent with the premise of the research question that suggests a lower level of U.S. government support for Second Amendment freedoms in state-building when compared with the nine other Bill of Rights freedoms. Interestingly, these findings conflict with the ideological premise that the Republican Party is more supportive of individual arms rights as compared with the Democratic Party.<sup>317</sup>

The prohibition placed on arms possession can be viewed as sound immediate post-war security policy, since concerns of subversive activity undermining United States post-war policies and interests must be addressed. History has shown superpowers can be defeated by insurgency so arms bans may be prudent policy.<sup>318</sup> Thus, U.S. government post-Spanish war policy implemented strong anti-gun possession restrictions for Cuba, including banning possession by anyone other than authorized military or selected officials<sup>319</sup> may be understandable. The thought was restrictions on firearms possession and rights would help minimize any post-war violence. In addition, the U.S. has a desire

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<sup>317</sup>Wilson, *Guns, Gun Control, and Elections*, 119; Pew Research, “Gun Control”; Celinska, “Individualism and Collectivism in America”; Berlow and Witkin, “Gun Lobby’s Money and Power Still Holds Sway over Congress.”

<sup>318</sup>Peter Thompson, *Armed Groups: The 21<sup>st</sup> Century Threat* (Lanham, MD: Roman and Littlefield, 2014): 32.

<sup>319</sup>Paul Bremer, *The Coalition Provisional Authority, Order Number 3 (revised)(amended), Weapons Control*, December 31, 2003, accessed January 4, 2014. [http://www.iraqcoalition.org/regulations/20031231\\_CPAORD3\\_REV\\_\\_AMD\\_.pdf](http://www.iraqcoalition.org/regulations/20031231_CPAORD3_REV__AMD_.pdf)

to build strong state institutions for stabilization and focus on those aspects of constitution building rather than arms rights that might complicate stability. Yet, some argue that the effects of such a policy may have dire implications for those citizens with a desire to provide some level of safety and security and even food gathering for their families and themselves.

In sum, this case study set out to address the following research question: To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Cuba 1898–1901? This case study will test the following hypothesis: The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project. Results suggest the U.S. government, controlled by the Republican Party, was supportive of U.S. Bill of Rights freedoms, such as religion, press, speech, and criminal justice protections. Results fail to produce evidence of U.S. government support of individual arms rights freedoms for Cubans. Further, evidence fails to identify any relationship between American political party and level of support for Second Amendment rights as no evidence was collected inferring either political party was supportive of individual arms freedoms in Cuba state-building.

Olsti defines content analysis as “any technique for making inferences by objectively and systematically identifying specified characteristics of messages.”<sup>320</sup> In

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<sup>320</sup>Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley, 1969): 14.

this case, results of the systematic review of evidence might infer the U.S. government did not support Second Amendment freedoms in Cuba state-building. More support was discovered for Bill of Rights freedoms such as religion and the press. Thus, in addressing the research question, findings suggest the U.S. government provided less support for Second Amendment freedoms as compared to the nine other freedoms specified in the U.S. Bill of Rights. The Literature Review identifies associations between political party and policy positions. Generally, Republicans are more supportive of firearms freedoms with Democrats less supportive. Spitzer notes in his book, *The Politics of Gun Control*, “The political parties often seek to exploit differences over social regulatory issues.”<sup>321</sup> Spitzer goes further to note Republicans oppose new gun laws while Democrats favor new laws stating, “Unquestionably, gun policy continues to be defined by its politics.”<sup>322</sup> The hypothesis for this dissertation inquires as to political party position on gun policy for Cuba state-building. In this case, the Republican Party was in control of the Executive Branch of the U.S. government. However, the evidence did not identify any distinctions between the Republican Party and the Democratic Party regarding support for Second Amendment freedoms in U.S. state-building in Cuba. Findings suggest support for the null hypothesis: The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is not affected by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project.

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<sup>321</sup>Robert Spitzer, “The Politics of Gun Control,” 4<sup>th</sup> ed. (Washington, DC: CQ Press, 2008): 80.

<sup>322</sup>Ibid., p.117.



## Research Limitations

Powner notes, “Every study has limitations” with the most common being available evidence and study design.<sup>323</sup> This case study, like all studies, has limitations, the most significant of which are identified in this section. Firstly, because the research is a doctoral study, there are limitations such as number of coders. In this case, the sole coder is the doctoral candidate. To mitigate some of the issues associated with single coding, such as coder bias, codes and themes identified in the data were reviewed and discussed with the Dissertation Chair. Further, the Dissertation Committee was presented with opportunities to review and question the data and analysis as the research progressed with the researcher addressing the committee’s concerns. Future studies may provide multiple coders for coding of the data and interpretation of evidence.

Berg and other researchers note that changes in coding and interpretations of data may occur during the content analysis process.<sup>324</sup> Berg also notes some of the interpretation issues in his discussion of manifest and latent content analysis and how interpretation difficulties can arise during coding.<sup>325</sup> Johnson and Reynolds note that interpretation of such problems can be mitigated with adequate explanation of content analysis procedures. Such procedures were incorporated into the analysis.

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<sup>323</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student’s Practical Guide*, 219.

<sup>324</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 308-309

<sup>325</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 308-309; Holsti. “Content Analysis” in *The Handbook of Social Psychology* (2nd ed., Volume 2); Bowen and Bowen, “Content Analysis.”

As noted in the Methodology chapter, “procedures may change during the course of the research.”<sup>326</sup> One change was the addition to the recording process where coded data were transferred to Microsoft Excel spreadsheets after completion of coding sheets. The use of Microsoft Excel was not previously noted under Dissertation Data Collection Procedures. The use of the Microsoft Excel spreadsheets facilitated data collection, review, and analysis.

As outlined in methodology, this case was purposefully selected for generally being recognized as the first example of U.S. state-building. Along with other methodological reasons, the historical nature of U.S. state-building in Cuba impacted data collection. There were 14 data collection sources used, including electronic database and archives. Seven (50%) of the sites did not offer any evidence relevant to the research question:

1. The George W. Bush Presidential Library
2. The Harry S. Truman Presidential Library.
3. The William McKinley Presidential Library
4. US Government Publishing Office - Compilation of Presidential Documents
5. The Constitution Finder
6. The Department of State, Remarks, Testimony, Speeches, and Briefings by Department of State Officials
7. The Public Papers of the Presidents of the United States

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<sup>326</sup>Darren Gil, “U.S. State Building and the Second Amendment,” *Dissertation Proposal*, The University of Southern Mississippi, submitted September 2014, 63.

Reasons for the lack of data collection from these sources are due to limited availability of data within the research timeframe or simply lack of data. For example, The Department of State, Remarks, Testimony, Speeches, and Briefings by Department of State Officials limits data collection to 2009. The US Government Publishing Office - Compilation of Presidential Documents limits data collection to 1993. The Harry S. Truman Library and George W. Bush Presidential Library failed to render data due to the data collection timeframe. The Public Papers of the Presidents of the United States begins with the Hoover administration. The William McKinley Presidential Library provided no data. The Constitution Finder was limited to the 1976 Cuban Constitution.

Three (22%) data collection sites offered only duplicate documents located within other data collection sites, data determined not directly related to the research question or data that was problematic in addressing the hypothesis. Some of the unrelated data and problematic data are mentioned in Other Findings. Consequently, as not to distort results, duplicate documents were recorded only one time from one data collection site and noted in Findings. The three data collection sites are as follows:

1. The Presidential Rhetoric, Historical Presidential Speeches
2. The United States Senate, US Senate Speeches
3. The University of Virginia, Presidential Speech Archive, Miller Center

The small number of documents found to be suitable for analysis begs the question: Why did the coding fail to produce a larger number of documents? Evidence collection may have been impacted and limited due to the historical nature of the case and the selected data collection sites. Berg notes such limitations and states content

analysis evidence is limited to the examination of already recorded messages.<sup>327</sup> For this study, there were 14 sources used, including electronic database searches as well as archival research. During the search process it was discovered that some of the electronic data collection sites held only documents outside the time boundaries of the research period. In addition, some of sites did not produce any evidence or produced only duplicate documents that were collected from the other sites. Documentation regarding the topic may indeed be rare or nonexistent. For example, the selected data collection sites may not have been sufficient for research on century-old documents. Evidence related to the research simply may not exist or may only be present in collection sites other than the ones used for this dissertation. Evidence identifying discussions specific to Bill of Rights freedoms, including arms rights, in U.S. state-building for Cuba, similar to the *Federalist Papers*, may exist. As this is the first known research and analysis on the topic, it may be that the study's design limited acquisition of such data. Future research designs may need to account for expanded timeframes and additional data collection sources to locate additional evidence that addresses the research question.

There are weaknesses associated with content analysis regarding interpretation of content, including coder bias and reliability. Simply, one coder might examine and interpret data differently from another coder using the same evidence. As McTavish and Pirro note, “. . . the research problem and the theory the investigator uses will specify the relevant meanings in appropriate text for certain research purposes.”<sup>328</sup> Providing excerpts of the evidence, as in this case study, helps to mitigate some of the concerns by

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<sup>327</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 328.

<sup>328</sup>Donald McTavish and Ellen Pirro, “Contextual Content Analysis,” *Quality and Quantity* 24 (1990): 247.

affording reviewers the opportunity to compare evidence to the researcher's interpretation. However, further explanation of coder analysis and interpretation of content may be beneficial for reliability and validity by exposing coder biases and identification of the system used for the analysis.

System means that the inclusion and exclusion of content or categories is completed according to consistently applied rules.<sup>329</sup> Thus, presenting examples of interpretations of evidence not included in Findings may provide additional guidance on the system used by the researcher and add to validity. For instance, most thematic data included in Findings were clearly associated, if not verbatim, with the corresponding Bill of Rights freedoms with the exception of the Second Amendment. Themes associated with individual firearms freedoms were not as easily interpreted. Since no data were collected even mildly supportive of individual firearms rights, no interpretation of thematic data was required. However, data were collected regarding "thematic non-support" of individual firearms rights. Some findings regarding thematic non-support of individual arms rights were specific in opposition to individual arms rights. Such data required minimal interpretation to be understood as thematic non-support and is included in Findings. In contrast, some thematic data lacked conclusive evidence and was not included in Findings but was included in Other Findings. For example, thematic support for individual arms rights was not determined in letter "L.R. 3107 C.F.." June 6, 1900, a request from Pedro Brasac requesting authority to carry firearms. Mr. Brasac was referred to civil authorities for his area. Since no evidence was identified regarding a final

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<sup>329</sup>Holsti. "Content Analysis," 601; Chieh-Chieh Bowen and William Bowen, "Content Analysis *Handbook of Research Methods in Public Administration*, ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

decision on Mr. Brasac's request, no final decision on his individual firearms rights could be identified and interpreted. Consequently, thematic support regarding the letter was not included in Results.<sup>330</sup> The examples noted here exhibit some of the difficulties in interpretation of data for qualitative examinations. Interpretations by other coders may result in different interpretations and conclusions. Also, it should be noted the researcher did not code the absence of evidence as non-support of Bill of Rights freedoms. Support or non-support interpretations required thematic evidence exhibiting supportive or non-supportive content. For example, although the Cuban Constitution contains thematic support for all Bill of Rights freedoms with the exception of the Second Amendment, the lack of content or evidence relating to Second Amendment freedoms was not reported as non-supportive of Second Amendment freedoms.

Interpretation of political party level of support for Bill of Rights themes was problematic, as support was not easily interpreted in some instances. Berg notes problems with interpretation can emerge in content analysis. He notes some of the interpretation issues in his discussion of manifest and latent content analysis.<sup>331</sup> The Methodology called for interpretation and linkage to level of support by political party. In many cases, interpretation was straightforward as evidence collected identified the position of the party or the member of the party in regard to support of Bill of Rights freedoms. However, determinations requiring interpretations of evidence from collective bodies, such as the U.S. Congress, are difficult. Determining whether a group, such as a political party, is supportive or non-supportive of specific elements of comprehensive foreign

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<sup>330</sup>L.R. 3107 C.F. June 6, 1900, letter request from Pedro Brasac requesting authority to carry firearms, RG140 Records of the Military Government of Cuba, United States National Archives.

<sup>331</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309.

policy legislation or similar matters is tenuous. Sorensen discusses the complexities in associating a body such as Congress with particular foreign policy positions. He notes the multiple influences associated with foreign policy decision-making.<sup>332</sup> The researcher encountered such difficulties while attempting to interpret positions on the support of Bill of Rights freedoms by political bodies. For example, research produced evidence showing on February 6, 1899, a majority of the U.S. Senate voted 57 to 27 for ratification of the *Treaty of Paris* (1898).<sup>333</sup> The Treaty contains thematic data supportive of religious and other freedoms.<sup>334</sup> A majority of Republicans voted for approval with a majority of Democrats voting against the Treaty. However, eight Democrats voted for ratification and two Republicans voted against ratification for a variety of reasons; none were related to a position on religious liberty.<sup>335</sup> Consequently, evidence (the Treaty) was collected that contained multiple positions among individual politicians and their political parties. Such evidence made decision-making regarding the interpretation of political party level of support difficult. The researcher determined since the Treaty was approved and ultimately enforced as a result of the support by the majority party in Congress (Republican) and in control of the Executive Branch (Republican), interpretation would show Republican support. Similarly, a determination of political support regarding U.S. ratification of the Platt Amendment, part of the Cuban Constitution, is problematic.

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<sup>332</sup>Theodore Sorensen, "Foreign Policy in a Presidential Democracy," *Political Science Quarterly* 109, no. 3 (Summer, 1994): 515-528.

<sup>333</sup>The War of 1898 and U.S. Interventions, 1898-1934: An Encyclopedia, ed. Benjamin R. Beede (New York: Routledge, 1994): 121.

<sup>334</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States, "Treaty between US and Spain 4/11/1899," accessed October 26, 2014, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>335</sup>Hopkins, James H. *A History of Political Parties in the United States: Being an Account of the Political Parties*. 1900. Reprint. London: Forgotten Books, 2013. 238-9.

Although a majority of Republicans, who were the Senate majority, supported the Amendment, there were “several anti-expansionist Republican senators” who did not support approval and “Most Democrats were opposed as well.”<sup>336</sup> The Amendment was “...vigorously attacked by the Democrats.”<sup>337</sup> However, on February 27, 1901, the Senate approved the Platt Amendment by a vote of 43-20 with 25 Senators not voting.<sup>338</sup> On March 1, 1901, it passed the House of Representative by a vote of 161-137, with 51 not voting and 4 voting present.<sup>339</sup> Again, although disparity existed between Republican and Democrat support of the Treaty and the Platt Amendment, a decision was made by the researcher to rely on the party in charge of Congress and the government (Republican) in relation to political party support for individual Bill of Rights freedoms. The Republican Party was in control of the U.S. government at the time and approved the *Treaty of Paris* (1899) and the *Cuba Constitution*. Therefore, the Republican Party was determined to be supportive of the Treaty and the Constitution in Findings. Democrat Senators might have supported the religious freedom requirements contained in the Treaty, but they apparently did not support other aspects and voted accordingly. Evidence was not collected identifying a Democrat Party position in total regarding the *Treaty of Paris* (1899) and the *Cuba Constitution*. Consequently, the evidence collected from the *Treaty of Paris* (1899) and the *Cuban Constitution* exhibiting U.S. government (Republican) support were included in Findings and identified as being supported by the Republican Party. Consequently, with the Democrat party not the majority and only individual Democratic

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<sup>336</sup>*The War of 1898 and U.S. Interventions*, 1994, 120.

<sup>337</sup>H. Parker Willis, “Reciprocity with Cuba,” *Annals of the American Academy of Political and Social Science* 22 (July 1903): 142. Accessed June 27, 2015, <http://www.jstor.org/stable/1010068>.

<sup>338</sup>*The War of 1898 and U.S. Interventions*, 1994, 121.

<sup>339</sup>*Ibid.*



Party member positions available, a collective Democrat party position could not be similarly identified. Thus, determinations requiring interpretations of evidence from collective bodies is difficult and other coders may interpret findings using different perspectives. Future examinations of Bill of Rights freedoms in U.S. state-building will have to further address such issues as collective body interpretation, perhaps, by using different methodology. However, the researcher posits that a reasonable solution was implemented for this research whereby political party level of support was determined by majority consensus. For example, the U.S. Executive Branch and the U.S. Congress, both controlled by the Republican majority, did approve the Treaty and the Cuba Constitution. These results are noted in Findings as supported by the Republican Party.

This case study is explorative in nature as it is one case in a dissertation using a multi-case strategy and thematic content analysis to examine a relationship between U.S. state-building, Bill of Rights freedoms, and political party affiliation. Content analysis is a research technique for making replicable and valid inferences from texts to the contexts of their use.<sup>340</sup> This research suggest that the U.S. government was supportive of democratic principles and U.S. Bill of Rights freedoms in post Spanish-American War Cuba with the exception of Second Amendment freedoms. Although there were limitations identified in Research Limitations that impacted the study, the study contributes to the body of literature regarding U.S. state-building by presenting additional awareness and understanding regarding U.S. support for Bill of Rights freedoms in state-building and political party association with Bill of Rights freedoms. Thus, as an

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<sup>340</sup>Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (Thousand Oaks, CA: Sage, 2013): 382.

explorative study, this research provides additional knowledge on U.S. state-building in Cuba and a foundation for future studies.

## CHAPTER V– RESULTS OF GERMANY CASE STUDY

This chapter outlines the findings of the content analysis for the Germany case study. This case study addressed the research question: To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms, specified in the U.S. Bill of Rights, in its state-building efforts in Germany from 1945-1949? This case study tested the hypothesis that the extent of the U.S. government's incorporation of individual citizen firearms rights, as opposed to the other nine Bill of Rights freedoms, in U.S.-led post World War II Germany state-building was driven by the ideology of the political party in control of the Executive Branch at the time of the state-building efforts. In accordance with the dissertation's methodological approach, 13 digitally-based sources and one traditional archive were used to address the research question and test the hypothesis by using systematic thematic content analysis focusing on U.S. Presidential, U.S. Congressional, and U.S. Department of Defense documents and records exhibiting themes related to U.S. government support for Bill of Rights freedoms in U.S. state-building in Germany.

Upon completion of steps 1 and 2 in the Methodology, a total of 127 documents were found to contain primary and secondary data. There were 113 documents collected from the digital collection sites and 14 collected from the National Archives. In some instances, duplicate documents were collected from the data collection sites. For example, searches of The American Presidency Project, The Public Papers of the Presidents of the United States, The Harry S. Truman Presidential Library, and the University of Virginia Presidential Speech Archive resulted in all four sources producing an identical document, President Truman's *Radio Report to the American People on the*

*Potsdam Conference*. It is the same document obtained from the four separate data collection sites that contains the same data regarding Bill of Rights freedoms. Recording the instances of Bill of Rights freedoms four times from the same document would overstate the number of instances for those particular Bill of Rights freedoms found in the document and distort results. The duplication may be beneficial to triangulation to some extent however, so findings were not multiplied and distorted, duplicate findings among data collection sites were recorded only once in Results.

Step 3 assessments resulted in 22 documents containing themes relevant to the research. Other documents reviewed from Step 2 were determined inapplicable. The 22 documents are identified in Results for each Bill of Rights freedom under the corresponding data collection site. There were 13 documents collected from electronic sources and nine documents collected from the National Archives. Some data collection sites produced no findings and are identified in Research Limitations. In instances where one document contained themes relevant to multiple Bill of Rights freedoms, results were identified under the appropriate Bill of Rights freedoms and supported by the same document.

Themes were interpreted using Boyatzis' definition of a theme where "... a pattern found in the information that at minimum describes and organizes the possible observations and at maximum interprets aspects of the phenomenon."<sup>341</sup> In this case, in order to be presented as a theme, evidence must have identified or described a U.S. Bill of Rights freedom (the phenomenon) as either supportive or non-supportive. There are

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<sup>341</sup>Richard E. Boyatzis, *Transforming Qualitative Information: Thematic Analysis and Code Development*, Sage Publications (Thousand Oaks, London, New Delhi, 1998), 4.

weaknesses associated with coder interpretation of content. For example, in their discussions on manifest and latent content, Bruce Berg and Earl Babbie and others note validity and reliability difficulties associated with interpretation and inference of content under examination.<sup>342</sup> They argue although coding manifest content can exhibit preciseness and reliability in the number of times a word is used, it does not identify underlying themes associated with the word, as in latent content analysis. In contrast, latent content analysis where the coder must provide assessments for content, reliability and specificity may suffer due to coder bias and inconsistencies. They offer some resolution to such weaknesses by suggesting the coding of both manifest and latent content. They also suggest that providing “. . . detailed excerpts from relevant statements (messages) that document the researcher’s interpretations” can help in minimizing reliability and validity concerns.<sup>343</sup> The researcher offers coded manifest and latent data and excerpts for each thematic interpretation used in this case study. Further discussion of interpretation is presented in Other Findings and Research Limitations. In addition, political party association with each finding is presented. Additional evidence and findings linked to the research topic, yet unable to adequately address the research question or test the hypothesis, are noted in Other Findings.

Study findings are reported as themes and are accompanied by direct quotes extracted from the evidence to illustrate each theme. Tables are included to display in tabular form the 10 Bill of Rights freedoms, whether thematic data were supportive or

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<sup>342</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309, discusses controversies over interpretation of content and suggest resolutions, including resolutions suggested by Holsti; Babbie, *The Practice of Social Research*, 10th ed. (Belmont, CA: Wadsworth/Thompson Learning, 2004).

<sup>343</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309; Babbie, *The Practice of Social Research*, 319.

non-supportive of the indicated freedom, the number of times relevant thematic data were identified for the indicated freedom and political party affiliation. Tables will be empty where no thematic data were identified. Other Findings, Discussion of Results, and Research Limitations follow Results.

*American Presidency Project*

A total of 20 documents were collected from the *American Presidency Project*.

There was one document containing relevant themes correlating to Bill of Rights freedoms. Table 7 shows the results regarding thematic support of Bill of Rights freedoms contained in the document.

Table 7

*American Presidency Project – U.S. Bill of Rights Themes)*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)										
Democrat Support (Y/N)*	Y(1)**									

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in President Harry S. Truman’s *Radio Report to the American People on the Potsdam Conference* August 9, 1945, in which he stresses, “In the meantime, the conference of Berlin laid down the specific political and economic principles under which Germany will be governed by the occupying powers.” He notes, "They seek to rebuild democracy by

control of German education, by reorganizing local government and the judiciary, by encouraging free speech, free press, freedom of religion, and the right of labor to organize.”<sup>344</sup>

*Public Papers of the Presidents of the United States*

A total of 32 documents were collected from The Public Papers of the Presidents of the United States. There was one document containing relevant themes correlating to Bill of Rights freedoms. Table 8 shows the results regarding thematic support of Bill of Rights freedoms contained in the document.

Table 8

*Public Papers of the Presidents of the United States – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)										
Democrat Support (Y/N)*	Y(1)**									

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in Truman’s *Address in Columbus at a Conference of the Federal Council of Churches*, March 6, 1946. President Truman’s remarks refer to Germany, the NAZI regime, and World War II:

<sup>344</sup>American Presidency Project, “Radio Report to the American People on the Potsdam Conference,” August 9, 1945, accessed January 19, 2015, <http://www.presidency.ucsb.edu>.

We have just come through a decade in which forces of evil in various parts of the world have been lined up in a bitter fight to banish from the face of the earth both these ideals—religion and democracy. For these forces of evil have long realized that both religion and democracy are founded on one basic principle, the worth and dignity of the individual man and woman. Dictatorship, on the other hand, has always rejected that principle. Dictatorship, by whatever name, is founded on the doctrine that the individual amounts to nothing; that the State is the only thing that counts; and that men and women and children were put on earth solely for the purpose of serving the State.<sup>345</sup>

He goes further, noting, “The right of every human being to live in dignity and freedom, the right to worship his God in his own way, the right to fix his own relationship to his fellow men and to his Creator - these again have been saved for mankind.” He also noted, “Now that we have preserved our freedom of conscience and religion, our right to live by a decent moral and spiritual code of our own choosing, let us make full use of that freedom.”<sup>346</sup>

*Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin*

A total of 23 documents were collected from the *Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin*. There were 10 documents containing relevant themes correlating to Bill of Rights freedoms.

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<sup>345</sup>Public Papers of the Presidents of the United States, “Address in Columbus at a Conference of the Federal Council of Churches, March 6, 1946,” accessed January 28, 2015, <http://quod.lib.umich.edu/p/ppotpus/>.

<sup>346</sup>Ibid.



Table 9 displays the results regarding thematic support of Bill of Rights freedoms contained in the documents.

Table 9

*Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin - U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4 <sup>th</sup>	5th	6th	7th	8th	9th	10 <sup>th</sup>
Republican Support (Y/N)										
Democrat Support (Y/N)*	Y(6)**	N(2)		Y(4)						Y(2)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in *Report by the Coordinating Committee to the Council of Foreign Ministers - MOSCOW - Secret - Preparation of the Proposals in Regard to the Report of the Allied Control Council, March 26, 1947:*

G, Fundamental Human Rights, Every state and federal constitution in Germany shall contain specific and effective guarantees of the rights of the individual including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech and assembly and other basic human rights. Inform the provisional government that Allied approval of the constitution will depend upon the fulfillment of the following conditions: (5) The basic rights of the individual

including free speech, freedom of religion, freedom of assembly and association and other equally basic rights of man are recognized and guaranteed.<sup>347</sup>

Thematic support for First Amendment freedoms was identified in *Department of State Policy Statement*, August 26, 1948, “e) Democratization - The U.S. favors the reconstruction of German political life on a democratic basis” and “The U.S. also encourages the activity of other free organizations and associations, such as religious societies, trade unions and youth groups, calculated to assist in fostering the development of a democratic political and social life in Germany.”<sup>348</sup> The memorandum also notes that in the U.S. zone “Basic human rights are constitutionally guaranteed.”<sup>349</sup> The document also states:

At the 1947 Moscow Meeting of the CFM, Secretary of State Marshall set forth the basic principles for the democratization of Germany as: (1) a uniformly effective guarantee of basic human rights in all parts of Germany; (2) freedom of political action for recognized political parties, whose leaders shall be elected by and responsible to their members, to operate in all parts of Germany without discrimination; (3) freedom of action in all parts of Germany for free democratic trade unions subject to the basic authority of their membership; (4) free circulation throughout Germany of information and ideas by all media of information, subject only to the needs of military security and prevention of Nazi

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<sup>347</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States, “Report by the Coordinating Committee to the Council of Foreign Ministers - MOSCOW - Secret -Preparation of the Proposals in Regard to the Report of the Allied Control Council,” March 26, 1947, 401-405, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>348</sup>University of Wisconsin, Digital Collections–Foreign Relations, “Department of State Policy Statement,” Volume II, General Policies for Germany, August 26, 1948, 1305, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>349</sup>*Ibid.*

or militarist resurgence; (5) freedom of movement for persons and goods throughout Germany, subject only to the requirements of military security.<sup>350</sup>

The document also notes, "Policies and programs developed by the U.S. Government in an attempt to effect these changes emphasizes. . . the protection, through constitutions, of basic individual rights such as free speech, freedom of religion, freedom of assembly and association."<sup>351</sup>

Thematic support for First Amendment freedoms was identified in *The Secretary of State to the President and the Acting Secretary of State (Marshall to Acheson)*, March 14, 1947. The Secretary of State notes failures in implementation of the desired freedoms for Germany:

I pointed out that there has been no uniform zonal preparation of Germans for political reconstruction, and specifically in the following five respects, there has been no uniformly effective guarantee in all parts of Germany of (1) civil rights, (2) rights of political parties, (3) rights of free trade unions, (4) freedom of press and radio and (5) freedom of movement for persons and goods.<sup>352</sup>

Thematic support for First Amendment freedoms was identified in *Basic Statements of Policy Regarding Germany*, August 12, 1948:

(e) Democratization. The U.S. favors the reconstruction of German political life on a democratic basis. Basic human rights are constitutionally guaranteed. At the

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<sup>350</sup>Ibid. 1305-1306.

