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A Liberal Democrat's Lament:
Gun Control is Racist, Sexist & Classist

By Robert Cottrol

Certainly one of the chief guarantees of freedom under any government, no matter how popular and respected, is the right of the citizen to keep and bear arms. This is not to say that firearms should not be very carefully used and that definite rules of precaution should not be taught and enforced. But the right of the citizen to bear arms is just one more safeguard against a tyranny which now appears remote in America, but which historically has proved to be always possible.

-Hubert Humphrey, 1960

My background is probably atypical for a somewhat high-profile supporter of the right to keep and bear arms. I am black and grew up in Manhattan's East Harlem, far removed from the great American gun culture of rural, white America. Although my voting patterns have become somewhat more conservative in recent years, I remain in my heart of hearts a 1960s Humphrey Democrat concerned with the plight of those most vulnerable in American society-minorities, the poor, the elderly, and single women-groups whose day-to-day realities are often overlooked in our public policy debates, people whose lives too often go unnoticed by our intellectuauy timid chattering classes. This is happening in the public debate over the right to bear arms.

For the nation's elites, the Second Amendment has become the Rodney Dangerfield of the Bill of Rights, constantly attacked by editorial writers, police chiefs seeking scape-goats, demagoging politicians, and most recently even by Rosie O'Donnell, no less. It is threatened by opportunistic legislative efforts, even when sponsors acknowledge their proposed legislation would have little impact on crime and violence.

Professional champions of civil rights and civil liberties have been unwilling to defend the underlying principle of the right to arms. Even the conservative defense has been timid and often inept, tied less, one suspects, to abiding principle and more to the dynamics of contemporary Republican politics. Thus a right older than the Republic, one that the drafters of two constitutional amendments-the Second and the Fourteenth-intended to protect, and a right whose critical importance has been painfully revealed by twentieth-century history, is left undefended by the lawyers, writers, and scholars we routinely expect to defend other constitutional rights. Instead, the Second Amendment's inteflectual as well as political defense has been left in the unlikely hands of the National Rifle Association (NRA). And although the NRA deserves considerably better than the demonized reputation it has acquired, it should not be the sole or even principal voice in defense of a major constitutional provision.

This anemic defense is all the more embarrassing because it occurs as mounting evidence severely undermines the three propositions that have been central to the anti-gun movement since its appearance on the national radar screen in the 1960s. The first proposition is that the Constitution, particularly the Second Amendment, poses no barrier to radical gun control, even total prohibition of private firearms. The second is that ordinary citizens with firearms are unlikely to defend themselves and are more likely to harm innocent parties with their guns. The final proposition is that the case for radical gun control is buttressed by comparing the United States to nations with more restrictive firearms policies. These propositions, now conventional

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wisdom, simply do not stand up to scrutiny.

The proposition that the Second Amendment poses no barrier to gun prohibition—a claim largely unknown before the 1960s—has run up against stubborn, contrary historical facts. Increasingly, historians and legal scholars, including many who support stricter gun control, have examined the history of the Second Amendment, the development of the right to arms in English political thought, judicial commentaries on the right in antebellum America, and the debates over the Fourteenth Amendment. The consensus among scholars who have actually looked at the evidence is that the Second and Fourteenth Amendments were meant to protect the citizen's right to arms. (See, for example, historian Joyce Lee Malcolm's Harvard University Press book, *To Keep and Bear Arms*, or the historical documents assembled in the three *Gun Control and the Constitution* volumes I've edited.)

Similarly, the criminological premises of the anti-gun movement have collapsed in the face of serious social science. For better than three decades the American public has been solemnly assured that peaceable citizens who possess guns for self-defense are disasters in waiting. "A gun in the home is more likely to kill a member of the family than to defend against an intruder," we hear. "Allowing citizens to carry firearms outside the home for self-protection will turn our streets into Dodge City and our parking lots into the O.K. Corral," the refrain goes.

Yet the criminological literature provides little support for this caricature of gun owners. Instead, careful research has discovered an incredibly high amount of firearms' being responsibly used in self-defense. Research by Florida State University criminologist Gary Kleck and others indicate between two and three million cases of self-defense per year. Overwhelmingly these incidents involve not firing the weapon at the attacker, but simply brandishing it and thereby causing the attacker's withdrawal.

In recent years a majority of states have passed laws permitting honest citizens to carry concealed weapons, and the results tell us much about self-defense and the responsibility of the average citizen. Once it was passionately argued that such laws would turn minor altercations into bloody shoot-outs; now we know better. Over 1 million Americans have licenses to carry firearms, but firearms misuse by this group has been utterly negligible. Criminologists now debate not how much harm has been caused by concealed-carry laws, but how much good.

The most thorough research, by John Lott of the University of Chicago, reveals that concealed-carry laws have had a substantial deterrent effect on crimes of violence. His work shows that women, especially, have benefitted, as substantial drops in rapes and attacks on women have occurred where the laws have been enacted. Lott also discovered dramatic benefits for the urban poor and minorities: "Not only do urban areas tend to gain in their fight against crime, but reductions in crime rates are greatest precisely in those urban areas that have the highest crime rates, largest and most dense populations, and greatest concentrations of minorities."

The final proposition—that international comparisons prove the case for radical gun control—may be the most problematic of all. Certainly the simplistic conclusion that American homicide rates are higher than those in Western Europe and Japan because of the greater prevalence of firearms glosses over significant cultural and demographic differences between us and other advanced industrial nations.

The American population is younger and more diverse. Unlike Western Europe and Japan, the United States has always had a large number of immigrants and internal migrants. We also have a history of racial exclusion and a struggle against that exclusion as old as the Republic and without real parallel in comparable