<sup>351</sup>Ibid., 1307.

<sup>352</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States, “The Secretary of State to the President and the Acting Secretary of State (Marshall to Acheson),” Volume II - 3/14/47, Council of Foreign Ministers, Moscow–memorandum, 947, 251-252, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

1947 Moscow meeting of the CFM, Secretary of State George C. Marshall set forth the basic principles for the democratization of Germany as: (1) a uniformly effective guarantee of basic human rights in all parts of Germany (4) free circulation throughout Germany of information and ideas by all media of information, subject only to the needs of military security and prevention of Nazi or militarist resurgence.<sup>353</sup>

Thematic support for First Amendment freedoms was identified in *Report by the Special Committee to the Council of Foreign Ministers*, April 11, 1947:

The Special Committee submits to the Council of Foreign Ministers the following draft directives for the Control Council. Basic Human Rights - The U.S. and U.K. Delegations propose: 4. Shall ensure that any future constitution for Germany as a whole and, through the Zone Commanders, that every state (Land) constitution in Germany contains specific and effective guarantees of the rights of the individual regardless of race, sex, language or creed, including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech, assembly and association, freedom of movement and communication, the equality of all before the law and the courts, equal rights for education and of access to all employments, and also effective guarantees for freedom of the press and radio, and for independence of the judiciary.<sup>354</sup>

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<sup>353</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States, “VI. Basic Statements of Policy Regarding Germany, 1948,” Volume II, 1305-1307, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>354</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States,” April 11, 1947, Volume II , 446, “Report by the Special Committee to the Council of Foreign,” accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

Thematic support for First Amendment freedoms was identified in *Draft Decisions of the Council of Foreign Ministers on the Report of the Allied Control Council for Germany - I. Agreed Recommendations*, April 2, 1947:

Basic Human Rights: 4. To ensure that any future constitution for Germany as a whole and, through the Zone Commanders, that every state (land) constitution in Germany contains specific and effective guarantees of the rights of the individual regardless of race, sex, language, or creed, including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech, assembly and association, freedom of movement and communication, the equality of all before the law and the courts, equal rights for education and of access to all employments, and also effective guarantees for freedom of the press and radio, and for independence of the judiciary.<sup>355</sup>

Thematic non-support for Second Amendment freedoms was identified in *Basic Statements of Policy Regarding Germany*, August 12, 1948:

The Central Police Director would be in charge until a German government was established. II. A Program for Germany - German Government (C) After the Central Police Director has assumed charge of police affairs, no person in Germany other than members of the occupying forces shall be permitted to bear arms or conduct any activities of a police nature except with his permission and

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<sup>355</sup>University of Wisconsin, Digital Collections–Foreign Relations of the United States, “Draft Decisions of the Council of Foreign Ministers on the Report of Allied Control Council for Germany – I. Agreed Recommendations, Volume II.” April 2, 1947, Council of Foreign Ministers, Moscow, 428, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

under his authority, exercised through the Police Commissioners of the Laender.<sup>356</sup>

Thematic non-support for Second Amendment freedoms was identified in *European Advisory Commission - The Ambassador in the United Kingdom (Winant) to the Assistant Secretary of War (McCloy)* February 24, 1945, since it included the term “All” in discussing removal and destruction of German arms:

Draft Directive for the Treatment of Germany - II Immediate Security Measures  
- 3. All German arms, ammunition and implements of war shall be removed or destroyed.<sup>5</sup> The manufacture and the importation of arms, ammunition and implements of war shall be prohibited. IV. Economic Control 14. Germany shall be prohibited from engaging in the production and development of all implements of war. All specialized facilities for the production of armament shall be destroyed, and all laboratories, plants and testing stations specializing in research, development and testing of implements of war shall be closed and their equipment removed or destroyed.<sup>357</sup>

Thematic support for Fourth Amendment freedoms was identified in *Report by the Coordinating Committee to the Council of Foreign Ministers - MOSCOW - Secret - Preparation of the Proposals in Regard to the Report of the Allied Control Council*, March 26, 1947:

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<sup>356</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Basic Statements of Policy Regarding Germany, Volume II, General Policies for Germany –“Department of State Policy Statement,” Volume 6, August 12, 1948, 1331-1332, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>357</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “The Ambassador in the United Kingdom (Winant) to the Assistant Secretary of War (McCloy),” European Advisory Commission, February 24, 1945, 434-435, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

G, Fundamental Human Rights, Every state and federal constitution in Germany shall contain specific and effective guarantees of the rights of the individual including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech and assembly and other basic human rights. Inform the provisional government that Allied approval of the constitution will depend upon the fulfillment of the following conditions: (5) The basic rights of the individual including free speech, freedom of religion, freedom of assembly and association and other equally basic rights of man are recognized and guaranteed.<sup>358</sup>

Thematic support for Fourth Amendment freedoms was identified in *The United States Military Governor for Germany (Clay) to the Under Secretary of the Army (Draper)*, August 19, 1948, “6. Military Governors will guarantee protection of individuals against unreasonable search, seizure and arrest, etc.”<sup>359</sup>

Thematic support for Fourth Amendment freedoms was identified in *Report by the Special Committee to the Council of Foreign Ministers*, April 11, 1947:

The Special Committee submits to the Council of Foreign Ministers the following draft directives for the Control Council. Basic Human Rights - The U.S. and U.K. Delegations propose: 4. Shall ensure that any future constitution for Germany as a whole and, through the Zone Commanders, that every state (Land) constitution in Germany contains specific and effective guarantees of the

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<sup>358</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Report by the Coordinating Committee to the Council of Foreign Ministers-MOSCOW-Secret-Preparation of the Proposals in Regard to the Report of the Allied Control Council,” March 26, 1947, 401-405, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>359</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, Volume II, August 19, 1948, 600, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

rights of the individual regardless of race, sex, language or creed, including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech, assembly and association, freedom of movement and communication, the equality of all before the law and the courts, equal rights for education and of access to all employments, and also effective guarantees for freedom of the press and radio, and for independence of the judiciary.<sup>360</sup>

Thematic support for Fourth Amendment freedoms was identified in *Draft Decisions of the Council of Foreign Ministers on the Report of the Allied Control Council for Germany - I. Agreed Recommendations*, April 2, 1947:

Basic Human Rights: 4. To ensure that any future constitution for Germany as a whole and, through the Zone Commanders, that every state (land) constitution in Germany contains specific and effective guarantees of the rights of the individual regardless of race, sex, language, or creed, including freedom of religion, freedom from search, seizure and arbitrary arrest, freedom of speech, assembly and association, freedom of movement and communication, the equality of all before the law and the courts, equal rights for education and of access to all employments, and also effective guarantees for freedom of the press and radio, and for independence of the judiciary.<sup>361</sup>

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<sup>360</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, Volume II - “Report by the Special Committee to the Council of Foreign Ministers,” April 11, 1947, 446, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>361</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Volume II - Council of Foreign Ministers, Moscow Draft Decisions of the Council of Foreign Ministers on the Report of the Allied Control Council for Germany - I. Agreed Recommendations,” April 2, 1947, 428, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.



Thematic support for Tenth Amendment freedoms was identified in *The London Conference on Germany—The Ambassador in the United Kingdom (Douglas) to the Secretary of State—Secret*, March 1, 1948:

Douglas gave further details U.S. views stating central government would be based on constitution to be drafted by democratically elected Constituent Assembly and subject to approval by occupying powers and direct ratification by electorate of each Land (not by electorate as whole). Only general restrictions would be placed on framers of constitution. He reiterated that central government would be assigned specific powers: all other powers reserved to states. Constitution should also protect civil rights, personal liberties, possibly under a bill of rights.<sup>362</sup>

Thematic support for Tenth Amendment freedoms was identified in the *United States Daily Journal of Meetings, Deputies for Germany of the Council of Foreign Ministers, London, November 6-22, 1947*, "The U.S., UK and French all agreed that any central government of Germany should have only those powers specifically given it by the Constitution and should not have powers in the realm of education, religion, cultural affairs, security . . ." <sup>363</sup>

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<sup>362</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, "The Ambassador in the United Kingdom Douglas to the Secretary of State," *The London Conference on Germany*, Volume II, March 1, 1948, 107, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>363</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, "United States Daily Journal of Meetings, Deputies for Germany of the Council of Foreign Ministers, London, November 6-22, 1947," Volume II, *Council of Foreign Ministers, London, November 13, 1947*, 709, accessed May 4, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

The Library of Congress

A total of one document was collected from the *Library of Congress*. The one document contained several relevant themes correlating to Bill of Rights freedoms. Table 10 displays the results regarding thematic support of Bill of Rights freedoms contained in the document.

Table 10

*Library of Congress - U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)										
Democrat Support (Y/N)*	Y(6)**	N(1)	Y(1)	Y(1)	Y(4)	Y(2)	Y(2)	Y(1)	Y(1)	Y(2)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for Bill of Rights freedoms was identified in the Translation of the German Constitution, titled *The Bonn Constitution: Basic Law for the Federal Republic of Germany*, which was adopted by Germany on May 23, 1949.<sup>364</sup> The document identifies the freedoms incorporated into the Basic Law for the Federal Republic of Germany (Constitution) in 1949. Freedoms are identified in specific Articles contained within *The Bonn Constitution: Basic Law for the Federal Republic of Germany*. Passage of the document required the approval of the governments of the

<sup>364</sup>US Library of Congress, “The Bonn Constitution: Basic Law for the Federal Republic of Germany,” released June 1949, accessed February 6, 2015, <http://catalog.loc.gov>.

United States, Great Britain, and France with implementation carried out through the actions of their appointed Foreign Ministers and Military Governors.

Thematic support for First Amendment freedoms was noted in Article 4, “Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable” and “The undisturbed practice of religion shall be guaranteed.”<sup>365</sup>

Thematic support for First Amendment freedoms was noted in Article 5, “Every person shall have the right freely to express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.”<sup>366</sup>

Thematic support for First Amendment freedoms was noted in Article 8, “All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.”<sup>367</sup>

Thematic support for First Amendment freedoms was noted in Article 17, “Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.”<sup>368</sup>

Thematic support for First Amendment freedoms was noted in Article 18:

Whoever abuses the freedom of expression, in particular the freedom of the press (paragraph (1) of Article 5), the freedom of teaching (paragraph (3) of Article 5),

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<sup>365</sup>Ibid.

<sup>366</sup>Ibid.

<sup>367</sup>Ibid.

<sup>368</sup>Ibid.

the freedom of assembly (Article 8), the freedom of association (Article 9), the privacy of correspondence, posts and telecommunications (Article 10), the rights of property (Article 14), or the right of asylum (Article 16a) in order to combat the free democratic basic order shall forfeit these basic rights. This forfeiture and its extent shall be declared by the Federal Constitutional Court.<sup>369</sup>

Thematic support for First Amendment freedoms was noted in Article 136:

Civil and political rights and duties shall be neither dependent upon nor restricted by the exercise of religious freedom. (2) Enjoyment of civil and political rights and eligibility for public office shall be independent of religious affiliation. (3) No person shall be required to disclose his religious convictions. The authorities shall have the right to inquire into a person's membership in a religious society only to the extent that rights or duties depend upon it or that a statistical survey mandated by a law so requires. (4) No person may be compelled to perform any religious act or ceremony, to participate in religious exercises, or to take a religious form of oath.<sup>370</sup>

Thematic support for First Amendment freedoms was noted in Article 137:

(1) There shall be no state church. (2) The freedom to form religious societies shall be guaranteed. The union of religious societies within the territory of the Reich shall be subject to no restrictions. (3) Religious societies shall regulate and administer their affairs independently within the limits of the law that applies to all. They shall confer their offices without the participation of the state or the

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<sup>369</sup>Ibid.

<sup>370</sup>Ibid.

civil community. (4) Religious societies shall acquire legal capacity according to the general provisions of civil law. (5) Religious societies shall remain corporations under public law insofar as they have enjoyed that status in the past. Other religious societies shall be granted the same rights upon application, if their constitution and the number of their members give assurance of their permanency. If two or more religious societies established under public law unite into a single organization, it too shall be a corporation under public law. (6) Religious societies that are corporations under public law shall be entitled to levy taxes on the basis of the civil taxation lists in accordance with Land law. (7) Associations whose purpose is to foster a philosophical creed shall have the same status as religious societies. (8) Such further regulation as may be required for the implementation of these provisions shall be a matter for Land legislation.<sup>371</sup>

Thematic non-support for Second Amendment freedoms was noted in Article 8, “All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.”<sup>372</sup>

Thematic support for Third Amendment freedoms was noted in Article 13: [Inviolability of the home] (1) The home is inviolable. (2) Searches may be authorized only by a judge or, when time is of the essence, by other authorities designated by the laws, and may be carried out only in the manner therein prescribed. (3) If particular facts justify the suspicion that any person has committed an especially serious crime specifically defined by a law, technical

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<sup>371</sup>Ibid.

<sup>372</sup>Ibid.

means of acoustical surveillance of any home in which the suspect is supposedly staying may be employed pursuant to judicial order for the purpose of prosecuting the offense, provided that alternative methods of investigating the matter would be disproportionately difficult or unproductive. The authorization shall be for a limited time. The order shall be issued by a panel composed of three judges. When time is of the essence, it may also be issued by a single judge. (4) To avert acute dangers to public safety, especially dangers to life or to the public, technical means of surveillance of the home may be employed only pursuant to judicial order. When time is of the essence, such measures may also be ordered by other authorities designated by a law; a judicial decision shall subsequently be obtained without delay. (5) If technical means are contemplated solely for the protection of persons officially deployed in a home, the measure may be ordered by an authority designated by a law. The information thereby obtained may be otherwise used only for purposes of criminal prosecution or to avert danger and only if the legality of the measure has been previously determined by a judge; when time is of the essence, a judicial decision shall subsequently be obtained without delay. (6) The Federal Government shall report to the Bundestag annually as to the employment of technical means pursuant to paragraph (3) and, within the jurisdiction of the Federation, pursuant to paragraph (4) and, insofar as judicial approval is required, pursuant to paragraph (5) of this Article. A panel elected by the Bundestag shall exercise parliamentary control on the basis of this report. A comparable parliamentary control shall be afforded by the Länder. (7) Interferences and restrictions shall otherwise only be permissible to avert a danger

to the public or to the life of an individual, or, pursuant to a law, to confront an acute danger to public safety and order, in particular to relieve a housing shortage, to combat the danger of an epidemic, or to protect young persons at risk.<sup>373</sup>

Thematic support for Fourth Amendment freedoms were identified in Article 13:

[Inviolability of the home] (1) The home is inviolable. (2) Searches may be authorized only by a judge or, when time is of the essence, by other authorities designated by the laws, and may be carried out only in the manner therein prescribed. (3) If particular facts justify the suspicion that any person has committed an especially serious crime specifically defined by a law, technical means of acoustical surveillance of any home in which the suspect is supposedly staying may be employed pursuant to judicial order for the purpose of prosecuting the offense, provided that alternative methods of investigating the matter would be disproportionately difficult or unproductive. The authorization shall be for a limited time. The order shall be issued by a panel composed of three judges.

When time is of the essence, it may also be issued by a single judge. (4) To avert acute dangers to public safety, especially dangers to life or to the public, technical means of surveillance of the home may be employed only pursuant to judicial order. When time is of the essence, such measures may also be ordered by other authorities designated by a law; a judicial decision shall subsequently be obtained without delay. (5) If technical means are contemplated solely for the protection of persons officially deployed in a home, the measure may be ordered by an authority designated by a law. The information thereby obtained may be

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<sup>373</sup>Ibid.

otherwise used only for purposes of criminal prosecution or to avert danger and only if the legality of the measure has been previously determined by a judge; when time is of the essence, a judicial decision shall subsequently be obtained without delay. (6) The Federal Government shall report to the Bundestag annually as to the employment of technical means pursuant to paragraph (3) and, within the jurisdiction of the Federation, pursuant to paragraph (4) and, insofar as judicial approval is required, pursuant to paragraph (5) of this Article. A panel elected by the Bundestag shall exercise parliamentary control on the basis of this report. A comparable parliamentary control shall be afforded by the Länder. (7) Interferences and restrictions shall otherwise only be permissible to avert a danger to the public or to the life of an individual, or, pursuant to a law, to confront an acute danger to public safety and order, in particular to relieve a housing shortage, to combat the danger of an epidemic, or to protect young persons at risk.<sup>374</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 14: [Property, inheritance, expropriation] (1) Property and the right of inheritance shall be guaranteed. Their content and limits shall be defined by the laws. (2) Property entails obligations. Its use shall also serve the public good. (3) Expropriation shall only be permissible for the public good. It may only be ordered by or pursuant to a law that determines the nature and extent of compensation. Such compensation shall be determined by establishing an equitable balance between the public interest and the interests of those affected.

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<sup>374</sup>Ibid.



In case of dispute respecting the amount of compensation, recourse may be had to the ordinary courts.<sup>375</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 18:

[Forfeiture of basic rights] Whoever abuses the freedom of expression, in particular the freedom of the press (paragraph (1) of Article 5), the freedom of teaching (paragraph (3) of Article 5), the freedom of assembly (Article 8), the freedom of association (Article 9), the privacy of correspondence, posts and telecommunications (Article 10), the rights of property (Article 14), or the right of asylum (Article 16a) in order to combat the free democratic basic order shall forfeit these basic rights. This forfeiture and its extent shall be declared by the Federal Constitutional Court.<sup>376</sup>

Thematic support for Fifth Amendment freedoms was noted in Article 19:

[Restriction of basic rights] (1) Insofar as, under this Basic Law, a basic right may be restricted by or pursuant to a law, such law must apply generally and not merely to a single case. In addition, the law must specify the basic right affected and the Article in which it appears. (2) In no case may the essence of a basic right be affected. (3) The basic rights shall also apply to domestic artificial persons to the extent that the nature of such rights permits. (4) Should any person's rights be violated by public authority, he may have recourse to the courts. If no other jurisdiction has been established, recourse shall be to the ordinary courts. The

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<sup>375</sup>Ibid.

<sup>376</sup>Ibid.

second sentence of paragraph (2) of Article 10 shall not be affected by this paragraph.<sup>377</sup>

Thematic support for Fifth Amendment freedoms was noted in Article 103: [Hearing in accordance with law; ban on retroactive criminal laws and on multiple punishment] (1) In the courts every person shall be entitled to a hearing in accordance with law. (2) An act may be punished only if it was defined by a law as a criminal offense before the act was committed. (3) No person may be punished for the same act more than once under the general criminal laws.<sup>378</sup>

Thematic support for Sixth Amendment freedoms was identified in Article 16, “Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within 24 hours immediately following the arrest.”<sup>379</sup>

Thematic support for Sixth Amendment freedoms was identified in Article 17, “All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of a competent judge or court. Within the same time notice shall be served upon the party interested of any action which may have been taken in the matter.”<sup>380</sup>

Thematic support for Seventh Amendment freedoms was identified in Article 32: No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same. Should the latter requirement not have been complied with, the judges and courts

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<sup>377</sup>Ibid.

<sup>378</sup>Ibid.

<sup>379</sup>Ibid.

<sup>380</sup>Ibid.

shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.<sup>381</sup>

Thematic support for Seventh Amendment freedoms was identified in Article 33, “In no case shall the penalty of confiscation of property be imposed.”<sup>382</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 104: Legal guarantees in the event of detention] (1) Freedom of the person may be restricted only pursuant to a formal law and only in compliance with the procedures prescribed therein. Persons in custody may not be subjected to mental or physical mistreatment. (2) Only a judge may rule upon the permissibility or continuation of any deprivation of freedom. If such a deprivation is not based on a judicial order, a judicial decision shall be obtained without delay. The police may hold no one in custody on their own authority beyond the end of the day following the arrest. Details shall be regulated by a law. (3) Any person provisionally detained on suspicion of having committed a criminal offense shall be brought before a judge no later than the day following his arrest; the judge shall inform him of the reasons for the arrest, examine him, and give him an opportunity to raise objections. The judge shall, without delay, either issue a written arrest warrant setting forth the reasons therefor or order his release. (4) A relative or a person enjoying the confidence of the person in custody shall be

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<sup>381</sup>Ibid.; Peter Quint, “Free Speech and Private Law in German Constitutional Theory” Article 3, *Maryland Law Review* 48, no. 2 (1989): 247-349. The Basic Law at the time of ratification did not contain a “definite conclusion” as on whether Basic Law rights should be generally applicable to civil—private matters and did not incorporate jury trials. German Constitutional Courts have ruled the German Basic Law must play a role in German Civil Code matters. Since the Basic Law and the German Civil Code contain distinct provisions regarding property rights, such provisions have some Basic Law protections.

<sup>382</sup>US Library of Congress, “The Bonn Constitution: Basic Law for the Federal Republic of Germany,” released June 1949, accessed February 6, 2015, <http://catalog.loc.gov>.

notified without delay of any judicial decision imposing or continuing a deprivation of freedom.<sup>383</sup>

Thematic support for Ninth Amendment freedoms was identified in Article 2: [Personal freedoms] (1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law. (2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.<sup>384</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 30, “[Division of authority between the Federation and the Länder] Except as otherwise provided or permitted by this Basic Law, the exercise of state powers and the discharge of state functions is a matter for the Länder.”<sup>385</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 70: [Division of legislative powers between the Federation and the Länder] (1) The Länder shall have the right to legislate insofar as this Basic Law does not confer legislative power on the Federation. (2) The division of authority between the Federation and the Länder shall be governed by the provisions of this Basic Law respecting exclusive and concurrent legislative powers.<sup>386</sup>

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<sup>383</sup>Ibid.

<sup>384</sup>Ibid.

<sup>385</sup>Ibid.

<sup>386</sup>Ibid.

*The National Archives, Washington DC*

A total of 14 documents were collected from the *National Archives*. There were nine documents containing relevant themes correlating to Bill of Rights freedoms. Table 11 displays the results regarding thematic support of US Bill of Rights freedoms contained in the documents.

Table 11

*The National Archives - U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)										
Democrat Support (Y/N)*		N(8)**			Y(1)					

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic non-support for Second Amendment freedoms was identified in *Allied Control Council Order No.2, Confiscation and Surrender of Arms and Ammunition, discusses the confiscation of arms, January 7, 1946:*

In order to disarm the population and to contribute towards public security in Germany the Control Council orders as follows: 1.The carrying, possession or ownership of arms or ammunition by any person is prohibited. 2. Any person, possessing or owning any arms or ammunition, shall surrender the same to the nearest Allied Military Commander within ten days of the publication of this Order. 3. Any person having knowledge of the existence in any place whatsoever of any arms or ammunition which are not under Allied Control, or of any stocks

of arms or ammunition, or explosives, or of any installations manufacturing arms, ammunition **or** explosives, shall declare the same immediately to the nearest Allied Military Commander. 4. The carrying, concealment or ownership of arms or ammunition shall not be deemed to be an offence if such arms or ammunition are surrendered in accordance with the provisions of Paragraph 2 of this Order. 5. Nothing in this Order shall prevent the carrying and possession of arms and ammunition by the German Police under such terms and conditions as have been or may be authorised [*sic*] by the Allied Control Council. All types of firearms issued to the civil police and local authorities will be registered with the local Military Commander 6. For the purpose of this Order (a) the present Order shall include any natural or juristic person **or** group of persons. It shall not include any military or civilian member of the Allied Forces of Occupation. (b) The term "arms and ammunition" shall include firearms of any kind, including sporting guns, ammunition of all types explosive material and side-arms of all types. It shall not include any explosive material the use of which has been authorized by the Allied Military Authorities for demolition or similar work in quarries and mines. 7. Any person failing to comply with this Order shall be liable to criminal prosecution including the death penalty.<sup>387</sup>

Thematic non-support for Second Amendment freedoms was identified in *Antique Firearms and Collections*, January 1947. Interestingly, the memorandum identifies disagreement among authorities regarding the individual possession of firearms. The

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<sup>387</sup>"Allied Control Council Order No.2," January 7, 1946, RG466 Records of the US High Commission for Germany, United States National Archives.

memorandum addresses the issue of indigenous persons being allowed to retain possession of antique or souvenir firearms. Ultimately, the U.S. Military Government was not supportive of allowing private possession of antique or souvenir firearms:

It has come to the attention of this Headquarters that in many instances written or oral permission has been granted by Military Government Agencies and accredited Allied individuals to indigenous persons to retain their possession antique or souvenir weapons or firearms, including collections of such items. This practice is contrary to existing Military Government Regulations and will be discontinued. Any previous assurance, whether written or oral, to any private collector or individual that his weapons or firearms were considered works of art, souvenirs or valuable antiques, and thus were not subject to surrender as provided in Military Government Regulations, is hereby declared invalid.<sup>388</sup>

Thematic non-support for Second Amendment freedoms was identified in *Classification of Airguns as Prohibited Weapons*, December 18, 1946:

Following the filing of application for use of air rifles at German carnivals, the Public Safety Branch, this Headquarters, advised the three Laender Public Safety Branches as follows, in letter of 24 October: ‘The request for approval of use of airguns or simulated weapons of any type which propel a projectile should be denied. Such weapons in the possession of Germans should be surrendered in accordance with Control Council Order No. 2 (MGR 23-151.2). The weapons described can be used with deadly purpose, are capable of being readily converted

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<sup>388</sup>“Antique Firearms and Collections,” January 1947, RG466 Records of the US High Commission for Germany, United States National Archives.

to firearms using standard ammunition, and therefore come within the provision of Control Council Order No. 2.<sup>389</sup>

Thematic non-support for Second Amendment freedoms was identified in the *Extract of the U.S. Theater Commanders Weekly Staff Conference, subject, Order No.2*, January 28, 1947, in which the number of firearms violations and convictions were discussed. The extract also noted an amnesty period:

Military Government has declared an amnesty period for the surrender of arms and ammunition by the civilian population in the U.S. occupied Zone of Germany. This amnesty period will begin at 0100 hrs, 1 Feb. 1947 and end at 2400 hrs, 10 Feb 1947. The purpose of the amnesty is to provide the civilian population with an opportunity to turn in or report the location of firearms, explosives, and other prohibited articles listed in Allied Control Council Order No. 2, and Military Government Ordinance No. 11.<sup>390</sup>

Thematic non-support for Second Amendment freedoms was identified in *Any Instances of Possession of Arms or Ammunition*, which does not contain any written information but has an attachment of a Stars and Stripes news article, “9,270 Weapons Surrendered By Germans,” February 27, 1947. The Stars and Stripes article notes, “Germans in the American Zone surrendered 9,270 firearms and 252,289 rounds of

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<sup>389</sup>“Classification of Airguns as Prohibited Weapons,” December 18, 1946, RG466 Records of the U.S. High Commission for Germany, United States National Archives.

<sup>390</sup>“Extract of the US Theater Commanders Weekly Staff Conference, Subject, Order No. 2,” US Theater Commanders Weekly Staff Conference, dated January 28, 1947, RG466 Records of the US High Commission for Germany, United States National Archives.



ammunition in the 10-day Military Government amnesty period during which they could dispose of their arms without fear of prosecution.”<sup>391</sup>

Thematic non-support for Second Amendment freedoms was identified in *Instances of illegal possession of arms and ammunition*, January 19, 1948:

Scattered reports throughout the U.S. Zone involving illegal use or possession of weapons and explosives indicated inadequate control over this aspect of internal security. There is no evidence that subversive elements have accumulated or stored caches of weapons and explosives for future use; most reported instances during this period, as in the past, involved possession or usage of weapons for individual or profit motives. Armed robberies and armed assaults continued to be reported, and certain criminal elements are not loath to employ lethal weapons to carry out their illegal activities. Police raids and searches in DP camps and private residences resulted in the confiscation of hidden weapons and explosives which were intended for future use or sale.<sup>392</sup>

Thematic non-support for Second Amendment freedoms was identified in *U.S. European Command Secret Intelligence Summary*, March 1, 1948:

Although no direct connection with subversive activity was detected in incidents involving illegal possession of weapons and explosives, the continuous large number of armed assaults and robberies indicate a serious factor adversely affecting the security of the United States Zone. Weapons are considered as assets

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<sup>391</sup>“Any Instances of Possession of Arms or Ammunition,” U.S. Military Surveillance–Sub File Memorandum, dated January 13, 1948, RG466 Records of the U.S. High Commission for Germany, United States National Archives.

<sup>392</sup>“Instances of illegal possession of arms or ammunition,” US Military Surveillance – Sub File memorandum, dated January 19, 1948, RG466 Records of the US High Commission for Germany, United States National Archives.

rather than liabilities to those elements of the population engaged in criminal activities, thus prison sentences and heavy fines have not deterred these individuals from obtaining illegal weapons to increase their personal profits.<sup>393</sup>

Thematic non-support for Second Amendment freedoms was identified in *U.S. European Command Secret Intelligence Summary*, May 25, 1948, “Despite the Military Government ruling forbidding the possession of weapons and explosives by Germans and displaced persons, new and flagrant instances are continually being reported.” The Intelligence Summary notes, “Indications that weapons are still in the hands of German civilians are seen in the increase in game poaching which is more evident as a result of the meat shortage in the German ration.” The Intelligence Summary states, “Displaced persons figured in the reports of illegal and concealed weapons and explosives and in unwarranted attacks on other persons.”<sup>394</sup>

Thematic support for Fifth Amendment freedoms was identified in *Laenderrat Request L 19-3 concerning Draft Supplementary Law to the Law concerning Punishment of National Socialist Criminal Acts*, June 20, 1947. The document is a discussion on the principle of double jeopardy and addresses a request from the Laenderrat to allow the re-prosecution and sentencing of crimes committed under the Nazi regime as in some cases the crimes went unpunished or inadequately punished:

The draft law, appended at TAB A, purports to supplement the Laws concerning Punishment of National Socialist Criminal Acts, enacted uniformly in the several

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<sup>393</sup>“Illegal Possession of Arms and Ammunition,” U.S. Military Surveillance–Sub File Memorandum, dated March 1, 1948, RG466 Records of the U.S. High Commission for Germany, United States National Archives.

<sup>394</sup>“Illegal Possession of Arms or Ammunition,” U.S. Military Surveillance–Sub File Memorandum, dated May 25, 1948, RG466 Records of the U.S. High Commission for Germany, United States National Archives.

Laender of the U.S. Zone. It provides for the resumption of criminal proceedings, upon which final judgment has been passed, against persons who, for political, racial or anti-religious, were either acquitted or punished with a disproportionately mild penalty. Such resumption of criminal proceedings shall, however, take place only if a major crime is involved and shall not be admissible after 31 December 1948.<sup>395</sup>

The document points out that the U.S. Military Government for Germany had previously deleted similar aspects of draft laws citing “double jeopardy” issues. For example, the document notes:

When, early in 1946, the draft Law on Punishment of National Socialist Crimes was submitted by the Laenderrat to Military Government for approval, a provision analogous to the draft here under consideration was deleted from the draft at the request of Military Government for the reason that a provision permitting the reopening of criminal proceedings which have been completed may be construed as a violation of the principle of double jeopardy.” It is a basic policy of the occupation that judgments in criminal cases which were influenced by Nazi ideology to the point of constituting flagrant injustices be considered invalid and be made the subject of retrials. The present law is designed to remedy such National Socialist wrongs committed in the administration of criminal justice and, therefore, is in accordance with Military Government policy.<sup>396</sup>

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<sup>395</sup>“Laenderrat Request L 19-3 concerning Draft Supplementary Law to the Law concerning Punishment of National Socialist Criminal Acts,” Office of Military Government for Germany (U.S.) Legal Division, Berlin, Germany, dated June 20, 1947, RG466 Records of the US High Commission for Germany, United States National Archives.

<sup>396</sup>Ibid.

## Cumulative Findings from All Data Collection Sources

Table 12 displays the cumulative results regarding thematic support or non-support for all U.S. Bill of Rights freedoms as a result of the case study. The 22 documents collected from the data collection sites resulted in 46 instances where data were interpreted relevant to Bill of Rights freedoms.

Table 12

### *Cumulative Findings from all Data Collection Sources - U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)										
Democrat Support (Y/N)*	Y(14)**	N(11)	Y(1)	Y(5)	Y(5)	Y(2)	Y(2)	Y(1)	Y(1)	Y(4)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

The cumulative findings show support by the U.S government, headed by the Democratic Party, for all Bill of Rights freedoms with the exception of the Second Amendment in U.S. state-building for post-WWII Germany. Notably, only evidence of non-support for Second Amendment freedoms was discovered. Some Bill of Rights freedoms are noted more frequently than others as Table 12 identifies First and Second Amendment freedoms as the most recorded. No evidence was recovered that could be attributed to the Republican Party and its level of support for Bill of Rights freedoms in U.S. state-building for post-WWII Germany. Further analysis of the results will be presented in Discussion of Results.

## Other Findings

Berg states that other “relevant” themes may also be identified in content analysis.<sup>397</sup> Other relevant themes were noted during the research process. For instance, U.S. government support for democracy was a consistent theme noted throughout the research process. One representative example is the secret document, *Policy Directive for United States High Commissioner for Germany*, September 30, 1949, which stipulates the objectives and policies of the United States with respect to Germany; This document identifies support by the U.S. government for democracy in Germany, but does not specify any Bill of Rights freedoms.<sup>398</sup> The Directive is supportive of the theme of “democracy building” in Germany stating, “The German people should be enabled to develop their political independence along democratic lines in close association with the free peoples of western Europe and the Atlantic community.”<sup>399</sup>

Interestingly, some collected data correlate with security issues that are currently debated in the United States. For example, today there is a frequently used adage in support of Second Amendment freedoms that states if you outlaw guns only outlaws will have guns. This notion of outlaws with guns is identified in *U.S. European Command Secret Intelligence Summary*, March 1, 1948, “Weapons are considered as assets rather than liabilities to those elements of the population engaged in criminal activities, thus prison sentences and heavy fines have not deterred these individuals from obtaining

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<sup>397</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 325.

<sup>398</sup>“Policy Directive for United States High Commissioner for Germany,” September 30, 1949, *RG466 Records of the US High Commission for Germany*, United States National Archives.

<sup>399</sup>*Ibid.*

illegal weapons to increase their personal profits.”<sup>400</sup> Ironically, the United States supported laws banning the possession of firearms for most people in Germany did not completely diminish the criminal use of firearms, as the adage suggests.

The prohibition placed on arms possession<sup>401</sup> can be viewed as sound immediate post-war security policy, since concerns of subversive activity undermining United States post-war policies and interests must be addressed. U.S. government post-WWII Germany policy implemented strong anti-gun possession restrictions including banning possession by anyone other than authorized military or selected German government officials. However, data show even though arms acquisition by subversive elements was lacking, a firearms ban remained. For instance, almost three years after the ending of the war with Germany and long into the state-building period, noted in *Instances of illegal possession of arms and ammunition*, January 19, 1948:

Scattered reports throughout the U.S. Zone involving illegal use or possession of weapons and explosives indicated inadequate control over this aspect of internal security. There is no evidence that subversive elements have accumulated or stored caches of weapons and explosives for future use; most reported instances during this period, as in the past, involved possession or usage of weapons for individual or profit motives.<sup>402</sup>

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<sup>400</sup>“Illegal possession of arms and ammunition,” US Military Surveillance – Sub File memorandum, dated March 1, 1948, RG466 Records of the US High Commission for Germany, United States National Archives.

<sup>401</sup>“Allied Control Council Order No.2,” January 7, 1946.

<sup>402</sup>“Instances of Illegal Possession of Arms or Ammunition,” U.S. Military Surveillance – Sub File memorandum, dated January 19, 1948, RG466 Records of the U.S. High Commission for Germany, United States National Archives.

Some evidence leaning toward non-support for Second Amendment freedoms was collected. For example, a determination regarding support for Second Amendment freedoms was not made for *Department of State Policy Statement August 26, 1948*, “1. Political (a) Demilitarization and Security—The broad demilitarization policy of the U.S. is to enforce complete disarmament of Germany, to achieve the elimination of or effective control over any remaining capacity to make war, and to eradicate militaristic ideas from German cultural life.”<sup>403</sup> Although the statement discusses general disarmament, an individual arms theme was not identified; therefore, the document was not included in Findings. Similarly, determination of support or non-support for Second Amendment freedoms was not made for *Washington Agreements on Germany—Paper Prepared in the Department of State March 31, 1949*:

7. The United States recognizes from the experience of the past that once such an uncontrolled and segregated political and economic entity were to be recreated, paper limitations on armaments and industry, no matter how necessary it seems now to adopt them, might well once more prove to be ropes of sand and create merely a delusion of security.<sup>404</sup>

Since the discussion of armaments was non-specific, no link to individual arms rights was interpreted. Yet another example of non-specificity is provided with the *Roosevelt-Joint Statement with Churchill and Stalin on the Yalta Conference*, February 11, 1945:

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<sup>403</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, General Policies for Germany – “Department of State Policy Statement,” August 26, 1948, 1305, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>404</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Washington Agreements on Germany,” Volume III, March 31, 1949, Paper Prepared in the Department of State, Foreign Relations, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

It is our inflexible purpose to destroy German militarism and Nazism and to ensure that Germany will never again be able to disturb the peace of the world.

We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism; remove or destroy all German military equipment; eliminate or control all German industry that could be used for military production; bring all war criminals to just and swift punishment and exact reparation in kind for the destruction wrought by the Germans; wipe out the Nazi Party, Nazi laws, organizations and institutions, remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people; and take in harmony such other measures in Germany as may be necessary to the future peace and safety of the world. It is not our purpose to destroy the people of Germany, but only when Nazism and militarism have been extirpated will there be hope for a decent life for Germans, and a place for them in the comity of Nations.<sup>405</sup>

Although there is discussion of disarming, arms and military equipment and arguably silencing of freedom of speech, no specificity relating to individual liberties is identified. Consequently, the data were not reflected in Findings.

Other data collected, but not specific to Germany, are noteworthy for providing additional insight regarding United States foreign policy and Bill of Rights freedoms

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<sup>405</sup>University of Virginia-Miller Center, "Roosevelt-Joint Statement with Churchill and Stalin on the Yalta Conference, February 11, 1945," accessed August 18, 2015, <http://millercenter.org/president/gwbush>.



including free speech and individual arms rights. For example, *The Acting Secretary of State to the Diplomatic Representatives in the American Republics*, April 4, 1945, notes specific United States policy demands regarding firearms possession that were required to be fulfilled by Argentina in order to receive recognition from the United States:

7. Decree for special registration within 10 or 20 days of all nationals of enemy countries over 14 years of age and also the registration of within 30 days of all those of enemy origin who have been naturalized as Argentines. The decree also calls for the surrender of firearms and radios and restricts freedom of movement and communication of such persons.<sup>406</sup>

Also noteworthy, due to its content linking government sanctioned firearms violence in the violation of democratic principles and individual freedoms, is *The Secretary of the United States Mission in Bulgaria (Rewinkel) to the Secretary of State*, September 10, 1945,<sup>407</sup> which discusses the state of post-WWII Bulgaria. The document details armed government agents suppressing democracy. Secretary Rewinkel reports the following as “good resume of Bulgarian situation,”<sup>408</sup>

1. The FF (Fatherland Front), completely dominated by Communists who work in constant and intimate contact with Russians, is in almost absolute control of Government. This front has nearly the power in Bulgaria that the Nazi Party had in Germany. 2. FF imposes will by violence using murder and terror

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<sup>406</sup>University of Wisconsin, Digital Collections—Foreign Relations, “The Acting Secretary of State to the Diplomatic Representatives in the American Republics,” April 4, 1945, 374, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>407</sup>University of Wisconsin, Digital Collections - Foreign Relations, “Bulgaria, The Secretary of the United States Mission in Bulgaria (Rewinkel) to the Secretary of State,” Volume 4, September 10, 1945, 322, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>408</sup>*Ibid.*

unprecedented since time of Turks. It maintains a Communist-dominated militia equipped with tanks, artillery, machine guns and rifles as well as special shock troops resembling Hitler's SS men. It and other Communist agencies recognize no law and threaten every opponent with death. 3. No property is safe. Militia seize furniture, houses and factories on few hours notice simply appearing and expelling occupants. 4. People are jailed in order to force them to deliver arbitrary sums in gangster kidnapping tradition. Billions of leva have been stolen at point of guns. Such money is sometimes used for government and other times used for party purposes and even for purely personal advantages. 5. There is complete suppression of freedom of expression. 6. Most Bulgarians are village peasants whose villages are terrorized by armed, organized Communist bands who willfully dispose of life and property. Regime is *exact antithesis* of people's government and is regime of dictatorship by small group of workers and intellectuals directed against people.<sup>409</sup>

Another example related to U.S. foreign policy and support for Bill of Rights freedoms is the *Proposals for a Treaty for the Reestablishment of an Independent and Democratic Austria*, April 26, 1946, which details U.S. government support for First Amendment freedoms in post WWII Austria:

By the treaty Austria would undertake to take all measures necessary to secure to all persons under its jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and the fundamental freedoms including

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<sup>409</sup>Ibid.

freedom of expression, press and publication, of religious worship, of political opinion, and of public meeting.<sup>410</sup>

Additionally, in regard to the development of a post-WWII Europe including Germany, Roosevelt showed general support for freedom of religion in his *Address to Congress on the Yalta Conference*, March 1, 1945, “It cannot be a structure of complete perfection at first. But it can be a peace—and it will be a peace—based on the sound and just principles of the Atlantic Charter—on the concept of the dignity of the human being—and on the guarantees of tolerance and freedom of religious worship.”<sup>411</sup>

### Discussion of Results

This case study set out to address the research question, to what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Germany 1945-1949. The hypothesis argues that the extent of the U.S. government’s incorporation of individual firearms rights, as opposed to the other nine Bill of Rights freedoms, in U.S.-led Germany state-building efforts is driven by the ideology of the political party in control of the Executive Branch at the time of the conduct of Germany state-building. This case study strategy collected evidence from multiple primary sources and archival sites and used thematic content analysis to systematically identify themes showing the level of U.S. government and associated political party support for all Bill of Rights freedoms.

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<sup>410</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Secret-Paris—Proposals for a Treaty for the Reestablishment of an Independent and Democratic Austria,” Volume II, 1946, 124, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>411</sup>American Presidency Project, “Address to Congress on the Yalta Conference,” March 1, 1945, accessed January 19, 2015, <http://www.presidency.ucsb.edu>.

Results of this case study suggest the party in charge of the U.S. government, the Democratic Party, was found to be supportive of all Bill of Rights freedoms less the Second Amendment. Notably, cumulative totals for instances of relevant thematic evidence identified First and Second Amendment freedoms as the most noted with First Amendment freedoms being supported and Second Amendment freedoms not supported. First Amendment freedoms are considered universal freedoms. Moreover, after suffering years of Nazi censorship and propaganda, it would be inconceivable not to support and implement these freedoms to assist in destroying any remaining Nazi support and to foster principles of democracy in post WWII Germany. Support for those Bill of Rights freedoms are in contrast to the lack of evidence supportive of individual arms rights. Several reasons could be argued over why no support was observed by the U.S. government for Second Amendment freedoms in post-WWII Germany. Unfortunately, the Data Collection Sites did not provide any evidence explaining the lack of support for Second Amendment freedoms with the possible exceptions of evidence suggesting criminal and insurgency use of firearms. Nevertheless, as noted in the Literature Review, there may be some logical reason that explains the lack of support for the missing Amendment. Perhaps, Second Amendment freedoms are unique to culture, and Germans at the time did not demand such rights. It may be that the U.S. government, controlled by the Democratic Party and consistent with ideology, was not supportive of individual arms rights. As noted in the Literature Review, there is strong evidence revealing correlation between public opinion, political party and matters of foreign policy.<sup>412</sup> Political parties

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<sup>412</sup>Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies," 479-512; Aldrich, Gelpi, Feaver, Reifler, and Sharp, *Annual Review Political Science*, 477-502.

develop as a result of agreement on significant issues of public policy. Candidates are elected and their administrations are expected to further the party's common goals and objectives. All major Federal firearms legislation shows the majority of Federal legislation limiting individual arms rights was enacted while the Democratic Party was in control of the Executive and Legislative branches of government.<sup>413</sup> During the timeframe for this case study, 1945-1949, Democrats held power in the Executive Branch and also held the majority of seats in the House of Representatives and Senate during most of the research period with the exception of 1947-1949.<sup>414</sup> Hence, it may not be surprising that evidence supportive of individual firearms rights in post-WWII Germany by a democratic administration was not observed.

No evidence was collected identifying a Republican Party position on U.S. state-building for post-WWII Germany and level of support for Bill of Rights freedoms. The lack of evidence identifying a Republican Party position on the Bill of Rights freedoms appears problematic. However, during the timeframe for this case study, 1945-1949, Democrats held power in the Executive Branch and also held the majority of seats in the House of Representatives and Senate during most of the research period with the exception of 1947-1949.<sup>415</sup> Consequently, the lack of data collected regarding Republican Party leanings in U.S. state-building efforts may not be surprising. Nevertheless, since

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<sup>413</sup>Cook and Goss, *The Gun Debate: What Everyone Needs to Know*; Gary Kleck, *Targeting Guns: Firearms and Their Control*, New York: Aldine De Gruyter, 1997); William Vizzard, *Shots in the Dark: The Policy, Politics and Symbolism of Gun Control*, (Lanham, MD: Rowman and Littlefield, 2000.

<sup>414</sup>United States House of Representatives, accessed June 21, 2015, <http://history.house.gov/Institution/Party-Divisions/Party-Divisions/>; United States Senate, accessed June 20, 2015, <http://www.senate.gov/history/partydiv.htm>.

<sup>415</sup>United States House of Representatives, accessed June 21, 2015, <http://history.house.gov/Institution/Party-Divisions/Party-Divisions/>; United States Senate, accessed June 20, 2015, <http://www.senate.gov/history/partydiv.htm>.

being the opposition party offers opportunities to speak against the party in power on matters of national interest, such as U.S. state-building, one would think documented opposition or support to the party in power would be located. Certainly, there may be evidence somewhere that identifies the position of the Republican Party, but none was found during the research process. Yet, the lack of evidence may be evidence itself, as Powner notes that a researcher cannot declare the absence in reference to an issue means that a policymaker did not have a position on the issue(s) in question. She states, “. . . lack of evidence can itself be evidence in certain circumstances.”<sup>416</sup> Even though Powner’s concept suggests, along with other possibilities, the lack of Republican documentation as agreement with U.S. government policy for Germany, specific differences between the Republican and Democratic parties regarding U.S. state-building and Bill of Rights freedoms were not identified during the research process. Thus, the Dissertation’s hypothesis regarding U.S.-led state-building efforts and ideology of political party is null.

Significantly, evidence reveals U.S. government support for all Bill of Rights freedoms in U.S.-led Germany state-building less the Second Amendment. Evidence reveals the U.S. government was specific in its support of most U.S. Bill of Rights freedoms, in many instances verbatim, in its policies, documents, letters, and other evidence regarding U.S. led state-building in post-WWII Germany. In contrast, no evidence was collected, from either political party, displaying thematic support for Second Amendment freedom in Germany state-building. Furthermore, an abundance of

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<sup>416</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student’s Practical Guide*, 219.

evidence was collected showing a propensity of U.S. government support of First, Fourth, and Fifth Amendment freedoms primarily consisting of religious, press, assembly, and search and seizure protections. This is consistent with the premise of the research question that suggests a lower level of support by the U.S. government for Second Amendment freedoms, compared to the other nine Bill of Rights freedoms in state-building efforts. Moreover, some evidence, such as the U.S. approved *Bonn Constitution: Basic Law for the Federal Republic of Germany*, which stipulates the individual freedoms for Germany and was adopted by Germany on May 23, 1949,<sup>417</sup> displays thematic non-support by the American government towards Second Amendment freedoms in Germany. For example, in Article 8 of the German Constitution, thematic non-support for Second Amendment freedoms is exhibited by its individual disarmament requirement, “All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.”<sup>418</sup> Ultimately, findings suggest that the U.S.-approved German Constitution contains all Bill of Rights freedoms less individual firearms freedoms.

In sum, this case study set out to address the research question, “To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Germany (1945-1949)?” and to test the hypothesis, “The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the

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<sup>417</sup>US Library of Congress, “The Bonn Constitution: Basic Law for the Federal Republic of Germany,” released June 1949, accessed February 6, 2015, <http://catalog.loc.gov>.

<sup>418</sup>*Ibid.*

political party in control of the executive branch at the time of the conduct of a given state-building project.” Olsti defines content analysis as “any technique for making inferences by objectively and systematically identifying specified characteristics of messages.”<sup>419</sup> Results of this content analysis suggest the U.S. government was supportive of all U.S. Bill of Rights freedoms, such as religion, press, speech, and criminal justice protections, less the Second Amendment. Results fail to produce evidence of U.S. government support of individual arms rights freedoms for Germans. Moreover, evidence was collected showing U.S. non-support for individual arms rights in U.S. post-WWII Germany state-building from 1945-1949. Thus, in addressing the research question, findings suggest the U.S. government provided less support for Second Amendment freedoms as compared to the nine other freedoms specified in the U.S. Bill of Rights in post-WWII German state-building from 1945-1949.

Regarding the hypothesis, no evidence was collected exhibiting the position of the Republican Party in regards to individual arms rights for post-WWII Germany. Furthermore, no evidence was collected inferring either political party was supportive of individual arms freedoms in post-WWII Germany state-building from 1945-1949. The evidence did not identify any distinctions between the Republican Party and the Democratic Party regarding support for Second Amendment freedoms in U.S. state-building in Germany from 1945-1949. Although evidence was collected showing in some instances the U.S. government, controlled by the Democrat Party, was non-supportive of individual arms rights during the time of U.S.- led Germany state-building, evidence fails

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<sup>419</sup>Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley:MA, 1969, p .14.



to identify any relationship between an American political party and level of support for Second Amendment rights. Therefore, testing of the case study supports the null hypothesis in that the extent of the U.S. government's incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts was not shown to be affected by the ideology of the political party in control of the Executive Branch at the time of the conduct of a given state-building project.

### Research Limitations

Powner notes, "Every study has limitations" with the most common being available evidence and study design.<sup>420</sup> This case study like all studies has limitations, the most significant of which are identified in this section. As noted in the Methodology chapter, "procedures may change during the course of the research."<sup>421</sup> One change was the addition to the recording process where coded data were transferred to Microsoft Excel spreadsheets after completion of coding sheets. The use of Microsoft Excel was not previously noted under Dissertation Data Collection Procedures. The use of the Microsoft Excel spreadsheets facilitated data collection, review, and analysis.

Because the research is a doctoral study, there are limitations such as number of coders. In this case, the sole data coder and theme interpreter is the doctoral candidate. Although the process offered consistency in the method, it failed to include multiple perspectives that could add additional insights and validity to the research. In order to mitigate some of the issues associated with single coding such as bias codes and themes

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<sup>420</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student's Practical Guide*, 219.

<sup>421</sup>Darren Gil, "U.S. State Building and the Second Amendment," 63.

identified in the data were reviewed and discussed with the Dissertation Chair. Further, the Dissertation Committee was presented with opportunities to address the data and analysis as the research progressed.

Berg and other researchers note that changes in coding and interpretations of data may occur during the content analysis process.<sup>422</sup> Berg notes some of the interpretation issues in his discussion of manifest and latent content analysis and how interpretation difficulties can arise during coding.<sup>423</sup> Johnson and Reynolds note that interpretation of such problems can be mitigated with adequate explanation of content analysis procedures. Sorensen discusses the complexities in associating a collective with particular foreign policy positions. He notes the multiple influences associated with foreign policy decision-making.<sup>424</sup> The researcher encountered such difficulties while attempting to interpret positions on the support of Bill of Rights freedoms noted in the German Constitution. For example, implementation of the German Constitution required not only the approval of the U.S. government, through the U.S. Military Governor, but also the approval of the British and French Military Governors. In addition, representatives of Germany also had input in development of the Constitution. Thus, a consensus was required for approval of the Constitution. Generally, consensus requires give-and-take from the involved parties during negotiations. Consequently, the complete desires of any particular party may not be fulfilled in the final outcome. If true in this

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<sup>422</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309.

<sup>423</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309; Holsti. "Content Analysis" in *The Handbook of Social Psychology* 2nd ed., Vol. 2, ed. G. Lindzey and E. Aronson (New Delhi: Amerind, 1975); Chieh-Chieh Bowen and William Bowen, "Content Analysis *Handbook of Research Methods in Public Administration*, ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

<sup>424</sup>Sorensen, "Foreign Policy in a Presidential Democracy," 515-28.

case, U.S. support for Bill of Rights freedoms may have been impacted through the negotiation process where some rights supported by the U.S. government may have been included, while others may have been excluded due to the process. However, in this case, throughout the data collection process evidence was collected from multiple sources and multiple data collection sites showing strong support for all Bill of Rights freedoms ultimately included in the German Constitution less the Second Amendment.

Consequently, the researcher concluded that, although the German Constitution required consensus from multiple parties since the magnitude and totality of the evidence showed U.S. government support for all Bill of Rights freedoms, less Second Amendment freedoms, the evidence would be included in Findings rather than Other Findings. In addition, since the German Constitution was developed and approved by the U.S. executive branch, which was controlled by the Democratic Party, the researcher determined party affiliation would be included in Findings.

As outlined in Methodology, this case was purposefully selected for generally being recognized as the first example of successful U.S.-led state-building. Being the first and occurring in the early 20<sup>th</sup> century may have led to limitations on available evidence. In this case, data collection was limited due to time period restrictions. Consequently, a study using data collected from other sources, such as observation, interviews, and questionnaires, was not available. Olsti suggests that content analysis is useful when data accessibility is limited and the subject can only be studied through written evidence. Olsti notes that content analysis can serve as the “last resort” approach to social research when

the other techniques have been ruled out by circumstances.<sup>425</sup> Such limitations exist in this case where evidence is limited as a result of the historical nature of the case.

Although there were 14 data collection sources used, including electronic database and archives, four (29 percent) data collection sites did not offer any documents that were relevant to the research question:

1. The George W. Bush Presidential Library.
2. The William McKinley Presidential Library.
3. The U.S. Government Publishing Office-Compilation of Presidential Documents.
4. The Department of State, Remarks, Testimony, Speeches, and Briefings by Department of State Officials.

Reasons for the lack of data collection from these sources are due to limitations on documents within the research timeframes. For example, The Department of State, Remarks, Testimony, Speeches, and Briefings by Department of State Officials site limits data collection to 2009. The U.S. Government Publishing Office-Compilation of Presidential Documents limits data collection to 1993. Obviously, the William McKinley and George W. Bush Presidential Libraries failed to render data outside the data collection timeframe.

Five (36%) data collection sites offered only duplicate documents located within other data collection sites, which is supportive of triangulation. These sites also offered data determined not directly related to the research question or data that were problematic

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<sup>425</sup>Holsti. "Content Analysis in *The Handbook of Social Psychology*, 2nd ed., Vol. 2, ed. G. Lindzey and E. Aronson (New Delhi: Amerind, 1968).

in addressing the hypothesis. Some of the unrelated data and problematic data are mentioned in Other Findings. In order to prevent distortion of results, duplicate documents were recorded only one time from one data collection site and noted in Findings. The five data collection sites are as follows:

1. The Harry S. Truman Presidential Library.
2. The Constitution Finder.
3. The Presidential Rhetoric, Historical Presidential Speeches.
4. The United States Senate, U.S. Senate Speeches.
5. The University of Virginia, Presidential Speech Archive, Miller Center.

Researchers note content analysis evidence is limited to the examination of already recorded messages.<sup>426</sup> Evidence identifying discussions regarding individual arms rights in U.S. state-building for Germany, similar to the *Federalist Papers*, may exist. In order to expand the universe of potentially useful data, future research methodologies may need to select additional data collection sources to obtain additional evidence relating to the research question.

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<sup>426</sup>Berg, *Qualitative Research Methods for the Social Sciences*, Pearson, 2007, 328; Holsti. "Content Analysis in *The Handbook of Social Psychology*, 2nd ed., Vol. 2, ed. G. Lindzey and E. Aronson (New Delhi: Amerind, 1968).

There are weaknesses associated with content analysis regarding the interpretation of content, including coder bias and reliability. Simply, one coder might examine and interpret data differently from another coder using the same evidence. As McTavish and Pirro note, “. . . the research problem and the theory the investigator uses will specify the relevant meanings in appropriate text for certain research purposes.”<sup>427</sup> Providing excerpts of the evidence helps mitigate some of the concerns by affording reviewers the opportunity to compare evidence to the researcher’s interpretation. Furthermore, explanation of coder analysis and interpretation of content may be beneficial for reliability and validity by exposing coder biases and identification of the system used for the analysis.

System means that the inclusion and exclusion of content or categories are completed according to consistently applied rules.<sup>428</sup> Thus, explaining evidence collection and examination provides understanding on the system used by the researcher and adds to validity and reliability. For instance, some coder reliability and triangulation were instilled through the finding of numerous duplicate documents collected from different data collection sources. After all coding was completed, duplicate documents were compared. Comparisons show that duplicate documents contained similar coding for themes, thereby exhibiting consistency in coding. Also, this issue is minimized for this study as there was only one coder used for the study with potential biases identified in Methodology. Most thematic data included in Findings were clearly associated, if not

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<sup>427</sup>McTavish and Pirro, “Contextual Content Analysis,” 247.

<sup>428</sup>Holsti “Content Analysis” in *The Handbook of Social Psychology*, 1975, 601; Chieh-Chieh Bowen and William Bowen, “Content Analysis *Handbook of Research Methods in Public Administration*, ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

verbatim, in support of corresponding Bill of Rights freedoms with the exception of the Second Amendment.

Some of the thematic data associated with individual firearms freedoms were not as easily interpreted. Since no thematic evidence even mildly supportive of individual firearms rights was identified, no additional thematic interpretation of data was required. However, some evidence was collected and interpreted as “thematic non-support” of individual firearms rights. For example, the *Basic Statements of Policy Regarding Germany*, August 12, 1948, which stated, “. . . no person in Germany other than members of the occupying forces shall be permitted to bear arms. . .”<sup>429</sup> were specific in opposition to individual arms rights. Such data required minimal interpretation and understanding as thematic non-support and are included in Findings. In contrast, some thematic data lacked conclusive evidence and were not included in Findings but were included in Other Findings. To maintain a focus on the phenomenon of individual arms rights, evidence that was more focused on post-WWII general German disarmament was not included in findings. For example, thematic support for individual arms rights was not determined for *Department of State Policy Statement* August 26, 1948, which states, “1. Political (a) Demilitarization and Security—The broad demilitarization policy of the US is to enforce complete disarmament of Germany, to achieve the elimination of or effective control over any remaining capacity to make war, and to eradicate militaristic ideas from German

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<sup>429</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, “Basic Statements of Policy Regarding Germany, 1948,” Volume II, General Policies for Germany—“Department of State Policy Statement,” August 12, 1948, 1331-1332, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

cultural life.”<sup>430</sup> Although the statement discusses general disarmament, an individual arms theme was not identified; therefore, the document was included in Other Findings but not included in Findings. Distinguishing between the desire to disarm the military capability of Germany and the disarming of individual Germans might have been facilitated had there been some evidence showing some acceptance of individual arms rights. However, this was not the case. No evidence of acceptance for any individual arms rights was observed. Themes presented a pattern exhibiting the desire to disarm all Germans regardless of any association with German military rearmament. Also, it should be noted that the researcher did not code the absence of evidence as non-support of Bill of Rights freedoms. Only verifiable thematic evidence, presented as excerpts, was reported in Findings—not thematic lack of evidence. Support or non-support required the evidence to exhibit specificity of non-support or supportive characteristics. For example, although the German Constitution contains thematic support for all Bill of Rights freedoms with the exception of the Second Amendment, the lack of content or evidence relating to Second Amendment freedoms was not reported as non-support. In contrast, Article 8 of the German Constitution was reported as thematic non-support for Second Amendment freedoms for its specific content articulating “unarmed.” “All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.”<sup>431</sup>

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<sup>430</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, General Policies for Germany –“Department of State Policy Statement,” August 26, 1948, 1305, accessed May 3, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>431</sup>Ibid.



A determination regarding support for individual arms freedoms was not made for the secret *Policy Directive for United States High Commissioner for Germany*, September 30, 1949, linking political conditions with military potential. “It is essential that Germany should not again be permitted to develop political conditions or a military potential which might threaten the independence of other nations or the peace of the world.”<sup>432</sup> Although “military potential” might be interpreted and associated with arms, it was determined by the coder to be of a general nature and was not included in Findings.

Also, a determination of support or non-support for Second Amendment freedoms was not made for *Washington Agreements on Germany-Paper Prepared in the Department of State*, March 31, 1949:

7. The United States recognizes from the experience of the past that once such an uncontrolled and segregated political and economic entity were to be recreated, paper limitations on armaments and industry, no matter how necessary it seems now to adopt them, might well once more prove to be ropes of sand and create merely a delusion of security.<sup>433</sup>

Although the document discusses armaments, which might include individual arms, the coder determined the data were not specific enough to include in Findings. Similarly, a position on individual arms rights could not be identified in the *Roosevelt - Joint Statement with Churchill and Stalin on the Yalta Conference*, February 11, 1945:

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<sup>432</sup>“Policy Directive for United States High Commissioner for Germany,” September 30, 1949.

<sup>433</sup>Foreign Relations 1949, Volume III - Washington Agreements on Germany,” Paper prepared in the Department of State,” March 31, 1949, 145, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

It is our inflexible purpose to destroy German militarism and Nazism and to ensure that Germany will never again be able to disturb the peace of the world.

We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism; remove or destroy all German military equipment; eliminate or control all German industry that could be used for military production; bring all war criminals to just and swift punishment and exact reparation in kind for the destruction wrought by the Germans; wipe out the Nazi Party, Nazi laws, organizations and institutions, remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people; and take in harmony such other measures in Germany as may be necessary to the future peace and safety of the world. It is not our purpose to destroy the people of Germany, but only when Nazism and militarism have been extirpated will there be hope for a decent life for Germans, and a place for them in the comity of Nations.<sup>434</sup>

Although the document does not specifically address individual firearms freedoms, the strong language regarding the disarming of Germany, such as “eliminate or control all German industry that could be used for military production”<sup>435</sup> could be interpreted as thematic non-support for individual firearms freedoms. However, the coder did not include the document in Findings based on lack of specific language regarding

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<sup>434</sup> University of Virginia-Miller Center, “Roosevelt-Joint Statement with Churchill and Stalin on the Yalta Conference,” February 11, 1945, accessed August 18, 2015, <http://millercenter.org/president/gwbush>.

<sup>435</sup> Ibid.

individual arms rights. As Powner notes, determinations on how to address the absence of references or evidence is “ultimately a judgment call by the researcher.”<sup>436</sup> Fortunately, data collected regarding most Bill of Rights freedoms was straightforward. The examples noted here exhibit some of the difficulties in interpretation of data for qualitative examinations. Interpretations by other coders may result in different interpretations and conclusions. Future examinations of Bill of Rights freedoms in U.S. state-building will have to account for such issues using different methodology.

This case study was explorative in nature as it is one case in a dissertation using a multi-case strategy and content analysis to examine the relationship between U.S. state-building, Bill of Rights freedoms, and political party affiliation. Content analysis is a research technique for making replicable and valid inferences from texts to the contexts of their use.<sup>437</sup> This research suggest that the U.S. government was supportive of democratic principles and U.S. Bill of Rights freedoms in post-WWII Germany, with the exception of Second Amendment freedoms. Although there were limitations identified in Research Limitations that impacted the study, the study contributes to the body of literature regarding U.S. state-building by presenting additional awareness and understanding regarding U.S. support for Bill of Rights freedoms in state-building and political party association with Bill of Rights freedoms. Thus, as an explorative study, this research provides additional knowledge on U.S. state-building in Germany and a foundation for future studies.

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<sup>436</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student's Practical Guide*, 221.

<sup>437</sup>Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 382.

## CHAPTER VI– RESULTS OF IRAQ CASE STUDY

This chapter outlines the findings of the thematic content analysis for the Iraq case study. This case study addressed the research question, to what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms, specified in the U.S. Bill of Rights, in its state-building efforts in Iraq from 2003-2005? More pointedly, it tested the hypothesis that the extent of the U.S. government's incorporation of individual citizen firearms rights, as opposed to the other nine Bill of Rights freedoms, in U.S.-led post war Iraq state-building was driven by the ideology of the political party in control of the Executive Branch at the time of the state-building efforts. In accordance with the dissertation's methodological approach, 13 digitally-based sources and one traditional archive were used to address the research question and test the hypothesis by using systematic thematic content analysis focusing on U.S. Presidential, U.S. State Department, U.S. Congressional, and U.S. Department of Defense documents and records exhibiting themes related to U.S. government support for Bill of Rights freedoms in U.S. state-building in Iraq.

Upon completion of steps 1 and 2 in the Methodology, 217 documents were found to contain primary and secondary data. There were 216 documents collected from the digital collection sites and one document collected from the George W. Bush Presidential Library (National Archives). In some instances duplicate documents were collected from the data collection sites. For example, searches of the University of Virginia Presidential Speech Archive and the Presidential Rhetoric speech archive resulted in an identical document, *President Bush's State of the Union Address*, January 20, 2004, being identified. It is the same document obtained from the two separate data collection sites

containing the same data regarding Bill of Rights freedoms. Recording the instances of Bill of Rights freedoms two times from the same document would overstate the number of instances for those particular Bill of Rights freedoms found in the document and distort results. The duplication may be beneficial to triangulation to some extent. However, in order to prevent findings being multiplied and distorted, duplicate findings among data collection sites were recorded only once in Results.

Step 3 assessments resulted in 60 documents containing themes relevant to the research. Other documents reviewed from step 2 were determined inapplicable. The 60 documents are identified in the Results for each Bill of Rights freedom under the corresponding data collection site. All 60 documents were collected as a result of electronic searches with no documents physically examined at the National Archive. Searches of the National Archive produced only one document that was not directly associated with Bill of Rights freedoms, although it was supportive of democracy building. An inquiry with the National Archive in Washington, DC, requesting records associated with U.S. involvement in development of the Iraqi Constitution, resulted in a referral to the George W. Bush Presidential Library and Museum. A request for data submitted to the George W. Bush Presidential Library and Museum was met with a response noting there is “. . . very little released material available on 2005 Iraqi Constitution or U.S. support for U.S. style Bill of Rights freedoms in the Iraqi Constitution at this time.”<sup>438</sup> Furthermore, the Presidential Library noted any data releases would require a Freedom of Information Act (FOIA) request. A FOIA request

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<sup>438</sup>Allen Almodovar, personal email to Darren Gil, “Re: Research Question reply dated September 22, 2015.

was submitted requesting documents related to U.S. state-building in Iraq from 2003-2005 with particular interest in Presidential, State Department, Department of Defense, Congressional, and Coalition Provisional Authority of Iraq, with no results received at the time of this writing. Due to the time limits associated with the dissertation, any documents received will have to be reviewed post-dissertation and included in future research. Additional discussion on the issue is provided in Research Limitations. In addition, some other data collection sites produced no findings and are identified in the Research Limitations section.

Themes were collected in accordance with Methodology and, in particular, Data Collection Procedures. In instances where one document contained themes relevant to multiple Bill of Rights freedoms, results were identified under the appropriate Bill of Rights freedoms and supported by the same document. Further, themes were interpreted using Boyatzis' definition of a theme where “. . . a pattern found in the information that at minimum describes and organizes the possible observations and at maximum interprets aspects of the phenomenon.”<sup>439</sup> In this case, in order to be presented as a theme, data must have been identified or described as either supportive or non-supportive—a U.S. Bill of Rights freedom (the phenomenon). There are weaknesses associated with coder interpretation of content. For example, in their discussions on manifest and latent content, Bruce Berg and Earl Babbie and others noted validity and reliability difficulties associated with interpretation and inference of content under examination.<sup>440</sup> They argue

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<sup>439</sup>Richard E. Boyatzis, *Transforming Qualitative Information: Thematic Analysis and Code Development*, Sage Publications, (Thousand Oaks, London, New Delhi, 1998), p. 4.

<sup>440</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 308-309. Berg discusses controversies over interpretation of content and suggest resolutions, including resolutions suggested by Holsti; Babbie, *The Practice of Social Research*.

that although coding manifest content can exhibit preciseness and reliability in the number of times a word is used, it does not identify underlying themes associated with the word, as in latent content analysis. In contrast, latent content analysis, where the coder must provide assessments for content, reliability and specificity may suffer due to coder bias and inconsistencies. They offer some resolution to such weaknesses by suggesting the coding of both manifest and latent content. They also suggest providing “. . . detailed excerpts from relevant statements (messages) that document the researcher’s interpretations” can help in minimizing reliability and validity concerns.<sup>441</sup> The researcher offers coded manifest and latent data analysis as well as excerpts for each thematic interpretation used in this case study. Further discussion of interpretation is presented in Other Findings and Research Limitations. In addition, political party association with each finding is presented. Additional evidence and findings linked to the research topic, but unable to adequately address the research question or test the hypothesis, are noted in Other Findings.

Study findings are reported as themes and are accompanied by direct quotes extracted from the evidence to illustrate each theme. Tables are included to display in tabular form the 10 Bill of Rights freedoms, whether thematic data were supportive or non-supportive of the indicated freedom, the number of times relevant thematic data were identified for the indicated freedom and political party affiliation. Tables will be empty where no thematic data were identified. Other Findings, Discussion of Results, and Research Limitations follow Results.

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<sup>441</sup>Berg, *Qualitative Research Methods for the Social Sciences*, Pearson, 2007, 308-309; Babbie, *The Practice of Social Research*, 319.

*American Presidency Project*

A total of 150 documents were collected from the *American Presidency Project*.

There were 34 documents containing relevant themes correlating to Bill of Rights freedoms. Table 13 shows the results regarding thematic support of Bill of Rights freedoms contained in the documents.

Table 13

*American Presidency Project – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)	Y(33)**				Y(3)	Y(1)		Y(1)		Y(1)
Democrat Support (Y/N)*										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in *President George W. Bush's Remarks to the Woodrow Wilson International Center for Scholars*, December 14, 2005:

The people of Iraq are now seeing some of the tangible benefits of their new democracy. They see that as freedom advances, their lives are improving. Iraqis have approved a bold Constitution that guarantees the rule of law and freedom



of assembly and property rights and freedom of speech and the press and women's rights and the right to vote.<sup>442</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks at the Summit of the Americas and an Exchange with Reporters in Mar del Plata*, November 4, 2005:

I do want to say how pleased I am to be here in Argentina, advancing an agenda that is based upon my belief and our country's belief that there are certain universal values. One of those values is that free societies are important to the progress of men and women, but free societies also require institutions that are solid and sound, institutions such as the right to worship freely, the right to write, say what you want in the press freely, the right to campaign and express your opinions freely. It's very important that there be solid rule of law and independent judiciary.<sup>443</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks at the Republican National Committee Dinner*, October 25, 2005, "They believe the exact opposite of what we believe in America. They believe that they should dictate religion. They believe that they ought to control the lives of all people. They are totalitarian in nature."<sup>444</sup>

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<sup>442</sup>American Presidency Project, "Remarks to the Woodrow Wilson International Center for Scholars," December 14, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

<sup>443</sup>American Presidency Project, "Remarks at the Summit of the Americas and an Exchange with Reporters in Mar del Plata," November 4, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

<sup>444</sup>American Presidency Project, "Remarks at the Republican National Committee Dinner," October 25, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks in a Discussion on Medicare in El Mirage, Arizona*, August 9, 2005:

And recently, instead of using guns to decide the fate of the future, Iraqis from all aspects of their society came together and wrote a constitution. This constitution is one that honors women's rights and freedom of religion..<sup>445</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks to the American Legislative Exchange Council in Grapevine, Texas*, August 3, 2005, stating, "We believe in human rights and human dignity and minority rights and rights for women and rights to worship freely. That's what we believe," and also adding, "It's that movement toward a free society in which people of different religious persuasions can live in peace together. It scares—it's that movement that says, women have got equal rights with men that frightens these people."<sup>446</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks at the American Society of Newspaper Editors Convention and a Question-and-Answer Session*, April 14, 2005, stating, "Here's what Jefferson said. Jefferson said, 'Our liberty depends on freedom of the press; that cannot be limited without being lost.'" He followed up noting, "The same in Iraq—over 8 million people voted in spite of the fact that they were threatened, cajoled, and some killed as they tried to exercise something that they believe is their right, God-given right to do, which is to

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<sup>445</sup>American Presidency Project, "Remarks in a Discussion on Medicare in El Mirage, Arizona," August 9, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

<sup>446</sup>American Presidency Project, "Remarks to the American Legislative Exchange Council in Grapevine, Texas," August 3, 2005, <http://www.presidency.ucsb.edu>.

express yourself freely in a society." "I talked to the people in Iraq about a free press and transparency and openness, and I'm mindful we can't talk one way and do another."<sup>447</sup>

Thematic support for First Amendment freedoms was identified in the *2004 Republican Party Platform: A Safer World and a More Hopeful America*, August 30, 2004:

We affirm America's role in leading the world toward greater freedom, opportunity, and prosperity. Our efforts to expand the reach of economic and political freedom are complemented by our work in fostering religious liberty. Republicans will continue to make the protection and promotion of religious freedom abroad a cardinal principle of our foreign policy. This reflects our national values and protects our national interests, and renders our actions in the world consistent with our ideals as a people. In the President's words, "It is not an accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul. We must stand for that freedom in our country. We must speak for that freedom in the world. We support doubling the budget for the National Endowment for Democracy and focusing its new work on bringing free elections, free markets, free speech, and free labor unions to the Middle East. In Iraq, the systematic use of rape by Saddam Hussein's regime to dishonor families has ended, and the country's

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<sup>447</sup>American Presidency Project, "Remarks at the American Society of Newspaper Editors Convention and a Question-and-Answer Session," April 14, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

interim constitution guarantees all Iraqis the right to vote and makes it illegal to discriminate on the basis of gender, ethnicity, or religion.<sup>448</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks in a Discussion in Lima, Ohio*, August 28, 2004, "See, enemies—liberty can turn enemies into friends because we have shared values. When we—when we're free nations, we share values. Human rights is a shared value of a free nation; human dignity is a shared value of a free nation; the right to worship the way you see fit."<sup>449</sup>

Thematic support for First Amendment freedoms was identified in *Remarks by National Security Advisor Condoleezza Rice at Town Hall Los Angeles Breakfast* on June 12, 2003, where she discusses the Middle East and her opinion of what democracy should mean, "Now, there are important support elements of democracy, including a free press, including the freedom of conscience, including the freedom to worship as one wishes, the freedom to say what one wishes to say and to believe what one wishes to believe."<sup>450</sup>

Thematic support for First Amendment freedoms was identified in *President George W. Bush's News Conference*, March 6, 2003, "You know, the benefits of such an effort, if, in fact, we go forward and are successful, are also immeasurable. How do you measure the benefit of freedom in Iraq? I guess if you're an Iraqi citizen, you can measure it by being able to express your mind and vote."<sup>451</sup>

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<sup>448</sup>American Presidency Project, "2004 Republican Party Platform: A Safer World and a More Hopeful America," August 30, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu>.

<sup>449</sup>American Presidency Project, "Remarks in a Discussion in Lima, Ohio," August 28, 2004, accessed January 19, 2015, <http://www.presidency.ucsb.edu>.

<sup>450</sup>American Presidency Project, "Remarks by National Security Advisor Condoleezza Rice at Town Hall Los Angeles Breakfast," June 12, 2003, accessed May 30, 2015, <http://www.presidency.ucsb.edu>.

<sup>451</sup>American Presidency Project, "President George W. Bush's News Conference," March 6, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

Thematic support for First Amendment freedoms was identified in *President George W. Bush's Interview with Tim Russert Broadcast on NBC's Meet the Press* on February 7, 2004:

*Russert:* If the Iraqis choose, however, an Islamic extremist regime, would you accept that, and would that be better for the United States than Saddam Hussein?

*President Bush:* They're not going to develop that. And the reason I can say that is because I'm very aware of this basic law they're writing. They're not going to develop that because right here in the Oval Office I sat down with Mr. Pachachi and Chalabi and al-Hakim, people from different parts of the country that have made the firm commitment, that they want a constitution eventually written that recognizes minority rights and freedom of religion.<sup>452</sup>

Thematic support for First Amendment freedoms was identified in *President George W. Bush's Remarks at the Churchill and the Great Republic Exhibit*, February 4, 2004, "Today, the people of Iraq are moving toward self-government. Our coalition is working with the Iraqi Governing Council to draft a basic law with a bill of rights." He noted, "Freedom of the press and the free flow of ideas are vital foundations of liberty."<sup>453</sup>

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<sup>452</sup>American Presidency Project, "President George W. Bush's Interview with Tim Russert Broadcast on NBC's Meet the Press," February 7, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>453</sup>American Presidency Project, "President George W. Bush's Remarks at the Churchill and the Great Republic Exhibit," February 4, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

Thematic support for First Amendment freedoms was identified in the *Interview of National Security Advisor Condoleezza Rice by Ed Bradley, CBS, 60 MINUTES* on March 28, 2004:

*Bradley:* Are you prepared if they say, we don't want a democracy in Iraq?

*Dr. Rice:* They've put together a really terrific interim document called the Transitional Administrative Law that is, by far, the most liberal document, from the point of view of protection of human and democratic rights, rights of women, freedom of religion.

*Bradley:* And if the result of those elections the Iraqi people say, we want an Islamic republic, not a democracy?

*Dr. Rice:* Ed, there is simply nothing that suggests that the Iraqi people want anything but what most people in the world want - and that is the freedom to say what they think, the freedom to send their girls and boys to school, the ability on basis of conscience to carry out religious practice.<sup>454</sup>

Thematic support for First Amendment freedoms was identified in *Press Gaggle by President Bush's Deputy Press Secretary Trent Duffy* on March 8, 2004, where Duffy discusses the Iraqi Governing Council and the Iraqi people on completing the Transitional Administrative Law for Iraq:

This law provides a framework for continued cooperation among Iraq, members of the international coalition and the United Nations as the Iraqi people make progress towards democracy. And it provides the essential freedoms and rights to

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<sup>454</sup>American Presidency Project, "Interview of National Security Advisor Condoleezza Rice by Ed Bradley, CBS, 60 MINUTES, March 28, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

all Iraqis, regardless of gender, religion, or ethnic origin, including freedom of religion, freedom of speech and assembly, the right to a fair trial, and the right to choose their own representative.<sup>455</sup>

Thematic support for First Amendment freedoms was identified in *Presidential Press Secretary Press Briefing by Scott McClellan*, March 1, 2004:

But this interim constitution, that was approved unanimously by the Iraqi Governing Council, is an historic day for the people of Iraq. It has a bill of rights that is the cornerstone of that constitution, and it protects individual rights. It provides for freedom of religion and worship, the right to free expression, to peacefully assemble, to organize political parties, and to form and join unions. It guarantees the right to peacefully demonstrate, and it calls for people to be treated equally under the law.<sup>456</sup>

Thematic support for First Amendment freedoms was identified in *Fact Sheet: The Transition to Iraqi Self-Government*, released by the White House Office of the Press Secretary, May 24, 2004, “We believe that when all Middle Eastern peoples are finally allowed to live and think and work and worship as free men and women, they will reclaim the greatness of their own heritage.”<sup>457</sup>

Thematic support for First Amendment freedoms was identified in *The President's News Conference With Prime Minister Tony Blair of the United Kingdom*,

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<sup>455</sup>American Presidency Project, “Press Gaggle by President Bush’s Deputy Press Secretary Trent Duffy,” March 8, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu> .

<sup>456</sup>American Presidency Project, “Presidential Press Secretary Press Briefing by Scott McClellan,” March 1, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu>.

<sup>457</sup>American Presidency Project, “Fact Sheet: The Transition to Iraqi Self-Government,” May 24, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

April 16, 2004, where President Bush noted, “Transitional Administrative Law that had been written is a—this is an historic document. And it's a wonderful opportunity. It is for the people of Iraq to say, ‘Here's how civilized people must live. Here's how you protect minority rights. Here's how you protect the rights of religious people.’”<sup>458</sup>

Thematic support for First Amendment freedoms was identified in *Vice President Richard Cheney’s Remarks at D-Day Museum*, July 1, 2004:

Discrimination based on gender, nationality, and religion is expressly prohibited. Today, by law, every Iraqi man, woman and child is guaranteed freedom of religion; freedom of speech; the right to assemble peacefully; the right to organize political parties, the right to choose their leaders in free elections; and the right to a fair trial, with equal justice under the law.<sup>459</sup>

Thematic support for First Amendment freedoms was identified in *Fact Sheet: Democracy in Iraq*, released by the White House Office of the Press Secretary, December 12, 2005, which stated, “Democracy takes different forms in different cultures, but successful free societies are built on common foundations of rule of law, freedom of speech, freedom of assembly, a free economy, and freedom of worship.” The Fact Sheet also noted, “Together, representatives of Iraq's diverse communities drafted a bold constitution that guarantees the rule of law, freedom of assembly, property rights,

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<sup>458</sup>American Presidency Project, “The President's News Conference with Prime Minister Tony Blair of the United Kingdom,” April 16, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>459</sup>American Presidency Project, “Vice President Richard Cheney’s Remarks at D-Day Museum,” July 1, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.



freedom of speech and the press, freedom of religious belief and practice, women's rights, and the right to vote.”<sup>460</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks on Hurricane Katrina and the Iraqi Constitution in Crawford, Texas*, August 28, 2005,

The document they have produced contains far-reaching protections for fundamental human freedoms, including religion, assembly, conscience, and expression. It vests sovereignty in the people, to be expressed by secret ballot and regular elections. It declares that all Iraqis are equal before the law without regard to gender, ethnicity, and religion.<sup>461</sup>

Thematic support for First Amendment freedoms was identified in *Remarks by National Security Advisor Condoleezza Rice Followed by Question and Answer to the U.S. Institute of Peace*, August 19, 2004, where Rice stated, “Iraq is free of the terror and fear of Saddam Hussein. Iraqis are free to worship as they choose. Major religious shrines are open to pilgrims for the first time in decades, and the Iraqi people are taking the very hard steps toward the building of democracy.”<sup>462</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Interview with Mouafac Harb of the Middle East Television Network*, January 29, 2004, where President Bush stated, “I appreciate the fact that all three parties are trying to

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<sup>460</sup>American Presidency Project, “Fact Sheet: Democracy in Iraq,” December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>461</sup>American Presidency Project, “President Bush's Remarks on Hurricane Katrina and the Iraqi Constitution in Crawford, Texas,” August 28, 2005, accessed January 19, 2015, <http://www.presidency.ucsb.edu>.

<sup>462</sup>American Presidency Project, “Remarks by National Security Advisor Condoleezza Rice Followed by Question and Answer to the U.S. Institute of Peace,” August 19, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

work for a common law that guarantees the religious rights of others, the minority rights of people in a free society."<sup>463</sup>

Thematic support for First Amendment freedoms was identified in *Presidential Press Secretary Press Briefing by Scott McClellan*, January 16, 2004, who stated:

One, it's going to be up to the Iraqi people to determine their future. And, two, I would point you back to the November 15th agreement. It spells out the principles or the elements of the fundamental law. And one of those is a bill of rights to include freedom of speech and freedom of religion, a statement of equal rights for all Iraqis, and the guarantees of due process. So that is the framework that we are working on as we move forward, but it's going to be up to the Iraqi people to make the decisions about their future representation in government.<sup>464</sup>

Thematic support for First Amendment freedoms was identified in *Speech by President Bush's Deputy National Security Advisor Stephen Hadley*, February 12, 2003, in which he states:

The goal—which we are confident we share with Iraq's people—is an Iraq that is whole, free, and at peace with itself and its neighbors. An Iraq that is moving toward democracy, in which all religions and ethnic communities have a voice and in which individual rights are protected—regardless of gender, religion, or ethnicity.<sup>465</sup>

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<sup>463</sup>American Presidency Project, "President Bush's Interview with Mouafac Harb of the Middle East Television Network," January 29, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>464</sup>American Presidency Project, "Presidential Press Secretary Press Briefing by Scott McClellan," January 16, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>465</sup>American Presidency Project, "Speech by President Bush's Deputy National Security Advisor Stephen Hadley," February 12, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

Thematic support for First Amendment freedoms was identified in *The President's News Conference With Prime Minister Jose Manuel Durao Barroso of Portugal, President Jose Maria Aznar of Spain, and Prime Minister Tony Blair of the United Kingdom in the Azores, Portugal*, March 16, 2003, where President Bush stated, "We'll push as quickly as possible for an Iraqi interim authority to draw upon the talents of Iraq's people to rebuild their nation. We're committed to the goal of a unified Iraq, with democratic institutions of which members of all ethnic and religious groups are treated with dignity and respect."<sup>466</sup>

Thematic support for First Amendment freedoms was identified in *Press Briefing with Ari Fleischer*, April 10, 2003, where Fleischer states, "But the end-goal is for everything militarily to leave Iraq, and for Iraq to be run entirely by the Iraqi people with a free Iraqi press."<sup>467</sup>

Thematic support for First Amendment freedoms was identified in *Press Briefing with Scott McClellan*, February 27, 2004, where Deputy Press Secretary McClellan stated, "Well, one of the things that was called for in the transitional law, one of the fundamental elements of that law would be freedom of religion."<sup>468</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Statement in Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa*, June 9, 2004, "In the social and cultural

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<sup>466</sup>American Presidency Project, "The President's News Conference with Prime Minister Jose Manuel Durao Barroso of Portugal, President Jose Maria Aznar of Spain, and Prime Minister Tony Blair of the United Kingdom in the Azores, Portugal," March 16, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>467</sup>American Presidency Project, "Press Briefing with Ari Fleischer," April 10, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>468</sup>American Presidency Project, "Press Briefing with Scott McClelland," February 27, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

sphere, education for all, freedom of expression, equality between men and women as well as access to global information technology are crucial to modernization and prosperity.”<sup>469</sup>

Thematic support for First Amendment freedoms was identified in *Press Briefing with Scott McClellan*, September 15, 2004,

The President has made promotion of human rights, including religious freedom, a cornerstone of United States foreign policy. And this is a report that the State Department puts out every year. They look at these issues and make these determinations and, hopefully, countries will take this and use it to do a better job. We take our responsibility in this area very seriously. The United States is a leader when it comes to promoting religious freedom.<sup>470</sup>

Thematic support for First Amendment freedoms was identified in *The President's News Conference*, President George W. Bush, January 26, 2005, in which the President stated, “We believe that people ought to be allowed to express themselves, and we believe that people ought to decide the fates of their governments. They want to be able to express themselves. And to me, that is encouraging.”<sup>471</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks in The President's News Conference with Prime Minister Anders Fogh Rasmussen of Denmark in Kongens Lyngby, Denmark*, July 6, 2005:

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<sup>469</sup>American Presidency Project, “President Bush’s statement in Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa,” June 9, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>470</sup>American Presidency Project, “Press Briefing with Scott McClellan,” September 15, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>471</sup>American Presidency Project, “The President's News Conference January 26, 2005,” accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

I believe we're in for an ideological struggle. I believe the people that cause such great harm, not only in America but in other spots around the world, have an ideology that is vastly different from our ideology, one that's based upon human rights, freedom of religion, the ability for people to express themselves in the public square without fear of reprisal.<sup>472</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Proclamation 7968—Human Rights Day, Bill of Rights Day, and Human Rights Week, 2005*, December 9, 2005,

Throughout our history, the United States has also worked to extend the promise of liberty to other countries. We are continuing those efforts today. We are promoting democracies that respect freedom of speech, freedom of worship, and freedom of the press and that protect the rights of minorities and women. We are standing with dissidents and exiles against oppressive regimes and tyranny.<sup>473</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania*, December 12, 2005:

From the outset, the political element of our strategy in Iraq has been guided by a clear principle: Democracy takes different forms in different cultures. Yet, in all cultures, successful free societies are built on certain common foundations: rule of law, freedom of speech, freedom of assembly, a free economy, and freedom

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<sup>472</sup>American Presidency Project, "The President's News Conference with Prime Minister Anders Fogh Rasmussen of Denmark in Kongens Lyngby, Denmark," July 6, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>473</sup>American Presidency Project, "Proclamation 7968 - Human Rights Day, Bill of Rights Day, and Human Rights Week, 2005," December 9, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

to worship. Respect for the belief of others is the only way to build a society where compassion and tolerance prevail. Societies that lay these foundations not only survive but thrive. Societies that do not lay these foundations risk backsliding into tyranny.<sup>474</sup>

Thematic support for Fifth Amendment freedoms was identified in *Vice President Richard Cheney's Remarks at D-Day Museum*, July 1, 2004, "Today, by law, every Iraqi man, woman and child is guaranteed freedom of religion; freedom of speech; the right to assemble peacefully; the right to organize political parties, the right to choose their leaders in free elections; and the right to a fair trial, with equal justice under the law."<sup>475</sup>

Thematic support for Fifth Amendment freedoms was identified in *Fact Sheet: Democracy in Iraq*, released by President Bush's Office of the Press Secretary, December 12, 2005, which stated, "Together, representatives of Iraq's diverse communities drafted a bold constitution that guarantees the rule of law, freedom of assembly, property rights, . . ."<sup>476</sup>

Thematic support for Fifth Amendment freedoms was identified in *Presidential Press Secretary Press Briefing by Scott McClellan*, January 16, 2004, who stated in regards to the Iraqi Constitution, "And one of those is a bill of rights to include freedom

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<sup>474</sup>American Presidency Project, "President Bush's Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania," December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>475</sup>American Presidency Project, "Vice President Richard Cheney's Remarks at D-Day Museum," July 1, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>476</sup>American Presidency Project, "Fact Sheet: Democracy in Iraq," December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

of speech and freedom of religion, a statement of equal rights for all Iraqis, and the guarantees of due process.”<sup>477</sup>

Thematic support for Sixth Amendment freedoms was identified in *Vice President Richard Cheney’s Remarks at D-Day Museum*, July 1, 2004, “Today, by law, every Iraqi man, woman and child is guaranteed ...the right to a fair trial, with equal justice under the law.”<sup>478</sup>

Thematic support for Sixth Amendment freedoms was identified in *President Bush’s Statement on the Completion of the Transitional Administrative Law in Iraq*, March 8, 2004, “And it provides the essential freedoms and rights to all Iraqis regardless of gender, religion, or ethnic origin—including freedom of religion, freedom of speech and assembly, the right to a fair trial, and the right to choose their own representatives.”<sup>479</sup>

Thematic support for Eighth Amendment freedoms was found in *President Bush’s Statement on United Nations International Day in Support of Victims of Torture*, June 26, 2004, in which he states, “Freedom from torture is an inalienable human right...The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong. They were inconsistent with our policies and our values as a Nation.”<sup>480</sup>

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<sup>477</sup>American Presidency Project, “Presidential Press Secretary Press Briefing by Scott McClellan,” January 16, 2004, accessed August 15, 2005, <http://www.presidency.ucsb.edu>.

<sup>478</sup>American Presidency Project, “Vice President Richard Cheney’s Remarks at D-Day Museum,” July 1, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>479</sup>American Presidency Project, “Statement on the Completion of the Transitional Administrative Law in Iraq,” March 8, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu>. .

<sup>480</sup>American Presidency Project, “Statement on United Nations International Day in Support of Victims of Torture,” June 26, 2004, accessed August 15, 2005, <http://www.presidency.ucsb.edu/ws/?pid=72674>.

Thematic support for Tenth Amendment freedoms was identified in *President Bush's Address to the Nation on the War on Terror*, September 7, 2003, in which he stated, "Right now, Iraq has its own Governing Council, comprised of 25 leaders representing Iraq's diverse people. The Governing Council recently appointed cabinet ministers to run Government departments. Already more than 90 percent of towns and cities have functioning local governments, which are restoring basic services."<sup>481</sup>

*U.S. Government Publishing Office (GPO)*

A total of 27 documents were collected from the *U.S. Government Publishing Office (GPO)*. There were 17 documents containing relevant themes correlating to Bill of Rights freedoms. Table 14 shows the results regarding thematic support of Bill of Rights freedoms contained in the documents.

Table 14

*U.S. Government Publishing Office (GPO) - US Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8 <sup>th</sup>	9th	10th
Republican Support (Y/N)	Y(14)**				Y(6)					Y(1)
Democrat Support (Y/N)*										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was noted in *President Bush's Proclamation 7640—Religious Freedom Day, 2003*, January 15, 2003, "As we celebrate

<sup>481</sup>American Presidency Project, "Address to the Nation on the War on Terror," September 7, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.



the freedom of faith in America, we also recognize that there are many people around the world who do not enjoy such freedoms. The right to believe and express one's beliefs in words and practice is a right that should belong to all people."<sup>482</sup>

Thematic support for First Amendment freedoms was noted in *President Bush's Videotape Remarks to the Iraqi People*, April 10, 2003:

In the new era that is coming to Iraq, your country will no longer be held captive to the will of a cruel dictator. You will be free— free to build a better life instead of building more palaces for Saddam and his sons, free to pursue economic prosperity without the hardship of economic sanctions, free to travel and free to speak your mind, free to join in the political affairs of Iraq.<sup>483</sup>

Thematic support for First Amendment freedoms was noted in *President Bush's Remarks Following a Visit with Troops Wounded in Operation Iraqi Freedom and an Exchange With Reporters in Bethesda, Maryland*, April 11, 2003, in which he noted, "We believe freedom is universal. We believe freedom is a gift from the Al- mighty God for every person, regardless of their race or their religion."<sup>484</sup>

Thematic support for First Amendment freedoms was noted in *President Bush's Interview with Tom Brokaw of NBC News*, April 24, 2003, in the context of which he

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<sup>482</sup>U.S. Government Publishing Office, "Proclamation 7640—Religious Freedom Day, 2003," January 15, 2003, accessed September 17, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>483</sup>U.S. Government Publishing Office, "Videotape Remarks to the Iraqi People," April 10, 2003, accessed September 17, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>484</sup>U.S. Government Publishing Office, "Remarks Following a Visit With Troops Wounded in Operation Iraqi Freedom and an Exchange With Reporters in Bethesda, Maryland," April 11, 2003, accessed September 17, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

stated, “What I would like to see is a government where church and state are separated.”<sup>485</sup>

Thematic support for First Amendment freedoms was noted in *President Bush’s Remarks at the Marine Corps Air Station in Miramar, California*, August 14, 2003, “For the first time, a free press is operating in Iraq.”<sup>486</sup>

Thematic support for First Amendment freedoms was noted in *President Bush’s Remarks on the 20th Anniversary of the National Endowment for Democracy*, November 6, 2003, in which he stated, “Successful societies allow room for healthy civic institutions, for political parties and labor unions and independent newspapers and broadcast media. Successful societies guarantee religious liberty, the right to serve and honor God with- out fear of persecution.”<sup>487</sup>

Thematic support for First Amendment freedoms was noted in President Bush’s radio address, *The President’s Radio Address*, March 6, 2004:

When the new law takes effect, Iraqis will, for the first time in decades, live under the clear protections of a written bill of rights. Under this law, all Iraqis will be treated equally. No religious or ethnic groups will be favored, and none will suffer discrimination at the hands of the state. The law will protect the rights of free speech and peaceful assembly, the right to organize political parties, the

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<sup>485</sup>U.S. Government Publishing Office, “Interview with Tom Brokaw of NBC News,” April 24, 2003, accessed September 18, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>486</sup>U.S. Government Publishing Office, “Remarks at the Marine Corps Air Station in Miramar, California,” August 14, 2003, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>487</sup>U.S. Government Publishing Office, “Remarks on the 20th Anniversary of the National Endowment for Democracy,” November 6, 2003, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

right to vote in fair elections, and the right to worship according to one's own conscience.<sup>488</sup>

Thematic support for First Amendment freedoms was identified in *President George W. Bush's Statement on the Completion of the Transitional Administrative Law in Iraq*, March 8, 2004:

This law provides a framework for continued cooperation among Iraq, members of the international Coalition, and the United Nations as the Iraqi people make progress towards democracy. And it provides the essential freedoms and rights to all Iraqis regardless of gender, religion, or ethnic origin—including freedom of religion, freedom of speech and assembly, the right to a fair trial, and the right to choose their own representatives.<sup>489</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Proclamation 7837—United Nations Day, 2004*, October 24, 2004:

On United Nations Day, we commemorate the founding of the United Nations in 1945 and recognize its many contributions to advancing peace and human rights around the world. Our Declaration of Independence and the United Nations' Universal Declaration of Human Rights proclaim the equal value and dignity of every human life. That dignity is honored by the rule of law, limits on the power of the state, respect for women, protection of private property, free speech, equal justice, and religious tolerance. These founding documents affirm that the bright

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<sup>488</sup>U.S. Government Publishing Office, "The President's Radio Address," March 6, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>489</sup>U.S. Government Publishing Office, "Statement on the Completion of the Transitional Administrative Law in Iraq," March 8, 2004, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

line between justice and injustice is the same in every age, every culture, and every nation.<sup>490</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Proclamation 7854—Human Rights Day, Bill of Rights Day, and Human Rights Week, 2004*, December 10, 2004:

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we celebrate the founding ideals of our Nation and emphasize the importance of protecting human liberty throughout the world. As a Nation, we cherish the values of free speech, equality, and religious freedom, and we steadfastly oppose injustice and tyranny. Since the founding of America, the Bill of Rights has protected basic human rights and liberties.<sup>491</sup>

Thematic support for First Amendment freedoms was identified in *President Bush's Proclamation 7864—Religious Freedom Day, 2005*, January 14, 2005:

Our Founding Fathers knew the importance of freedom of religion to a stable and lasting Union. Our Constitution protects individuals' rights to worship as they choose. We reject religious bigotry in every form, striving for a society that honors the life and faith of every person. As the United States advances the cause of liberty, we remember that freedom is not America's gift to the world, but

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<sup>490</sup>U.S. Government Publishing Office, "Proclamation 7837—United Nations Day, 2004," October 24, 2004, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>491</sup>U.S. Government Publishing Office, "Proclamation 7854—Human Rights Day, Bill of Rights Day, and Human Rights Week, 2004," December 10, 2004, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

God’s gift to each man and woman in this world. This truth drives our efforts to help people everywhere achieve freedom of religion . . . <sup>492</sup>

Thematic support for First Amendment freedoms was identified in *The President’s News Conference with President Jalal Talabani of the Iraqi Transitional Government*, September 13, 2005:

The draft constitution is an historic milestone. It protects fundamental freedoms, including religion, assembly, conscience, and expression. It calls for a federal system of government, which is essential to preserving the unity of a diverse nation like Iraq. It declares that all Iraqis are equal before the law, without regard to gender, ethnicity, and religion.<sup>493</sup>

Thematic support for First Amendment freedoms was identified in *President Bush’s Remarks on the War on Terror in Tobyhanna, Pennsylvania*, November 11, 2005, “We’re making our case through public diplomacy, stating clearly and confidently our belief in self-determination and the rule of law and religious freedom and equal rights for women, beliefs that are right and true in every land and in every culture.”<sup>494</sup>

Thematic support for First Amendment freedoms was identified in *President Bush’s Remarks to the Woodrow Wilson International Center for Scholars*, December 14, 2004, “Iraqis have approved a bold Constitution that guarantees the rule of law and

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<sup>492</sup>U.S. Government Publishing Office, “Proclamation 7864—Religious Freedom Day, 2005,” January 14, 2005, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>493</sup>U.S. Government Publishing Office, “The President’s News Conference with President Jalal Talabani of the Iraqi Transitional Government,” September 13, 2005, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>494</sup>U.S. Government Publishing Office, “Remarks on the War on Terror in Tobyhanna, Pennsylvania,” November 11, 2005, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

freedom of assembly and property rights and freedom of speech and the press and women's rights and the right to vote."<sup>495</sup>

Thematic support for Fifth Amendment freedoms was identified in *President Bush's Remarks on the 20th Anniversary of the National Endowment for Democracy*, November 6, 2003, in which he stated, "Successful societies privatize their economies and secure the rights of property."<sup>496</sup>

Thematic support for Fifth Amendment freedoms was identified in *President Bush's Remarks to the Plenary Session of the United Nations General Assembly in New York City*, September 14, 2005, "Democratic nations protect private property, free speech, and religious expression."<sup>497</sup>

Thematic support for Fifth Amendment freedoms was identified in *President George W. Bush's Radio Address*, March 6, 2004, "When the new law takes effect, Iraqis will, for the first time in decades, live under the clear protections of a written bill of rights. The law also will guarantee the right to a speedy, fair, and open trial."<sup>498</sup>

Thematic support for Fifth Amendment freedoms was identified in *President Bush's Statement on the Completion of the Transitional Administrative Law in Iraq* March 8, 2004, "And it provides the essential freedoms and rights to all Iraqis regardless

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<sup>495</sup>U.S. Government Publishing Office, "Remarks to the Woodrow Wilson International Center for Scholars," December 14, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>496</sup>U.S. Government Publishing Office, "Remarks on the 20th Anniversary of the National Endowment for Democracy," November 6, 2003, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>497</sup>U.S. Government Publishing Office, "Remarks to the Plenary Session of the United Nations General Assembly in New York City," September 14, 2005, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>498</sup>U.S. Government Publishing Office, "President George W. Bush's Radio Address," March 6, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

of gender, religion, or ethnic origin—including freedom of religion, freedom of speech and assembly, the right to a fair trial, and the right to choose their own representatives.”<sup>499</sup>

Thematic support for Fifth Amendment freedoms was identified in *President Bush’s Remarks to the Woodrow Wilson International Center for Scholars*, December 14, 2005, “Iraqis have approved a bold Constitution that guarantees the rule of law and freedom of assembly and property rights . . .”<sup>500</sup>

Thematic support for Fifth Amendment freedoms was identified in *President Bush’s Remarks on Efforts to Globally Promote Women’s Human Rights*, March 12, 2004. “The policy of the American Government is to stand for the nonnegotiable demands of human dignity— the rule of law . . . and protections for private property.”<sup>501</sup>

Thematic support for Tenth Amendment freedoms was identified in *The President’s News Conference with President Jalal Talabani of the Iraqi Transitional Government*, September 13, 2005, where President Bush notes, “The draft constitution is an historic mile- stone. It calls for a federal system of government, which is essential to preserving the unity of a diverse nation like Iraq.”<sup>502</sup>

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<sup>499</sup>U.S. Government Publishing Office, “Statement on the Completion of the Transitional Administrative Law in Iraq,” March 8, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>500</sup>U.S. Government Publishing Office, “Remarks to the Woodrow Wilson International Center for Scholars,” December 14, 2005, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>501</sup>U.S. Government Publishing Office, “Remarks on Efforts to Globally Promote Women’s Human Rights,” March 12, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>502</sup>U.S. Government Publishing Office, “The President’s News Conference with President Jalal Talabani of the Iraqi Transitional Government,” September 13, 2005, accessed September 21, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

*University of Virginia, Presidential Speech Archive*

A total of three documents were collected from the *University of Virginia, Presidential Speech Archive*. One document contains relevant themes correlating to Bill of Rights freedoms. Table 15 shows the results regarding thematic support of Bill of Rights freedoms contained in the documents.

Table 15

*University of Virginia, Presidential Speech Archive, Miller – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9 <sup>th</sup>	10 <sup>th</sup>
Republican Support (Y/N)	Y(1)**									
Democrat Support (Y/N)*										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in *President Bush's State of the Union Address, January 20, 2004*:

I will send you a proposal to double the budget of the National Endowment for Democracy and to focus its new work on the development of free elections and free markets, free press, and free labor unions in the Middle East. And above all, we will finish the historic work of democracy in Afghanistan and Iraq so those



nations can light the way for others and help transform a troubled part of the world.<sup>503</sup>

*Library of Congress*

A total of 10 documents were collected from the *Library of Congress*. One document contains relevant themes correlating to Bill of Rights freedoms. Table 16 shows the results regarding thematic support of Bill of Rights freedoms contained in the documents.

Table 16

*Library of Congress – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)	Y(1)**									
Democrat Support (Y/N)*										

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in *US House Resolution 545*, 108<sup>th</sup> Congress (2003-2004), February 26, 2004, presented by Representative Dana Rohrabacher [R-CA-46]. Resolution 545 noted,

Expressing the sense of the House of Representatives that a specific statement should be included in the Iraqi Transitional Administrative Law guaranteeing the

<sup>503</sup>University of Virginia-Miller Center, “*President Bush’s State of the Union Address*,” January 20, 2004, accessed August 18, 2015, <http://millercenter.org/president/gwbush>.

people of Iraq the right to freedom of thought, conscience, and religion, and for other purposes. Whereas effective guarantees of the rights of each individual, including the right of each individual to freedom of thought, conscience, and religion, is central to ensuring freedom and democracy and is the cornerstone of the international human rights system: Now, therefore, be it Resolved, That it is the sense of the House of Representatives that—(1) a specific statement should be included in the Iraqi Transitional Administrative Law guaranteeing “everyone” in Iraq with “the right to freedom of thought, conscience, and religion” as affirmed in the Universal Declaration of Human Rights and specified in the International Covenant on Civil and Political Rights, to which Iraq is a party;(3) an explicit commitment should be made in the Transitional Administrative Law that Iraq will respect and ensure the rights guaranteed by the international treaties and conventions to which it is a party, including the International Covenant on Civil and Political Rights, as well as the Universal Declaration of Human Rights.<sup>504</sup>

#### *United States Senate*

A total of 16 documents were collected from the *United States Senate*. Six documents contain relevant themes correlating to Bill of Rights freedoms. Table 17 shows the results regarding thematic support of Bill of Rights freedoms contained in the documents.

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<sup>504</sup>Library of Congress, “US House Resolution 545,” 108<sup>th</sup> Congress (2003-2004), February 26, 2004, accessed September 22, 2015, <https://www.congress.gov/bill/108th-congress/house-resolution/545>.

Table 17

*United States Senate – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)	Y(5)**									Y(1)
Democrat Support (Y/N)*										Y(1)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for First Amendment freedoms was identified in *Testimony of The Honorable John Cornyn, U.S. Senate Committee on Foreign Relations, Hearing on Constitutionalism, Human Rights and the Rule of Law in the Nation of Iraq, June 25, 2003*, in which he states:

The new Iraqi state must encompass and acknowledge all of its citizens. United Nations resolution 1483, unanimously adopted by the Security Council on May 22nd, calls for the establishment of ‘a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens, without regard to ethnicity, religion, or gender.’ That sounds to me like a good start.<sup>505</sup>

Thematic support for First Amendment freedoms was identified in *Statement for Deputy Secretary of Defense Paul Wolfowitz Senate Foreign Relations Committee, May 18, 2004*:

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<sup>505</sup>United States Senate, “Testimony of The Honorable John Cornyn, US Senate Committee on Foreign Relations, Hearing on Constitutionalism, Human Rights and the Rule of Law in the Nation of Iraq,” June 25, 2003, accessed November 7, 2015, [http://www.senate.gov/general/Features/Finding\\_speeches\\_display.htm](http://www.senate.gov/general/Features/Finding_speeches_display.htm).

The Transitional Administrative Law, the document that will govern Iraq's transition period beginning June 30 and which was signed by all members of the Iraqi Governing Council, is the most liberal basic governance document in the Arab world, with assurances that include: Freedom of Religion; Freedom of Expression; Freedom of the Press; and Freedom of Assembly.<sup>506</sup>

Thematic support for First Amendment freedoms was identified in Secretary of State Condoleezza Rice Iraq and U.S. Policy Senate Committee on Foreign Relations, October 19, 2005, in which she states, “We know our objectives. We and the Iraqi government will succeed if together we can: Demonstrate positive potential for democratic change and free expression in the Arab and Muslim world, even under the most difficult conditions.”<sup>507</sup>

Thematic support for First Amendment freedoms was identified in *Testimony by the Under Secretary of State for Political Affairs Marc Grossman, The Iraq Transition Senate Foreign Relations Committee, April 22, 2004*:

The plan for restoring Iraqi sovereignty is laid out in the November 15 agreement. That agreement, signed by CPA and the Iraqi Governing Council, called for a Transitional Administrative Law, encompassing a basic bill of rights

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<sup>506</sup>United States Senate, “Statement for Deputy Secretary of Defense Paul Wolfowitz Senate Foreign Relations Committee,” May 18, 2004, accessed November 7, 2015, <http://www.foreign.senate.gov/imo/media/doc/WolfowitzTestimony040518.pdf>.

<sup>507</sup>United States Senate, “Secretary of State Condoleezza Rice Iraq and U.S. Policy Senate Committee on Foreign Relations,” October 19, 2005, accessed November 7, 2015, <http://www.foreign.senate.gov/imo/media/doc/RiceTestimony051019.pdf>.

for all Iraqis. The TAL provides for equal rights for all Iraqis, without regard to gender, sect, opinion, belief, nationality, religion or origin.<sup>508</sup>

Thematic support for First Amendment freedoms was identified in *Op Ed from Senator John Thune, Iraq: Democracy in Action*, October 18, 2005:

Three years ago, Iraq was virtually a closed society, in which Saddam could circulate his propaganda without restriction. There were no commercial television or radio stations and no independent newspapers or magazines. Today, there are 44 television stations, more than 100 independent newspapers and magazines and 72 commercial radio stations. Thousands of Iraqis are carrying once-forbidden cell phones and internet cafes are popping up across the country. Iraqis are exchanging information openly and freely, learning more about each other and the rest of the world.<sup>509</sup>

Thematic support for Tenth Amendment freedoms was identified in *Secretary of State Condoleezza Rice Iraq and U.S. Policy Senate Committee on Foreign Relations*, October 19, 2005, in which she states, “We know our objectives. We and the Iraqi government will succeed if together we can: Demonstrate positive potential for democratic change and free expression in the Arab and Muslim world, even under the most difficult conditions” and she notes, “Build truly national institutions working with more capable provincial and local authorities. Embodying a national compact – not tools of a particular sect or ethnic group -- these Iraqi institutions must sustain security forces,

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<sup>508</sup>United States Senate, “Testimony by the Under Secretary of State for Political Affairs Marc Grossman: The Iraq Transition Senate Foreign Relations Committee,” April 22, 2004, accessed November 7, 2015, <http://www.foreign.senate.gov/imo/media/doc/GrossmanTestimony040422.pdf> .

<sup>509</sup>United States Senate, “Op Ed from Senator John Thune, Iraq: Democracy in Action,” October 18, 2005, accessed November 7, 2015, <http://www.thune.senate.gov/public/index.cfm/ops-eds?ID=b8ab1623-5013-41ec-b531-76282a4af5f4>.

bring rule of law, visibly deliver essential services, and offer the Iraqi people hope for a better economic future.”<sup>510</sup>

Thematic support for Tenth Amendment freedoms was identified in *U.S. Senate Committee on Foreign Relations Opening Statement Iraq–The Political Challenge Senator Joseph R. Biden, Jr.*, July 19, 2005, in which Senator Biden notes, “I believe that there is an Iraqi nationalism that unites at least Iraqi Arabs. I believe that Iraq’s Kurds, because they understand the realities of their neighborhood, recognize that autonomy in a federal Iraq is a much more realistic option than independence.”<sup>511</sup>

*Constitution Finder*

One document was collected from the *Constitution Finder*. The document contains relevant themes correlating to Bill of Rights freedoms. Table 18 shows the results regarding thematic support of Bill of Rights freedoms contained in the document.

Table 18

*Constitution Finder – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10 <sup>th</sup>
Republican Support (Y/N)	Y(10)		Y(3)	Y(1)	Y(4)	Y(1)	Y(1)	Y(2)	Y(2)	Y(16)
Democrat Support (Y/N)*										

<sup>510</sup>United States Senate, “Secretary of State Condoleezza Rice Iraq and U.S. Policy Senate Committee on Foreign Relations,” October 19, 2005, accessed November 7, 2015, <http://www.foreign.senate.gov/imo/media/doc/RiceTestimony051019.pdf>.

<sup>511</sup>United States Senate, “US Senate Committee on Foreign Relations Opening Statement Iraq – The Political Challenge Sen. Joseph R. Biden, Jr.,” July 19, 2005, accessed November 7, 2015, <http://www.foreign.senate.gov/imo/media/doc/BidenStatement050719.pdf>.

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Thematic support for Bill of Rights freedoms was identified in the *Agreed Translation of the Iraq Constitution*, which required the support of the interim U.S. Government and Iraqi Transitional Government, adopted by Iraq on October 15, 2005.<sup>512</sup> The document identifies the freedoms incorporated into the Iraq Constitution in 2005. Freedoms are identified in the Preamble and in specific Articles contained within the *Iraq Constitution*.

Thematic support for First Amendment freedoms was identified in Article 10 which states, “The holy shrines and religious sites in Iraq are religious and civilizational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them.”<sup>513</sup>

Thematic support for First Amendment freedoms was identified in Article 14 which states, “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.”<sup>514</sup>

Thematic support for First Amendment freedoms was identified in Article 20, which states, “Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.”<sup>515</sup>

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<sup>512</sup>Constitution Finder, “Agreed Translation of the Iraq Constitution,” October 15, 2005, accessed January 19, 2015, <http://confinder.richmond.edu/>.

<sup>513</sup>Ibid.

<sup>514</sup>Ibid.

<sup>515</sup>Ibid.

Thematic support for First Amendment freedoms was identified in Article 37 which states, “The State shall guarantee protection of the individual from intellectual, political and religious coercion.”<sup>516</sup>

Thematic support for First Amendment freedoms was identified in Article 38 which states, “The State shall guarantee in a way that does not violate public order and morality; A. Freedom of expression using all means, B. Freedom of press, printing, advertisement, media and publication, C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.”<sup>517</sup>

Thematic support for First Amendment freedoms was identified in Article 39, which states, “*First*: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law. *Second*: It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.”<sup>518</sup>

Thematic support for First Amendment freedoms was identified in Article 40, “The freedom of communication and correspondence, postal, telegraphic, electronic, and telephonic, shall be guaranteed and may not be monitored, wiretapped, or disclosed except for legal and security necessity and by a judicial decision.”<sup>519</sup>

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<sup>516</sup>Ibid.

<sup>517</sup>Ibid.

<sup>518</sup>Ibid.

<sup>519</sup>Ibid.



Thematic support for First Amendment freedoms was identified in Article 41 which states, “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.”<sup>520</sup>

Thematic support for First Amendment freedoms was identified in Article 42 which states, “Each individual shall have the freedom of thought, conscience, and belief.”<sup>521</sup>

Thematic support for First Amendment freedoms was identified in Article 43 which states, “*First*: The followers of all religions and sects are free in the: A. Practice of religious rites, including the Hussein rituals. B. Management of religious endowments (waqf), their affairs, and their religious institutions, and this shall be regulated by law” and “*Second*: The State shall guarantee freedom of worship and the protection of places of worship.”<sup>522</sup>

Thematic support for Third Amendment freedoms was identified in Article 9 which states:

*First*: A- The Iraqi armed forces and security services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion. They shall be subject to the control of the civilian authority, shall defend Iraq, shall not be used as an instrument to oppress the Iraqi people, shall not interfere in the political affairs, and shall have no role in the transfer of authority.<sup>523</sup>

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<sup>520</sup>Ibid.

<sup>521</sup>Ibid.

<sup>522</sup>Ibid.

<sup>523</sup>Ibid.

Thematic support for Third Amendment freedoms was identified in Article 10 which states, “*Second*: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.”<sup>524</sup>

Thematic support for Third Amendment freedoms was identified in Article 23 which states, “*First*: Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law. *Second*: Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.”<sup>525</sup>

Thematic support for Fourth Amendment freedoms was identified in Article 17 which states, “*First*: Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals. *Second*: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.”<sup>526</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 15 which states, “Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.”<sup>527</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 23 which states, “*First*: Private property is protected. The owner shall have the right to

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<sup>524</sup>Ibid.

<sup>525</sup>Ibid.

<sup>526</sup>Ibid.

<sup>527</sup>Ibid.

benefit, exploit and dispose of private property within the limits of the law. *Second:* Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.”<sup>528</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 37 which states:

C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law. *Second:* The State shall guarantee protection of the individual from intellectual, political and religious coercion.<sup>529</sup>

Thematic support for Fifth Amendment freedoms was identified in Article 19 which states:

*Fourth:* The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial. *Fifth:* The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced. *Tenth:* Criminal laws shall not have retroactive effect, unless it is to the benefit of the accused. *Thirteenth:* The preliminary investigative documents shall be submitted to the competent judge in

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<sup>528</sup>Ibid.

<sup>529</sup>Ibid.

a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.<sup>530</sup>

Thematic support for Sixth Amendment freedoms was identified in Article 19, which states,

*Fourth:* The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial. *Seventh:* The proceedings of a trial are public unless the court decides to make it secret. *Eleventh:* The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer. *Thirteenth:* The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.<sup>531</sup>

Thematic support for Seventh Amendment freedoms was identified in Article 19 which states, “*Third:* Litigation shall be a protected and guaranteed right for all.”<sup>532</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 19 which states, “*Twelfth:* A. Unlawful detention shall be prohibited.”<sup>533</sup>

Thematic support for Eighth Amendment freedoms was identified in Article 37 which states:

*First:* A. The liberty and dignity of man shall be protected. B. No person may be kept in custody or investigated except according to a judicial decision. C. All

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<sup>530</sup>Ibid.

<sup>531</sup>Ibid.

<sup>532</sup>Ibid.

<sup>533</sup>Ibid.

forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.<sup>534</sup>

Thematic support for Ninth Amendment freedoms was identified in Article 5 which states, “The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions.”<sup>535</sup>

Thematic support for Ninth Amendment freedoms was identified in Article 46 which states, “Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom.”<sup>536</sup>

Thematic support for Tenth Amendment freedoms was identified in the Preamble of the Iraq Constitution which states:

We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women

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<sup>534</sup>Ibid.

<sup>535</sup>Ibid.

<sup>536</sup>Ibid.

and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.<sup>537</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 1 which states, “The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.”<sup>538</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 50 which states:

Each member of the Council of Representatives shall take the following constitutional oath before the Council prior to assuming his duties: “I swear by God Almighty to carry out my legal duties and responsibilities with devotion and integrity and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and ensure the safety of its land, sky, water, wealth, and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary, and pledge to implement legislation faithfully and neutrally. God is my witness.”<sup>539</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 105 which states:

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region to ensure their fair participation in managing the various state federal institutions, missions,

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<sup>537</sup>Ibid.

<sup>538</sup>Ibid.

<sup>539</sup>Ibid.

fellowships, delegations, and regional and international conferences. The commission shall be comprised of representatives of the federal government and representatives of the regions and governorates that are not organized in a region, and shall be regulated by a law.<sup>540</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 109 which states, “The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system.”<sup>541</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 115 which states:

All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.<sup>542</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 116 which states, “The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations.”<sup>543</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 117 which states, “*First:* This Constitution, upon coming into force, shall recognize the region

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<sup>540</sup>Ibid.

<sup>541</sup>Ibid.

<sup>542</sup>Ibid.

<sup>543</sup>Ibid.

of Kurdistan, along with its existing authorities, as a federal region. *Second*: This Constitution shall affirm new regions established in accordance with its provisions.”<sup>544</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 118 which states, “The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority of the members present.”<sup>545</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 119 which states:

One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods: *First*: A request by one-third of the council members of each governorate intending to form a region. *Second*: A request by one-tenth of the voters in each of the governorates intending to form a region.<sup>546</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 120 which states, “Each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.”<sup>547</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 121 which states:

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<sup>544</sup>Ibid.

<sup>545</sup>Ibid.

<sup>546</sup>Ibid.

<sup>547</sup>Ibid.



*First:* The regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government.

*Second:* In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region. *Third:* Regions and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, but having regard to their resources, needs, and the percentage of their population. *Fourth:* Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs. *Fifth:* The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region.<sup>548</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 122 which states,

*First:* The governorates shall be made up of a number of districts, sub-districts, and villages. *Second:* Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage

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<sup>548</sup>Ibid.

their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law.<sup>549</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 125 which states, “This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.”<sup>550</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 126, which states,

*Fourth:* Articles of the Constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities, except by the approval of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum.<sup>551</sup>

Thematic support for Tenth Amendment freedoms was identified in Article 141 which states:

Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution.<sup>552</sup>

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<sup>549</sup>Ibid.

<sup>550</sup>Ibid.

<sup>551</sup>Ibid.

<sup>552</sup>Ibid.

Cumulative Findings from all Data Collection Sources

Table 19 displays the cumulative results regarding thematic support or non-support for all U.S. Bill of Rights freedoms as a result of the case study. The 60 documents collected from the data collection sites resulted in 109 instances where data were interpreted relevant to Bill of Rights freedoms.

Table 19

*Cumulative Findings from all Data Collection Sources – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Republican Support (Y/N)	Y(64)**		Y(3)	Y(1)	Y(13)	Y(2)	Y(1)	Y(3)	Y(2)	Y(19)
Democrat Support (Y/N)*										Y(1)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

The cumulative findings show support by the U.S government, headed by the Republican Party, for all Bill of Rights freedoms less the Second Amendment. Also, included is one finding where a member of the Democratic Party, Senator and now Vice-President Joe Biden, was supportive of the Tenth Amendment. Notably, Second Amendment support was not identified in the evidence. Some Bill of Rights freedoms are noted more frequently than others as Table 19 identifies First, Fifth, and Tenth Amendment freedoms as the most recorded. Further analysis of the results will be presented in Discussion of Results.

## Other Findings

Berg states other “relevant” themes may also be identified in content analysis.<sup>553</sup> Other relevant themes were noted during the research process. For instance, U.S. government support for democracy was a consistent theme noted throughout the research process. In addition, specific words related to democracy were noted during the examination of the data. For example, the term *freedom* was consistently identified in the speeches and discussions of government officials addressing the democratization of Iraq.<sup>554</sup> Other terms noted during the research were liberty, peace, and democracy. Certainly, such terms are commonly associated with democracy; therefore, it is no surprise that the terms were repeatedly found throughout the collection and analysis of the data. For example, “free and democratic,” “free and peaceful” and “human rights” were noted much more often in the data collected than specific Bill of Rights freedoms. For example, President Bush notes in his, *Remarks to the Woodrow Wilson International Center for Scholars*, “We are in Iraq today because our goal has always been more than the removal of a brutal dictator; it is to leave a free and democratic Iraq in its place.”<sup>555</sup> President Bush continued, stating,

Our tactics continue to change, but our goal in Iraq has not changed—a free and democratic Iraq. I strongly believe a democratic Iraq is a crucial part of our strategy to defeat the terrorists, because only democracy can bring freedom and

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<sup>553</sup>Berg, *Qualitative Research Methods for the Social Sciences*, Pearson, 2007, 325.

<sup>554</sup>Raymond Taras and Rajat Ganguly, *Understanding Ethnic Conflict: The International Dimension*, 3<sup>rd</sup> Edition (Boston: Pearson Publishing, 2008): 265, note President George W. Bush preferred the term freedom in discussing democracy whereas President Bill Clinton used spreading democracy.

<sup>555</sup>American Presidency Project, “Remarks to the Woodrow Wilson International Center for Scholars,” December 14, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

reconciliation to Iraq and peace to this troubled part of the world. Our efforts to advance freedom in Iraq are driven by our vital interests and our deepest beliefs. America was founded on the principle that all men are created equal, and we believe that the people of the Middle East desire freedom as much as we do. History has shown that free nations are peaceful nations. And as Iraqi democracy takes hold, Iraqi citizens will have a stake in a common and peaceful future.<sup>556</sup>

President Bush again notes freedom but with no specifics freedoms in his *Remarks at the Republican Jewish Coalition 20th Anniversary Luncheon*, “Freedom is universal. People want to live in freedom, and the more the world becomes free, those who live in darkness will demand the light of freedom. And as freedom advances, we’re laying the foundation of peace for our children and our grandchildren.”<sup>557</sup> Although such terms and phrases may exhibit latent support for Bill of Rights freedoms, they are not specific and do not correlate with the specific freedoms identified in the U.S. Bill of Rights and, therefore, were not included in Findings.

Interestingly, several examples of U.S. government officials reflecting positively upon post-WWII U.S. state-building for Germany and Japan were observed in the data. The officials attempted to link the positive outcomes of post-WWII Japan and Germany to the ongoing struggle observed in Iraq. For example, President Bush discussing Iraq in *Remarks to the American Legislative Exchange Council in Grapevine, Texas*, states:

We have done this type of work before in our Nation. We have fought evil before. We have been through ideological struggles. Your dads and granddads

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<sup>556</sup>Ibid.

<sup>557</sup>American Presidency Project, “Remarks at the Republican Jewish Coalition 20th Anniversary Luncheon,” September 21, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

fought against the Nazis and fought against the Japanese. It was an ideological struggle against an enemy that was ruthless. And we prevailed. We prevailed in more ways than one. We prevailed militarily, but we also helped spread democracy. We laid that foundation for peace for the next generation coming up.<sup>558</sup>

Similarly, President Bush notes in *Remarks in a Discussion in Eau Claire,*

*Wisconsin:*

Yet, after we won the war, President Harry S. Truman believed in the power of liberty to transform an enemy into an ally. That's what he believed. So did a lot of other Americans. A lot of other Americans didn't agree with him, though. Why help the enemy? And the enemy couldn't become a democracy. You know, there was a lot of excuses and a lot of pessimism about the helping the Japanese. But fortunately, they stuck to it. Japan became a democracy.<sup>559</sup>

One final example in linking post-WWII to Iraq state-building is provided by evidence collected from President Bush's *Interview with Paris Match Magazine* in which he discusses democracy for Iraq:

You know, after World War II, a lot of people didn't think Germany could be free and democratic, nor Japan. And there were people that just didn't believe it was true. Fortunately, there were optimists and people who adhered to their principles and value systems, based upon rule of law and democracy, justice.

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<sup>558</sup>American Presidency Project, "Remarks to the American Legislative Exchange Council in Grapevine, Texas," August 3, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

<sup>559</sup>American Presidency Project, "Remarks in a Discussion in Eau Claire, Wisconsin," October 20, 2004, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

And they had the day. They ruled the day—fortunately, their opinions did—so that now some of our strongest allies in the war are Germany and Japan. No, it's never too late to believe people can be free.<sup>560</sup>

Using historical examples and discussing prior successes, such as post-WWII U.S. state-building, may help in providing comfort to both those questioning the state-building as well as providing sound foundation for those who support state-building efforts in Iraq.

This dissertation proposed a nexus between U.S. political parties and Second Amendment freedoms in U.S. state-building in Iraq. Such a nexus was not observed in the data collected under the Methodology. However, party distinction was noted in some of the evidence collected. For example, President Bush noted his contrasting position with Senator Kerry regarding firearms rights in his *Remarks in Cambridge, Ohio*, “We stand for the Second Amendment, which gives every American the individual right to bear arms. I've got a good record on that issue. It stands in stark contrast to my opponent.”<sup>561</sup>

Also, notably, in contrast to the proposition of party disagreement over firearms rights, evidence was collected identifying similarity between political parties on firearms rights. The evidence collected is inconsistent with the research noted under Literature Review that suggests the Republican Party is considered more supportive of individual arms rights while the Democratic Party is considered less supportive. For instance,

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<sup>560</sup>American Presidency Project, “Interview With Paris Match Magazine,” May 28, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu/>.

<sup>561</sup>American Presidency Project, “Remarks in Cambridge, Ohio,” July 31, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu/>.

although the focus is on a specific area of arms rights (assault weapons ban) transcripts from the *Presidential Debate in Tempe, Arizona*, between President George W. Bush and Senator John Kerry identify agreement regarding an assault weapons ban in which President Bush states, "Actually, I made my intentions—I made my views clear. I did think we ought to extend the assault weapons ban and was told the fact that the bill was never going to move because Republicans and Democrats were against the assault weapon ban, people of both parties," with Senator Kerry stating, "I believe it was a failure of Presidential leadership not to reauthorize the assault weapons ban."<sup>562</sup>

Data were collected that some might interpret as a latent anti-gun sentiment or non-support for Second Amendment freedoms. For example, President Bush in *Remarks at the Republican Jewish Coalition 20th Anniversary Luncheon* spoke about the development of the Iraq Constitution noting, "And now the people have come together in difficult circumstances and written a constitution, and it's a good constitution. It's a constitution written with compromise, not with guns."<sup>563</sup> Similarly, in *Remarks in a Discussion on Medicare in El Mirage, Arizona*, President Bush stated "And recently, instead of using guns to decide the fate of the future, Iraqis from all aspects of their society came together and wrote a constitution."<sup>564</sup> President Bush is most certainly voicing support for non-violent means to conflict resolution in Iraq in his statements. However, the use of the term *gun* as used in these examples could be viewed as

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<sup>562</sup>American Presidency Project, "Presidential Debate in Tempe, Arizona," October 13, 2004, accessed May 29, 2019, <http://www.presidency.ucsb.edu/>.

<sup>563</sup>American Presidency Project, "Remarks at the Republican Jewish Coalition 20th Anniversary Luncheon," September 21, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

<sup>564</sup>American Presidency Project, "Remarks in a Discussion on Medicare in El Mirage, Arizona," August 9, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.



possessing latent anti-gun connotations and reflective of a position on firearms rights for Iraqis.

Another example retrieved from the data may help clarify how the Republican Party and, perhaps, the U.S. government controlled by the Republican Party views Second Amendment freedoms in state-building as a lower echelon right. The *2004 Republican Party Platform: A Safer World and a More Hopeful America*, August 30, 2004, states:

Republicans will continue to make the protection and promotion of religious freedom abroad a cardinal principle of our foreign policy. This reflects our national values and protects our national interests, and renders our actions in the world consistent with our ideals as a people. In the President's words, "It is not an accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul."<sup>565</sup>

The *2004 Republican Party Platform* suggests religion freedom is a 'cardinal' principle of U.S. foreign policy. Such a designation and prioritization may suggest that individual arms rights are not a cardinal principle and, therefore, results in a lower priority for inclusion in state-building. Furthermore, the quote from President Bush suggests that religion is a central freedom in the U.S. Bill of Rights with no mention of firearms rights or other rights. Although other rights are not noted in the evidence, all other rights are noted in the data collected and incorporated in the U.S.- sanctioned Iraq Constitution.

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<sup>565</sup>American Presidency Project, "2004 Republican Party Platform: A Safer World and a More Hopeful America," August 30, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu>.

President Bush similarly notes in his *Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania*, December 12, 2005, which freedoms are a priority and required for democracy. He notes, “Yet, in all cultures, successful free societies are built on certain common foundations: rule of law, freedom of speech, freedom of assembly, a free economy, and freedom to worship.”<sup>566</sup> Ironically, he also notes, “Societies that do not lay these foundations risk backsliding into tyranny,” which is, of course, an argument made by many for Second Amendment freedoms.<sup>567</sup>

In addition, other evidence exhibits a similar prioritization of Bill of Rights freedoms in U.S.-led state-building. For example, the *Fact Sheet: Democracy in Iraq*, released by President Bush’s Office of the Press Secretary on December 12, 2005 states, “Democracy takes different forms in different cultures, but successful free societies are built on common foundations of rule of law, freedom of speech, freedom of assembly, a free economy, and freedom of worship.”<sup>568</sup> Here, the *Fact Sheet* specifies what freedoms are required for free societies or democracy. Second Amendment freedoms are not noted. In sum, this evidence may be considered by some direct acknowledgment of the Republican Party giving the Second Amendment a lower priority in state-building.

The research produced other findings, both latent and manifest, reflecting on Iraq citizens and their roles in promoting and defending freedom. For example, President

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<sup>566</sup>American Presidency Project, “President Bush’s Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania,” December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>567</sup>*Ibid.*

<sup>568</sup>American Presidency Project, “Fact Sheet: Democracy in Iraq,” December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

Bush noted in his *Inaugural Address*, January 20, 2005, “Freedom, by its nature, must be chosen and defended by citizens, and sustained by the rule of law and the protection of minorities.”<sup>569</sup>

Another example is noted in *President Bush’s State of the Union Address* in 2005:

We will succeed in Iraq because Iraqis are determined to fight for their own freedom, and to write their own history. As Prime Minister Allawi said in his speech to Congress last September, ‘Ordinary Iraqis are anxious ... to shoulder all the security burdens of our country as quickly as possible.’ This is the natural desire of an independent nation, and it also is the stated mission of our coalition in Iraq” and he goes on to state, "In the end, Iraqis must be able to defend their own country . . .<sup>570</sup>

President Bush also noted the responsibilities of Iraqis in *The President’s News Conference in Savannah, Georgia*, where he stated:

But the long-term solution is going to be for the Iraqi people to secure their own country, David. That’s the only way this country is going to evolve into a prosperous, free society. And I believe the full transfer of sovereignty is going to—will help the Iraqis understand the stakes. They will be responsible. It’s their responsibility. We are there to help. And yes, the main security will be provided by the Iraqi citizens.<sup>571</sup>

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<sup>569</sup>United States Senate, “President Bush Inaugural Address,” January 20, 2005, accessed October 30, 2015, [http://www.senate.gov/general/Features/Finding\\_speeches\\_display.htm](http://www.senate.gov/general/Features/Finding_speeches_display.htm).

<sup>570</sup>University of Virginia-Miller Center, “President Bush’s State of the Union Address,” February 2, 2005, accessed August 18, 2015, <http://millercenter.org/president/gwbush>.

<sup>571</sup>American Presidency Project, “The President’s News Conference in Savannah, Georgia,” June 10, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu/>.

Another example is presented by President George W. Bush, in his *Address Before a Joint Session of the Congress on the State of the Union*, January 20, 2004, “Month by month, Iraqis are assuming more responsibility for their own security and their own future.”<sup>572</sup>

One final example is observed in *President Bush’s Remarks in Roswell, New Mexico*, January 22, 2004, in which he states:

The Iraqi people are taking the brunt of most of these killings that are taking place. They also understand it's their responsibility to secure the country, so we've increased in large number the number of police and people who are willing to help secure the country. More Iraqis are now coming forward. They realize the killings that are taking place— sometimes maybe by foreign terrorists, obviously sometimes by former Ba'athist officials—will stop the march to freedom. They want to be free. You've got to understand, these people, like you and I, love freedom. It's in everybody's heart . . .<sup>573</sup>

It may not be surprising that these themes were identified during data analysis since the methodology for the dissertation uses the timeframe 2003-2005 for the collection of data. These dates are closely related to the transfer of sovereignty to the Interim Iraqi Government that occurred on June 28, 2004. Consequently, rationally the U.S. government would want to publicize the success of the Iraqi mission and continuing development of a new democratic government of the Iraqi people. In addition, there was

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<sup>572</sup>American Presidency Project, “Address Before a Joint Session of the Congress on the State of the Union,” January 20, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu/>.

<sup>573</sup>American Presidency Project, “Remarks in Roswell, New Mexico ” January 22, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu/>.

also a high casualty rate of U.S. forces in Iraq during the timeframe with a spike in American casualties.<sup>574</sup> The themes presented here might be expected in order to demonstrate to the American people that the American casualties of the Iraq War were not in vain.

Another theme identified from data is the specific focus on women in the development of Iraq. For example, President Bush notes in *Remarks in a Discussion on Medicare in El Mirage, Arizona*, August 9, 2005, “This constitution is one that honors women's rights and freedom of religion.”<sup>575</sup>

President Bush also specifically notes women in his *Remarks to the American Legislative Exchange Council in Grapevine, Texas*, August 3, 2005, where he stated, “We believe in human rights and human dignity and minority rights and rights for women and rights to worship freely. That's what we believe.”<sup>576</sup>

A specific focus on women’s rights is observed in *Senator Barbara Mikulski’s (Democrat) Senate Bill 2519 - Iraqi Women and Children's Liberation Act of 2004*, which, “. . . authorizes the President to provide assistance for: (1) education and health care for Iraqi women and children living in Iraq or living as refugees in other countries;

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<sup>574</sup>“Timeline: The Iraq Surge, Before and After,” *Washington Post*, n.d., accessed October 2, 2015, <http://www.washingtonpost.com/wp-srv/nation/thegamble/timeline/>; Department of Defense, Defense Casualty Analysis System, “Casualty Summary by Month,” accessed October 2, 2015, [https://www.dmdc.osd.mil/dcas/pages/report\\_oif\\_month.xhtml](https://www.dmdc.osd.mil/dcas/pages/report_oif_month.xhtml).

<sup>575</sup>American Presidency Project, “Remarks in a Discussion on Medicare in El Mirage, Arizona,” August 9, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

<sup>576</sup>American Presidency Project, “Remarks to the American Legislative Exchange Council in Grapevine, Texas,” August 3, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu/>.

and (2) enhancement of political participation, economic empowerment, civil society, and personal security of women in Iraq.<sup>577</sup>

The focus on women was identified in *President Bush's Remarks to the American Legislative Exchange Council in Grapevine, Texas*, August 3, 2005, in which he states, "It scares—it's that movement that says, women have got equal rights with men that frightens these people."<sup>578</sup>

One final example regarding a focus on women in Iraqi state-building and constitutional development is *Representative Carolyn Maloney's (Democrat) Remarks in House of Representative, Continuing Resolution 342*, "Commending Iraqi women for their participation in Iraqi government and civil society, encouraging the inclusion of Iraqi women in the political and economic life of Iraq, and advocating the protection of Iraqi women's human rights in the Iraqi Constitution."<sup>579</sup>

The thematic evidence shows specific support for *women* in Iraq democracy development. Support for Iraqi women's rights in Iraq government and democracy building is counter to the region's history and placement of women in society. Historically, women were excluded from many aspects of life when compared to their counterparts in the western world.<sup>580</sup> Hence, it should not be a surprise to see support for women commensurate with the basic concepts of human rights and participative

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<sup>577</sup>Library of Congress, "Sen. Mikulski, Barbara A. [D-MD] S.2519 - Iraqi Women and Children's Liberation Act of 2004, 108<sup>th</sup> Congress (2003-2004)," June 15, 2004, accessed September 22, 2015, <https://www.congress.gov/bill/108th-congress/house-resolution/545>.

<sup>578</sup>American Presidency Project, "Remarks to the American Legislative Exchange Council in Grapevine, Texas," August 3, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.

<sup>579</sup>Library of Congress, "Representative Carolyn Maloney's (Democrat) remarks in House of Representative, Continuing Resolution 342," accessed September 22, 2015, <https://www.congress.gov>.

<sup>580</sup>United Nations, "Women's Anti-Discrimination Committee Express Concern Regarding Women's Human Rights in Iraq," February 5, 2004, accessed October 13, 2015, <http://www.un.org/press/en/2004/ik420.doc.htm>.

democracy to counter the historically negative treatment of women. Ultimately, Iraq democracy-building led to the Iraqi Constitution that specifically uses terms, such as *women* and *based on gender*, to specifically link individual protections for Iraqi women.<sup>581</sup> Such findings may be of interest to those researchers examining Feminist Theory and International Relations.

Another theme identified in the data regards the influence of culture in democracy and development of a constitution. Evidence was collected that displays themes presented by President George W. Bush and others related to cultural influences on democracy and constitutional development. Specifically, the themes articulate that an Iraqi democracy and an Iraq Constitution may be distinctly different from the U.S. Constitution and American democracy. For example, President Bush notes in *President Bush's Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania,* "December 12, 2005,

From the outset, the political element of our strategy in Iraq has been guided by a clear principle: Democracy takes different forms in different cultures. Yet, in all cultures, successful free societies are built on certain common foundations: rule of law, freedom of speech, freedom of assembly, a free economy, and freedom to worship. Respect for the belief of others is the only way to build a society where compassion and tolerance prevail. Societies that lay these foundations

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<sup>581</sup>Constitution Finder, "Agreed Translation of the Iraq Constitution."

not only survive but thrive. Societies that do not lay these foundations risk backsliding into tyranny.<sup>582</sup>

President George W. Bush in his *Interview with Mouafac Harb of the Middle East Television Network*, January 29, 2004, notes potential differences in democratic development, “Now, I recognize not every government is going to fashion a free society in the vision of America. I don’t expect that, but I do expect every government to uphold the aspirations of the average citizens in a free society.”<sup>583</sup>

Interestingly, President George W. Bush in his *Remarks to the American Legislative Exchange Council in Grapevine, Texas*, August 3, 2005, linked post-WWII Japan state-building to establish the point that Iraqi democracy may differ from U.S. democracy. He notes, "But something happened in between, something other than a military victory happened in between. And what happened was Japan embraced a democracy. It wasn't an American democracy. It was a Japanese democracy, but it was a democracy."<sup>584</sup>

On a broader scale, President George W. Bush emphasized cultural influences on democracy and state-building in his *Remarks on the 20th Anniversary of the National Endowment for Democracy*, November 6, 2003:

As we watch and encourage reforms in the region, we are mindful that modernization is not the same as Westernization. Representative governments

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<sup>582</sup>American Presidency Project, “*President Bush’s Remarks to the World Affairs Council of Philadelphia and a Question-and-Answer Session in Philadelphia, Pennsylvania*” December 12, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>583</sup>U.S. Government Publishing Office, “*Interview with Mouafac Harb of the Middle East Television Network* January 29, 2004, accessed September 20, 2015, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CPD>.

<sup>584</sup>American Presidency Project, “*Remarks to the American Legislative Exchange Council in Grapevine, Texas*,” August 3, 2005, accessed May 29, 2015, <http://www.presidency.ucsb.edu>.



in the Middle East will reflect their own cultures. They will not and should not look like us. Democratic nations may be constitutional monarchies, federal republics, or parliamentary systems. And working democracies always need time to develop, as did our own.<sup>585</sup>

The themes presented here detail the argument of cultural uniqueness by U.S. government officials in explaining the potentially *different* constitutional and democratic outcomes regarding Iraq democracy and constitutional development. Cultural uniqueness was used as an explanation for potential differences between an Iraq Constitution and democracy as compared with the United States Constitution and democracy. The thematic noting of cultural differences in relation to Iraq may help explain the lack of Second Amendment rights in the Iraq Constitution. Perhaps, Iraq's culture was not prone to citizen arms rights or possession. However, such an argument is proven false as available data show gun ownership in Iraq ranked eighth in worldwide ranking of privately owned firearms with 35% of the population owning firearms.<sup>586</sup> The widespread ownership and cultural pro-firearms history of Iraq makes the lack of Second Amendment freedoms in Iraq's Constitution even more perplexing.

### Discussion of Results

This case study set out to address the research question, "To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other

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<sup>585</sup>American Presidency Project, "Remarks on the 20th Anniversary of the National Endowment for Democracy," November 6, 2003, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>586</sup>GunPolicy.Org, "Guns in Iraq –Firearms, Gun Law and Gun Control," accessed November 4, 2015, [http://www.gunpolicy.org/firearms/region/iraq#rate\\_of\\_civilian\\_firearm\\_possession](http://www.gunpolicy.org/firearms/region/iraq#rate_of_civilian_firearm_possession); Joshua Keating, *Foreign Policy*, "Guns don't kill dictatorships, people do," January 9, 2013, accessed November 10, 2015, <http://foreignpolicy.com/2013/01/09/guns-dont-kill-dictatorships-people-do/>; Scott Peterson, *The Christian Science Monitor*, March 10, 2003, "Iraqi public well-armed and wary, Iraqi civilians are dusting off their firearms, constructing oil-filled trenches and preparing for civil unrest," accessed November 10, 2015, <http://www.csmonitor.com/2003/0310/p01s03-woiq.html>.

nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Iraq 2003-2005.” The hypothesis argues that the extent of the U.S. government’s incorporation of individual firearms rights, as opposed to the other nine Bill of Rights freedoms, in U.S.-led Iraq state-building efforts is driven by the ideology of the political party in control of the Executive Branch at the time of the conduct of Iraq state-building. This case study, part of a multi-case study strategy, collected evidence from multiple sources and used thematic content analysis to systematically identify themes showing the level of U.S. government and associated political party support for all ten Bill of Rights freedoms in Iraq state-building 2003-2005.

The hypothesis for this dissertation argues domestic differences between political parties may also be observed in regard to support for Second Amendment freedoms in Iraq state-building. Yet, results of this case study showed no distinct party differences in positions regarding any Bill of Rights freedoms development for Iraq. Results do note that the party in power (Republican) was found to be supportive of all Bill of Rights freedoms with the exception of Second Amendment freedoms. Some evidence was collected identifying a Democratic Party position on U.S. state-building for Iraq, specifically support for Tenth Amendment freedoms. The lack of additional evidence identifying Democratic Party positions on the Bill of Rights freedoms appears problematic. However, during the timeframe for this case study (2003-2005), Republicans held power in the Executive Branch and also held the majority of seats in the House of Representatives and Senate during the research period.<sup>587</sup> Hence, the lack of

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<sup>587</sup>United States House of Representatives, accessed October 30, 2015, <http://history.house.gov/Institution/Party-Divisions/Party-Divisions/>; United States Senate, accessed October 30, 2015, <http://www.senate.gov/history/partydiv.htm>.

data collected regarding Democratic Party leanings in U.S. state-building efforts may not be surprising. Nevertheless, since the opposition party offers opportunities to speak against the party in power on matters of national interest, such as U.S. state-building, one would think that documented opposition or support to the party in power would be located. Evidence was collected showing differences between parties in other areas, such as withdrawal dates of U.S. forces in Iraq.<sup>588</sup> There was evidence collected showing support from the Democratic Party regarding the general concept of democracy and the Democratic Peace Theory. For example, the Democratic Party Platform of 2004 states, “We know that promoting democracy, human rights, and the rule of law is vital to our long-term security. Americans will be safer in a world of democracies.”<sup>589</sup> Certainly, there may be additional evidence somewhere that identifies the position of the Democratic Party regarding additional specific support for Bill of Rights freedoms for Iraq. For example, party position may be present in a legislative bill hidden as an Amendment and not identified in the title of the Bill or the abstract of the Bill. Such data would not have been collected under this dissertation’s methodology since the methodology for this dissertation called for an examination of data using key words and specific screening procedures. Yet, the lack of evidence may be evidence itself, as Powner notes that a researcher cannot declare the absence in reference to an issue means that a policymaker did not have a position on the issue(s) in question. She states, “. . .

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<sup>588</sup>American Presidency Project, “Democratic Party Response to President Bush's Address Before a Joint Session of the Congress on the State of the Union,” February 2, 2005, accessed August 15, 2015, <http://www.presidency.ucsb.edu>.

<sup>589</sup>American Presidency Project, “Democratic Party Platform,” July 26, 2004, accessed August 15, 2015, <http://www.presidency.ucsb.edu/ws/?pid=29613>.

lack of evidence can itself be evidence in certain circumstances.”<sup>590</sup> In this case, Powner’s concept suggests, along with other possibilities, the lack of support by both political parties for individual arms rights in Iraq. Specific explanations for this phenomenon were not identified in the data.

The prohibition placed on arms possession can be viewed as sound immediate post-war security policy, since concerns of subversive activity undermining U.S. post-war policies and interests must be addressed. History has shown superpowers can be defeated by insurgency; therefore, arms bans may be prudent policy.<sup>591</sup> Thus, the U.S. government’s post-Iraq war policy implemented strong anti-gun possession restrictions, including banning possession by anyone other than authorized military or selected officials.<sup>592</sup> With the ongoing violence in Iraq among the different actors using small arms, restrictions on firearms possession and rights are thought to help minimize the violence. In addition, the U.S. has a desire to build strong state institutions for stabilization and focus on those aspects of constitution building rather than arms rights that may complicate stability. Yet, some argue that the effects of such a policy may have dire implications for those citizens with a desire to provide some level of safety and security for their families and themselves. As noted in the Literature Review, the failure of government to provide protection for citizens is a commonly cited reason in the U.S. for an armed citizenry. The argument suggest that disarming the population results in vulnerability of citizens in the midst of violence produced by a tyrannical government or

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<sup>590</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student’s Practical Guide*,” 219.

<sup>591</sup>Thompson, *Armed Groups: The 21<sup>st</sup> Century Threat*, 32.

<sup>592</sup>Bremer, *The Coalition Provisional Authority*, 2003.

criminal element. Iraq may be a case supportive of the argument as U.S. government officials were forced to repeal some aspects of citizen ownership and possession of firearms due to the ongoing violence.<sup>593</sup>

An abundance of evidence was collected showing a propensity of U.S. government support of First, Fifth, and Tenth Amendment freedoms primarily consisting of religious, press, assembly, search and seizure protections, and federalism. This is consistent with the premise of the research question that suggests a lower level of support by the U.S. government for Second Amendment freedoms, compared to the other nine Bill of Rights freedoms in state-building efforts. Moreover, some evidence, such as the U.S. supported *Iraq Constitution*, which stipulates the individual freedoms for Iraq and adopted by Iraq on October 15, 2005, displays freedoms found to be supported in Iraq less Second Amendment freedoms.<sup>594</sup> U.S. government support for freedoms other than the Second Amendment is consistent with general worldwide decline in individual arms freedoms as discussed in the Literature Review. Furthermore, some researchers note developing democracies fail to use the United States Constitution, including its Bill of Rights, as a model for their own constitutions and argue that the Second Amendment is archaic and not desirable. In contrast, developing democracies, such as Iraq, are more prone to identify other specific, generally universal freedoms in their Constitutions, such as speech, religion, and press. Finally, as noted in Other Findings, cultural aspects of

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<sup>593</sup>See Edmund Andrews, “After the War: Baghdad, Iraqi Civilians Allowed To Keep Assault Rifles, *NY Times* (June 1, 2003), <http://www.nytimes.com/2003/06/01/world/after-the-war-baghdad-iraqi-civilians-allowed-to-keep-assault-rifles.html> [accessed November 1, 2015], where the author notes in discussion with U.S. government officials that firearms restrictions had to be lifted to afford Iraqi citizens the opportunity to defend themselves.

<sup>594</sup>Constitution Finder, “Agreed Translation of the Iraq Constitution.”

developing democracies may dictate the freedoms to be included in their constitutions. However, in this case, Iraqi culture was not shown to be gun averse.

In sum, this case study set out to address the research question, “To what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Iraq 2003-2005?” This case study also set out to test the hypothesis, “The extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project.” Olsti defines content analysis as “any technique for making inferences by objectively and systematically identifying specified characteristics of messages.”<sup>595</sup> Results of this thematic content analysis suggest the U.S. government was more supportive of U.S. Bill of Rights freedoms, such as religion, press, speech, and criminal justice protections. Results fail to produce evidence of U.S. government support of constitutionally protected individual arms rights freedoms for Iraqis. Thus, in addressing the research question, findings suggest the U.S. government provided less support for Second Amendment freedoms as compared to the nine other freedoms specified in the U.S. Bill of Rights in Iraq state-building from 2003-2005.

The Literature Review identifies associations between political party and policy positions. Generally, Republicans are more supportive of firearms freedoms with Democrats less supportive. Spitzer notes in his book, *The Politics of Gun Control*, “The

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<sup>595</sup>Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley, 1969), 14.

political parties often seek to exploit differences over social regulatory issues.”<sup>596</sup> He goes further to note Republicans oppose new gun laws while Democrats favor new laws stating, “Unquestionably, gun policy continues to be defined by its politics.”<sup>597</sup> The hypothesis for this dissertation inquires as to political party position on gun policy for Iraq state-building. Results failed to produce evidence exhibiting the position of the party in charge of the Executive Branch of the U.S. government at the time of U.S. state-building in Iraq (Republican) in regards to individual arms rights protections for Iraq. Furthermore, no evidence was collected inferring either political party was supportive of individual arms freedoms in Iraq from 2003-2005. The evidence did not identify any distinctions between the Republican Party and the Democratic Party regarding support for Second Amendment freedoms in U.S. state-building in Iraq 2003-2005. Thus, evidence failed to identify any relationship between an American political party and level of support for Second Amendment rights. Therefore, testing of the case study supports the null hypothesis in that the extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts was not shown to be affected by the ideology of the political party in control of the Executive Branch at the time of the conduct of a given state-building project.

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<sup>596</sup>Spitzer, *The Politics of Gun Control*, 80.

<sup>597</sup>*Ibid.*, p.117.

## Research Limitations

Powner notes, “Every study has limitations” with the most common being available evidence and study design.<sup>598</sup> This case study, like all studies, has limitations, the most significant of which are identified in this section. Firstly, because the research is a doctoral study, there are limitations such as number of coders. In this case, the sole coder was the doctoral candidate. To mitigate some of the issues associated with single coding, such as bias, codes, and themes, identified in the data were reviewed and discussed with the Dissertation Chair. Further, the Dissertation Committee was presented with opportunities to review and question the data and analysis as the research progressed with the researcher addressing the Committee’s concerns.

Berg and other researchers note that changes in coding and interpretations of data may occur during the content analysis process.<sup>599</sup> As noted in the Methodology chapter, “procedures may change during the course of the research.”<sup>600</sup> One change was the addition to the recording process where coded data were transferred to Microsoft Excel spreadsheets after completion of coding sheets. The use of Microsoft Excel was not previously noted under Dissertation Data Collection Procedures. The use of the Microsoft Excel spreadsheets facilitated data collection, review, and analysis. Berg also notes some of the interpretation issues in his discussion of manifest and latent content analysis and how interpretation difficulties can arise during coding.<sup>601</sup> Johnson and Reynolds note that

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<sup>598</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student’s Practical Guide*, 219.

<sup>599</sup>Berg, *Qualitative Research Methods for the Social Sciences*, Pearson, 2007, 308-309.

<sup>600</sup>Darren Gil, “U.S. State Building and the Second Amendment,” 63.



interpretation of such problems can be mitigated with adequate explanation of content analysis procedures. Such procedures were incorporated into the analysis.

Sorensen discusses the complexities in associating a collective body with particular foreign policy positions. He notes the multiple influences associated with foreign policy decision-making.<sup>602</sup> The researcher encountered such difficulties while attempting to interpret positions on the support of Bill of Rights freedoms noted in the Iraq Constitution. For example, implementation of the Iraq Constitution required not only the approval of the U.S. government, but the various ethnic constituents that make up the Iraqi population. Thus, a consensus was required for approval of the constitution. Generally, consensus requires give-and-take from the involved parties during negotiations. Consequently, the complete desires of any particular party may not be fulfilled in the final outcome. If true in this case, U.S. support for Bill of Rights freedoms may have been impacted through the negotiation process where some rights supported by the U.S. government may have been included—yet others may have been excluded due to the process. However, in this case, throughout the data collection process evidence was collected from multiple sources and multiple data collection sites showing strong U.S. support for all Bill of Rights freedoms ultimately included in the Iraq Constitution less the Second Amendment. Therefore, although the Iraq Constitution required consensus from multiple parties, since the magnitude and totality of evidence showed U.S. government support for all Bill of Rights freedoms less Second Amendment freedoms,

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<sup>601</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 308-309; Holsti. "Content Analysis" in *The Handbook of Social Psychology* ( 2nd ed., Vol. 2), 1975; Chieh-Chieh Bowen and William Bowen, "Content Analysis *Handbook of Research Methods in Public Administration*, ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

<sup>602</sup>Sorensen, "Foreign Policy in a Presidential Democracy," 515-528.

the evidence was included in Findings rather than Other Findings. In addition, since the Iraq Constitution was developed and approved by the U.S. Executive Branch, which was controlled by the Republican Party, the researcher determined party affiliation would be included in Findings.

As outlined in Methodology, this case was purposefully selected for being the most recent example of U.S.-led state-building. Being the most recent may have led to limitations on available evidence. Inquiries with the National Archive in Washington, DC, resulted in a referral to the George W. Bush Presidential Library, where all related materials regarding this research question are located as part of the National Archives system. In this case, data requested relating to the research question has not been released, and any future releases require Freedom of Information Act (FOIA) requests for any data from the archives. Although FOIA requests have been submitted, responders from the Archives note that it may take years to obtain the requested data. In lieu of the delays in release of Archive evidence, future research may want to utilize other data collection procedures, such as interviews and questionnaires, to gain additional perspectives on the topic. These approaches may be consistent with Olsti, who suggests that content analysis is useful when data accessibility is limited and the subject can only be studied through written evidence. He notes that content analysis can serve as the “last resort” approach to social research when the other techniques have been ruled out by circumstances.<sup>603</sup> In this case, other techniques may be more appropriate since documentary evidence limitations exist in this case. Perhaps, interviews and questionnaires may be the more logical approach for Iraq until written data are released.

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<sup>603</sup>Holsti, “Content Analysis” in *The Handbook of Social Psychology* ( 2nd , Vol. 2), 1968.

There were 14 data collection sources used, including electronic database and archives. Seven (50 percent) data collection sites provided documents relevant to the research question. Among the seven sites, one data collection site offered only duplicate documents located within other data collection sites, which is supportive of triangulation. To avoid distorting results, duplicate documents were recorded only one time from one data collection site and noted in Findings. The data collection site offering only duplicate findings is *The Presidential Rhetoric, Historical Presidential Speeches*.

Seven (50 percent) data collection sites did not offer any documents that were relevant to the research question regarding U.S. Bill of Rights freedoms and provided under Results:

1. The William McKinley Presidential Library.
2. The Harry S. Truman Presidential Library.
3. The Department of State, Remarks, Testimony, Speeches, and Briefings by Department of State Officials.
4. Department of State, Office of the Historian, Foreign Relations of the United States, University of Wisconsin.
5. Public Papers of the Presidents of the United States.
6. The National Archive (Washington DC).
7. The George W. Bush Presidential Library.

Reasons for the lack of data collection from these sources include research timeframe limitations. For example, the Department of State, Office of the Historian, Foreign Relations of the United States, and University of Wisconsin are limited up to the Carter Administration. The Department of State, Remarks, Testimony, Speeches, and

Briefings by Department of State Officials limits data collection between 2009 and 2015. Obviously, the William McKinley and Harry S. Truman Presidential Libraries failed to render data due to outside the data collection timeframe. Public Papers of the Presidents of the United States data conclude with President Bill Clinton's administration. Although The National Archive and The George W. Bush Presidential Library produced some unclassified documents regarding democracy, no documents were specific to Iraq and U.S. Bill of Rights freedoms.

The data collection sites were selected to identify data focused on official government positions on Bill of Rights freedoms. They were selected to maintain consistency and provide limitations to limitless data. Thus, other data collection sites were discounted for methodological reasons. Notably, some data collected from the selected sites were found to originate from newspapers, websites, and other sources and then placed within the selected data collection sites. This leads to the understanding that there are other collection sites, such as newspapers, websites, books, autobiographies, foreign archives, personal blogs, and others, that may provide additional insights on the targeted phenomenon. Future research should consider a methodology that is inclusive of these other sources of data.

Researchers note that content analysis evidence is limited to the examination of already recorded messages.<sup>604</sup> The researcher reviewed thousands of documents using the proscribed methodology. Although outlined procedures were followed, it is always possible that potential data and evidence were missed due to methodological weaknesses.

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<sup>604</sup>Berg, *Qualitative Research Methods for the Social Sciences*, 2007, 328; Holsti. "Content Analysis" in *The Handbook of Social Psychology* (2nd ed., Vol. 2), 1968.

Certainly, evidence identifying discussions regarding individual arms rights in U.S. state-building for Iraq, similar to the *Federalist Papers*, may exist. Future FOIA releases and other evidence may provide additional understanding on the level of U.S. support for individual arms freedoms in Iraq. Additionally, in order to expand the universe of potentially useful data, future research methodologies may need to select additional data collection sources and qualitative strategies to obtain additional evidence relating to the research question.

There are weaknesses associated with content analysis regarding interpretation of content, including coder bias and reliability. Simply, one coder might examine and interpret data differently from another coder using the same evidence. As McTavish and Pirro note, “. . . the research problem and the theory the investigator uses will specify the relevant meanings in appropriate text for certain research purposes.”<sup>605</sup> Providing excerpts of the evidence helps mitigate some of the concerns by affording reviewers the opportunity to compare evidence to the researcher’s interpretation. However, further explanation of coder analysis and interpretation of content may be beneficial for reliability and validity by exposing coder biases and identification of the system used for the analysis.

System means that the inclusion and exclusion of content or categories is done according to consistently applied rules.<sup>606</sup> Thus, presenting a review on how evidence was examined and examples of interpretations may provide additional guidance on the

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<sup>605</sup>McTavish and Pirro, “Contextual Content Analysis *Quality and Quantity*,” 247.

<sup>606</sup>Holsti. “Content Analysis in *The Handbook of Social Psychology*, 2nd ed., Vol. 2, ed. G. Lindzey and E. Aronson (New Delhi: Amerind, 1975), 601; Chieh-Chieh Bowen and William Bowen, “Content Analysis *Handbook of Research Methods in Public Administration*, ed. K. Yang and G. Miller (New York: Marcel Dekker, 2008).

system used by the researcher and add to validity and reliability. Some coder reliability and triangulation were instilled through the finding of duplicate documents collected from different data collection sources. After all coding was completed, duplicate documents were compared. Comparisons show that duplicate documents contained similar coding for themes, thereby exhibiting consistency in coding. Also, this issue is minimized for this study as there was only one coder used for the study with potential biases identified in Methodology. Most thematic data included in Findings were clearly associated, if not verbatim, in support of corresponding Bill of Rights freedoms.

Also, it should be noted the researcher did not code the absence of evidence as non-support of Bill of Rights freedoms. Only verifiable thematic evidence, presented as excerpts, was reported in Findings. Support or non-support required the evidence to exhibit specificity of non-support or supportive characteristics. For example, although the Iraq Constitution contains thematic support for all Bill of Rights freedoms with the exception of the Second Amendment, the lack of content or evidence relating to Second Amendment freedoms was not reported as non-support. As Powner notes, determinations on how to address the absence of references or evidence is “ultimately a judgment call by the researcher.”<sup>607</sup> Fortunately, most data regarding Bill of Rights freedoms were straightforward.

This case study is explorative in nature as it is one case in a dissertation using a multi-case strategy and thematic content analysis to examine the relationship between U.S. state-building, Bill of Rights freedoms, and political party affiliation. Content

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<sup>607</sup>Leanne Powner, *Empirical Research and Writing: A Political Science Student's Practical Guide*, 221.

analysis is a research technique for making replicable and valid inferences from texts to the contexts of their use.<sup>608</sup> This research suggests the U.S. government was supportive of democratic principles and U.S. Bill of Rights freedoms in post-war Iraq, with the exception of Second Amendment freedoms. Although there were limitations identified in Research Limitations that impacted the study, the study contributes to the body of literature regarding U.S. state-building by presenting additional awareness and understanding regarding U.S. support for Bill of Rights freedoms in state-building and political party association with Bill of Rights freedoms. Thus, as an explorative study, this research provides additional knowledge on U.S. state building in Iraq and a foundation for future studies.

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<sup>608</sup>Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 382.

## CHAPTER VII– CONCLUSION

### Introduction

This concluding chapter will address the focus of the dissertation research, briefly review methodology, analyze and assess evidence from the three case studies, assess the extent of the validity of the hypotheses based on the evidence gathered and presented in the three case studies, discuss contributions the research provides to the discourse, including theoretical and policy implications, and provide some suggestions regarding future research.

Support for democracy and individual freedoms are central elements in the formulation and implementation of U.S. foreign policy. This study was developed to explore the extent of incorporation of U.S. government support for Second Amendment freedoms as compared with the other nine Bill of Rights freedoms in U.S.-led state-building projects. This dissertation uses a conceptual framework enabling reasoned thematic interpretations for providing U.S. government level of support for U.S. Bill of Rights freedoms in U.S.-led state-building projects. The literature provides abundant study and evidence showing U.S. government support of democracy and several Bill of Rights freedoms such as freedom of the press and freedom of religion, in its state-building endeavors and foreign policy. In contrast, literature fails to identify any studies or empirical findings regarding U.S. government level of support for Second Amendment freedoms in particular in U.S.-led state-building efforts. This dissertation was developed to test for levels of U.S. government support for Bill of Rights freedoms, including Second Amendment freedoms, in U.S. led state-building. The dissertation makes specific inquiry as to what extent, if any, did the U.S. government support Second Amendment



freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Cuba (1898–1901), Germany (1945–1949), and Iraq (2003–2005)?

The dissertation also tests whether there is political linkage to levels of support for Second Amendment freedoms in U.S. state-building projects. The study posits that the extent of the U.S. government's incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S.-led state-building efforts is driven by the ideology of the political party in control of the executive branch at the time of the conduct of a given state-building project. The literature on domestic level of U.S. political party support for Second Amendment freedoms is abundant and clearly identifies significant divisions between American political parties regarding domestic arms freedoms. Literature suggests historically the two primary U.S. political parties, Republican and Democratic, have had differing positions regarding support for Second Amendment freedoms, with the Republican Party more supportive and the Democratic Party less supportive. However, prior literature does not examine political party support for Second Amendment freedoms in U.S. led state-building.

This study sought to address these gaps in the literature by examining U.S. government level of support for individual arms rights in state-building and to test for a relationship between political party and level of support for Second Amendment freedoms in U.S. led state-building. The remaining sections of this chapter will review methodology, review evidence from the three case studies, discuss the validity of the hypotheses based on the evidence gathered and presented in the three case studies, address contributions to research, and provide suggestions regarding future research.

## Methodology

Case study strategies consist principally of observation, interview, and document review.<sup>609</sup> This dissertation focused on document review using thematic content analysis to address the research question and hypothesis. Limitations for this study were chapter-specific, but some limitations require additional discussion. For instance, data required coding and interpretation for analysis of the evidence. The relevant methodological literature notes that coding is not a precise science but an interpretive act or judgment call.<sup>610</sup> In order to overcome some of the perceived weaknesses in thematic content analysis, this study strived for objectivity, system, and generality.<sup>611</sup> Objectivity is present through the use of a research process with explicit procedures. The inclusion and exclusion of thematic content were systematic in the application of consistently applied rules, and generality is present in that adoption or exclusion of individual freedoms has theoretical relevance in state-building, foreign policy, and democracy promotion.

The data collection process focused on documents that articulate U.S. government positions from the executive branch and the legislative branch regarding U.S. Bill of Rights freedoms in U.S. state-building. The data collection sites were selected to maintain consistency among the three case studies and provide limitations to limitless data. Data collection sites contained data originating from newspapers, websites, and other sources. This leads to the understanding that alternative methodology using sources targeting newspapers, websites, books, autobiographies, foreign archives, personal blogs,

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<sup>609</sup>Stake, *The Art of Case Study*, 114.

<sup>610</sup>Johnny Saldaña, *The Coding Manual for Qualitative Researchers* (Thousand Oaks, CA: Sage Publications, 2009): 4-7.

<sup>611</sup>Holsti, *Content Analysis for the Social Sciences and Humanities* (Redding, MA: Addison-Wesley, 1969).

and other sources are available and may provide additional insights on the targeted phenomenon. Future studies testing more recent and ongoing cases might select interviews and observations for additional primary data, including collection of data with a focus on notes and memoirs in specific constitution development meetings. Also, in the context of this dissertation research, the sole data coder and theme interpreter was the researcher. Consequently, future studies may want to use multiple coders and interpreters of data for reasons of reliability.

Problems were encountered in interpretation of level of political party support from collective bodies such as the U.S. Congress. To mitigate the issue, this dissertation suggests political party position of the party in charge of the administration of the U.S. government and the collective body could be interpreted since a majority would be required for passage of any policy. However, minority party support could not similarly be determined since the majority of their positions could not be clearly identified. Future research may use different reasoning to account for this limitation. Limitations noted in this dissertation may suggest future studies use revised conceptual frameworks; however, the research provides a firm beginning for addressing future testing of the phenomenon.

Some researchers articulate case studies lack generalizability.<sup>612</sup> Others, such as Yin, note case study research is generalizable to theoretical propositions. Yin notes criticism is unwarranted as “case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study does not represent a ‘sample,’ and the investigator’s goal is to expand and generalize

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<sup>612</sup>Bent Flyvbjerg, “Five Misunderstandings about Case-Study Research *Qualitative Inquiry* 12, no. 2 (2006): 219; Berg, *Qualitative Research Methods for the Social Sciences*, 2001, 232.

theories (analytic generalization) and not to enumerate frequencies (statistical generalization).”<sup>613</sup> Stake notes that the aims of case study are to improve understanding of a phenomenon through explanations and descriptions.<sup>614</sup> Certainly, understanding that there are numerous differences and multiple influences in state-building, each case of state-building will be somewhat unique and, therefore, the results of one case will not explain all other cases. Therefore, the results of this study should not be considered statistically generalizable to other cases. However, this dissertation fulfills Stake’s aims regarding understanding and Yin’s goal to expand and generalize theories (analytic generalization) regarding U.S. government support for Second Amendment freedoms in state-building. Consequently, the findings of this study can be used to further the analytical generalization that the U.S. has not historically been equally supportive of all Bill of Rights freedoms.

#### Cumulative Findings from all Case Studies

Findings are chapter-specific and discussed within the following respective chapters: Chapter IV – Cuba; Chapter V – Germany; and Chapter VI – Iraq. This section integrates the empirical findings including descriptive information from the three chapters to address the study’s research question and hypothesis.

#### *Research Question*

The research question asks to what extent, if any, did the U.S. government support Second Amendment freedoms, as compared to the other nine freedoms specified in the U.S. Bill of Rights, in its state-building efforts in Cuba (1898–1901), Germany

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<sup>613</sup>Johnson and Reynolds, *Political Science Research Methods* (Washington, DC: CQ Press, 2005), 87.

<sup>614</sup>Stake, “The Case Study Method in Social Inquiry,”20-21; Stake, *The Art of the Case Study*, 102.

(1945–1949), and Iraq (2003–2005)? The data collected identified less support for Second Amendment freedoms when compared with the other nine Bill of Rights freedoms. No data were collected identifying support for individual arms rights.

Table 20 displays cumulative results where U.S. Bill of Rights themes were identified among the three case studies. Thematic evidence, supportive and non-supportive, was identified in all cases, with the exception of any thematic evidence for the case of Iraq relative to Second Amendment freedoms.

Table 20

*Case Studies Providing Evidence on U.S. Support for U.S. Bill of Rights Freedoms*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9 <sup>th</sup>	10th
CUBA	X	X	X	X	X	X	X	X	X	X
GERMANY	X	X	X	X	X	X	X	X	X	X
IRAQ	X		X	X	X	X	X	X	X	X

X indicates where Bill of Rights freedoms were observed. All Bill of Rights freedoms were supported with the exception of the Second Amendment where the evidence exhibited non-support. No evidence was identified for Iraq regarding support or non-support for Second Amendment freedoms.

Table 21 displays the cumulative results identifying either support or non-support for all three case studies, regardless of political party affiliation. A total of 91 documents were collected from the data collection sites and presented in Findings. These documents resulted in 197 instances where data were interpreted as thematically relevant to Bill of Rights freedoms.

Table 21

*Cumulative Findings from all Case Studies all Political Parties – U.S. Bill of Rights*

*Themes (Total Numbers)*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8 <sup>th</sup>	9th	10th
Support (Y/N)*	Y(85)**	N(13)	Y(5)	Y(11)	Y(30)	Y(6)	Y(6)	Y(7)	Y(5)	Y(29)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the total number of times relevant thematic data was identified for the indicated freedom from the evidence.

Table 22 displays the cumulative results in percentages of support or non-support among the collective pieces of evidence collected for all three case studies regardless of political party affiliation.

Table 22

*Cumulative Findings from all Case Studies all Political Parties – U.S. Bill of Rights*

*Themes (Percentage)\*\*\**

Amendment	1st	2nd	3rd	4 <sup>th</sup>	5th	6 <sup>th</sup>	7th	8 <sup>th</sup>	9th	10th
Support (Y/N)% *	Y(43)**	N(7)	Y(3)	Y(6)	Y(15)	Y(3)	Y(3)	Y(4)	Y(3)	Y(15)

\*Y indicates thematic support was identified. N indicates thematic non-support was identified. \*\*The number indicates the percentage of times relevant thematic data was identified for the indicated freedom from the evidence. \*\*\* Percentages may not total 100 due to rounding.

In response to the research question, the collected data found that the Second Amendment did not receive the amount of support provided to the other nine Bill of Rights freedoms. The findings reject the idea that all Bill of Rights freedoms are supported equally in U.S. state-building efforts. There appears to be a primacy and

preference for some Bill of Rights freedoms over others in U.S. led state-building. Data collected found First, Fifth, and Tenth Amendment freedoms received preference. A common pattern emerging from the research is U.S. government support for all Bill of Rights freedoms, with the exclusion of the Second Amendment. No evidence was collected exhibiting non-support for any Bill of Rights freedom with the exception of the Second Amendment. For example, evidence was collected showing non-support for Second Amendment freedoms in Cuba and Germany with no specific evidence collected for Iraq regarding either support or non-support. Yet, a significant amount of evidence, in all cases, displays specific support for the nine other freedoms; in some cases Bill of Rights freedoms were quoted verbatim. No evidence was collected exhibiting any deviations from the pattern. Interestingly, results of the approved, U.S.-supported constitutions of Cuba, Germany, and Iraq contain elements of all Bill of Rights freedoms with the exception of Second Amendment freedoms.

In two cases, Cuba and Germany, the U.S. government was found to be supportive of total bans on individual firearms freedoms, while supportive of collective firearms possession by the state and selected government officials. Any deviation from the bans for Cuba and Germany required specific U.S. government approval. No evidence was collected regarding a ban on individual firearms possession for Iraq.

Cumulative findings from the three case studies show significant support for First, Fourth, Fifth, and Tenth Amendment freedoms with other freedoms seeing less support; and the Second Amendment receiving no support. For example, evidence from the Cuba case study exhibited First and Fifth Amendment freedoms as the most supported. Evidence for Germany exhibited First, Fourth, and Fifth Amendment freedoms as most

supported. Evidence for Iraq presented First and Tenth Amendment freedoms as most supported. In sum and in response to the research question, the collected data for this study found less support for Second Amendment freedoms compared to the other nine Bill of Rights freedoms.

### *Hypothesis*

The study's hypothesis proposed that the extent of the U.S. government's incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms, in U.S. led state-building efforts is driven by the ideology of the political party in control of the Executive Branch at the time of the conduct of a given state-building project. Data found that the Republican and Democratic parties supported all Bill of Rights freedoms with the exception of Second Amendment freedoms. Neither party supported individual arms rights in the three cases of U.S. state-building. Therefore, the null hypothesis was supported in that no inverse relationship was identified regarding political party and support for Second Amendment style freedoms in U.S. led state-building.

Table 23 displays the cumulative results from all three case studies identifying whether political party support or non-support for freedoms contained within the U.S. Bill of Rights were identified.



Table 23

*Cumulative Findings from all Case Studies Political Party Support Level – U.S. Bill of Rights Themes*

Amendment	1st	2nd	3rd	4th	5th	6th	7th	8th	9 <sup>th</sup>	10th
Republican	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Democrat	Y	N	Y	Y	Y	Y	Y	Y	Y	Y

Y indicates thematic support was identified. N indicates thematic non-support was identified.

The three case studies represented two Republican Party administrations, President William McKinley regarding Cuba and President George W. Bush regarding Iraq, and one Democratic Party administration, President Harry S. Truman regarding Germany. The evidence collected revealed that no administration was supportive of Second Amendment freedoms. Thus, contrary to the dissertation’s hypothesis, data collected found no differences between political parties and support for Second Amendment freedoms in U.S. state-building. Moreover, an aversion for support of Second Amendment freedoms by the U.S. government, regardless of political party, was observed. For instance, in Cuba, Republican President William McKinley supported disarmament of the Cuban volunteer army noting such action was “. . . in interest of public peace and welfare of the people.”<sup>615</sup> The Republican Party similarly minimized the importance of individual arms rights in the 2004 Republican Party Platform by not identifying individual arms rights among the *cardinal* principles and *national values* of

<sup>615</sup>American Presidency Project, “President McKinley 3rd Annual Message to Congress 12/5/1899,” accessed November 13, 2014, <http://www.presidency.ucsb.edu>.

Republican foreign policy.<sup>616</sup> In post-WWII Germany, under Democratic President Harry S. Truman, U.S. State Department policy stated, “. . . no person in Germany other than members of the occupying forces shall be permitted to bear arms . . .”<sup>617</sup> Although Cuba and Iraq state-building fell under Republican administrations, perceived as supportive of individual arms rights domestically, no evidence supportive of individual arms rights in these cases was observed. Evidence was collected showing non-support for Cuba with no evidence collected regarding the level of support for Iraq. Research did yield evidence that identified Cuba as the only case receiving U.S. government support for some constitutional arms rights, as the U.S. approved Cuban Constitution supports collective arms rights but only when authorized by the Cuban government.<sup>618</sup> Evidence for Germany state-building, under a Democratic administration, thought to be less supportive of individual arms rights was consistent in that data collected were not supportive of individual arms rights. In sum and in addressing the hypothesis, the data collected found no political ideological divisions regarding the extent of the U.S. government’s incorporation of individual citizen firearms rights in U.S. led state-building. Thus, the null hypothesis was supported in that the extent of the U.S. government’s incorporation of individual citizen firearms rights, compared to the other nine Bill of Rights freedoms,

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<sup>616</sup>American Presidency Project, “2004 Republican Party Platform: A Safer World and a More Hopeful America,” August 30, 2004, accessed May 30, 2015, <http://www.presidency.ucsb.edu>.

<sup>617</sup>University of Wisconsin, Digital Collections—Foreign Relations of the United States, VI - Basic Statements of Policy Regarding Germany, 1948, Volume II, General Policies for Germany – “Department of State Policy Statement,” August 12, 1948, 1331-1332, accessed April 29, 2015, <http://uwdc.library.wisc.edu/collections/FRUS>.

<sup>618</sup>Library of Congress, “Translation of the Proposed Constitution for Cuba, The Official Acceptance of the Platt Amendment, and the Electoral law,” accessed November, 2014, <http://lccn.loc.gov/unk85005160>; <https://catalog.loc.gov/vwebv/holdingsInfo?searchId=15662&recCount=25&recPointer=23&bid=9575815> where the Cuban Constitution notes, “Cuba Article 9 – “Every Cuban shall - First. Bear arms in defense of his country in such cases and in the manner determined by the laws.

in U.S.-led state-building efforts was not affected by the ideology of the political party in control of the Executive Branch at the time of the conduct of a given state-building project.

#### Contribution to the Disclosure and Analysis of the Findings

This dissertation presented an empirically-based assessment regarding the level of U.S. government support for U.S. Bill of Rights freedoms in U.S.-led state-building projects. An examination of U.S. government state-building history was relevant, given U.S. interest in advancing democracy and individual freedoms. Furthermore, research in U.S. state-building policies and decision-making is warranted given the fact that the literature identified only two cases of significant success in U.S. state-building efforts since the first U.S. government state-building case in Cuba. The research was innovative in that it addressed a gap in the existing empirical literature as to the level of U.S. government support for U.S. Bill of Rights freedoms in U.S.-led state-building. Additionally, it uniquely focused attention on level of support for Second Amendment freedoms in U.S.-led state-building. The dissertation also uniquely examined the relationship between American political parties and support levels for Bill of Rights freedoms in U.S.-led state-building. In sum, the research provided a previously un-established foundation examining the level of U.S. government support and associated political party position for U.S. Bill of Rights freedoms in U.S.-led state-building with a focus on Second Amendment freedoms.

Findings verified the consistency in the promotion of democracy and the promotion of most Bill of Rights freedoms in U.S. state-building. These findings were inconsistent with some research suggesting countries are increasingly unlikely to model

either the rights-related provisions or the basic structural provisions of their own constitutions upon those found in the U.S. Constitution.<sup>619</sup>

The lack of evidence supportive of individual firearms freedoms was consistent with the historical decline of firearms rights in constitutional democracies where eight percent of constitutions guaranteed a right to bear arms in 1946 and two percent in 2006.<sup>620</sup> Hence, consistent with history, citizen arms rights have been declining although a quarter of respondents to the *Small Arms Survey* (2006) agreed that “it was important to carry a firearm for security.”<sup>621</sup>

Evidence suggested collective security was a primary reason for the U.S. government to ban individual firearms rights for citizens. Yet, this argument was not always fully substantiated. For example, in the case of Germany, evidence showed there was a lack of *subversive* activity with a simultaneous increase of criminals preying upon the civilian population. Thus, there was disagreement between U.S. officials and German citizens regarding the necessity of individual possession of firearms. Evidence detailed how citizens argued in support of individual arms possession for personal protection and food-gathering purposes while the U.S. government focused its concerns on collective security. Evidence for Cuba exhibited similar disagreement while Iraq evidence exhibited such concerns latently. Notably, such evidence and disagreement were analogous to ongoing discussions about the role of firearms in contemporary American society.

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<sup>619</sup>Law and Versteeg, “The Declining Influence of the United States Constitution”; Adam Liptak, “‘We the People’ Loses Appeal with People around the World,” *NY Times*, February 6, 2012.

<sup>620</sup>Law and Versteeg, “The Declining Influence of the United States Constitution”; Elkins, Ginsburg, and Melton, “U.S. Gun Rights Truly Are American Exceptionalism .”

<sup>621</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer? 382, citing the 2006 *Small Arms Survey*.

This dissertation offered an evaluative perspective between U.S. state-building strategy and political party support of Bill of Rights freedoms. The findings are inconsistent with domestic political party platforms in which firearms ideology is a core value, with Republicans perceived as pro-gun and Democrats anti-gun.<sup>622</sup> The findings may support the concept of *values versus interests* in foreign policy decisions where interests take precedence over values. The findings may also suggest possible agreement between political parties regarding individual firearms rights abroad with *politics stopping at the water's edge*.<sup>623</sup> Hence, individual arms rights may be a value in which political parties disagree domestically, but such disagreement may be secondary when placed against competing U.S. foreign policy interests. Not only does such non-support for individual arms rights contrast with specific American political divisions on arms rights, it also contrasts with American concepts where “The average American sees the Bill of Rights as an article of faith at home and an item for emulation abroad.”<sup>624</sup> If true, public awareness of the U.S. government’s aversion in support of individual firearms rights abroad may have broad domestic political implications if some Americans see the Bill of Rights as an article of faith abroad and expects U.S. foreign policy to respect all Bill of Rights freedoms—even more so, for the Republican Party, due to its constituency viewing individual arms rights as a core issue. Consequently, public awareness may

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<sup>622</sup>Bouton et al., “Guns and Votes CEPR.” <http://ssrn.com/abstract=2353883>.

<sup>623</sup>Therien and Noel, “Political Parties and Foreign Aid,” 151-162; McCormick and Wittkopf, “Bipartisanship, Partisanship, and Ideology in Congressional–Executive Foreign Policy Relations, 1947-1988.”

<sup>624</sup>Sandra Vogelgesang, “What Price Principle? U.S. Policy on Human Rights *Foreign Affairs* 56, no. 4 (1978): 1.

further influence American political parties on the issue of individual firearms rights at the global level.

Similarly, there are broad implications concerning our understanding of how U.S. Bill of Rights freedoms affect state-building. Some research suggested that security is the foundation for democratic state success,<sup>625</sup> and the security dilemma has changed from one of state against state to one of internal security where the state is identified as the threat.<sup>626</sup> If true, then prudence may suggest a need for more individual protections such as individual arms rights policies and actions. Ironically, such actions may occur by citizens regardless of constitutional protections. For example, some researchers suggested “. . . civilians will be more likely to carry small arms if they fear for their own personal security as threatened by state forces.”<sup>627</sup> Such policies are compliant with research and assumptions that suggest a relationship between guns and higher rates of freedom and the concept of protection from government tyranny and other lesser threats to individual security and freedom.<sup>628</sup> Furthermore, with the understanding that few U.S.-led state-building projects have been successful and in some cases the state under reconstruction has reverted to dictatorship, it is perplexing that the U.S. government has

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<sup>625</sup>Erwin, “Disjointed Ways, Disunified Means: Learning from America’s Struggle to Build an Afghan Nation Strategic Studies Institute.” See Ottaway and Mair, “States at Risk and Failed States: Putting Security First Carnegie Endowment for International Peace,” for their analysis on the important role security plays in nation building.

<sup>626</sup>Edward Newman, “Human Security,” International Studies Association Compendium Project, [http://www.isacompendium.com/fragr\\_image/media/ISA\\_29](http://www.isacompendium.com/fragr_image/media/ISA_29), discusses the various aspects of human security, critical studies, and interactions with traditional security studies. Mack, “The Concept of Human Security”; Krause and Williams, “Broadening the Agenda of Security Studies: Politics and Methods,” where the authors argue that the traditional focus of security studies needs to be broadened with alternatives views due to the “dynamics” of contemporary security.

<sup>627</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer?” 382.

<sup>628</sup>Kopel, Moody, and Nemerov, “Is There a Relationship Between Guns and Freedom?”; The Federalist Papers discusses the Constitution, freedom, life, liberty and the pursuit of happiness and specific discussions on armed citizens in Federalist No. 46.

armed and continues to arm specific elements of a population in support of foreign policy; yet, as this research suggests, failed to support individual arms rights in state-building. The relevant literature notes the constitution of a state as not the act of government but of people constituting a government. Thus, the concept of the U.S. government arming only certain elements of a population (government and its officials) influences and, perhaps, contradicts the philosophy that a democratic state must originate from the will of its citizens.<sup>629</sup>

Researchers note the importance of case studies in exploration where little is known on a subject for the development and evaluation of public policies and for testing theories of political phenomena.<sup>630</sup> This dissertation, using a multi-case strategy and thematic content analysis, explored a neglected subject related to foreign policy and political phenomenon. Despite the significant amount of research and policy interest in state-building, no prior research could be located examining a relationship between individual arms rights, political identification, and U.S. state-building efforts. Research findings and analysis suggest that individual arms rights historically have not been supported by the U.S. government in U.S.-led state-building primarily due to post-conflict collective security interests. This is in contrast to the support shown to the other nine Bill of Rights freedoms. If the security paradigm has changed, where today security threats are no longer at the state level but at the human or individual level, the concept of individual arms rights freedoms for citizen protection and security against modern threats appears reasonable and further examination is warranted.

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<sup>629</sup>Arato, "Constitution-Making in Iraq," 21–28.

<sup>630</sup>John Gerring, "What Is a Case Study and What Is It Good For?" *American Political Science Review* 98, no. 2 (2004): 345; Johnson and Reynolds, *Political Science Research Methods*, 84–85.

## Future Research

U.S. foreign policy promotes democracy and individual freedoms based upon the U.S. Bill of Rights. Therefore, research examining U.S. state-building and Bill of Rights freedoms is important from a policy perspective as well as theoretical and analytical perspectives. As a core right for many Americans and the second Bill of Rights freedom, individual firearms freedoms should be included as a topic for examination in U.S. state-building. For example, research examining the values (Bill of Rights freedoms including Second Amendment rights) versus interests (collective and national security) paradigm would be of interest. Does perceived state interests nullify the concept of individual firearms rights for citizens of targeted states? It would be Pollyannaish to believe that individual firearms rights alone would guarantee successful U.S. state-building. Yet, it would be irrational to disregard the role of individual firearms rights, given the change in the security threat from external to internal and in many cases where the state is the threat. For instance, although testing support for individual firearms rights in violent conflict zones may appear counterintuitive, further research exploring firearms freedoms is an important concept given the number of past U.S. government failures requiring re-intervention by the U.S. and, in some cases, as in Cuba where democratic regimes have been replaced by authoritarian regimes. In spite of conventional wisdom and historical U.S. state-building policy that suggest a ban on possession of firearms by citizens for collective security reasoning, this research contends individual arms rights may be beneficial for citizens in food-gathering, personal security against criminal threats, and individual security against state-sponsored violence. This would be consistent with research identifying citizen attitudes toward individual security where “. . . it was



important to carry a firearm for security.”<sup>631</sup> How does providing for an armed citizenry influence actual individual and collective security? Does affording citizens arms rights merely provide a form of psychological security? Future research identifying the positions of the citizens of the target nation(s) regarding firearms rights would be of interest. Would attitudes of citizens in targeted nations run counter to U.S. policy as observed in this dissertation? Would the attitudes of the political elites of the target nation run counter to the will of the people? In addition, future research may examine American voter preferences for individual arms rights in U.S. state-building. Although Americans may support U.S. Bill of Rights freedoms, including Second Amendment freedoms, domestically, would they support arms rights in U.S. state-building? If the average American views the Bill of Rights as an “. . . article of faith at home and an item for emulation abroad,”<sup>632</sup> what are the consequences for American politicians regarding their positions on arms rights abroad? In addition, inquiry into whether individual arms rights are perceived as a lesser right than others needs to be addressed. In this multi-case study, politics was found to *end at the water’s edge* where neither U.S. political party was found to be supportive of individual arms rights in U.S. state-building. Would Americans demand individual arms rights for the target nations so they could provide for their own security? Additional research can test whether American political elite positions run counter to a majority of Americans. Research addressing international expansion of individual arms rights is certainly thought-provoking and challenges historical reasoning and contemporary thought regarding constitutionally protected individual firearms rights.

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<sup>631</sup>de Soysa, Jackson, and Ormhaug, “Tools of the Torturer?” 382, citing the 2006 *Small Arms Survey*.

<sup>632</sup>Sandra Vogelgesang, “What Price Principle? U.S. Policy on Human Rights *Foreign Affairs* 56, no. 4 (1978): 1.

APPENDIX A – U.S. State Building and the Second Amendment Coding Sheet

DATE \_\_\_\_\_ NATION STATE \_\_\_\_\_ DOC. NO. \_\_\_\_\_

LOCATION DOCUMENT

OBTAINED: \_\_\_\_\_

KEY WORD(S) SEARCHED: NATION STATE (Cuba, Germany, Iraq) PLUS (human rights, individual rights, civil liberties, constitution, firearms, guns.

\_\_\_\_\_

TITLE OF DOCUMENT

\_\_\_\_\_

FOCUS OF

DOCUMENT \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PAGE NUMBERS OF DOCUMENT \_\_\_\_\_

POLITICAL PARTY AFFILIATION: (REPUBLICAN) (DEMOCRAT) (OTHER)

KEY AMENDMENT WORD(S) LOCATED AND PAGE NUMBERS: \_\_\_\_\_

\_\_\_\_\_

FAVORABLE TO AMENDMENT \_\_\_\_\_ UNFAVORABLE TO AMENDMENT \_\_\_\_\_

\_\_\_\_\_

THEME ASSOCIATED WITH WORD:

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_



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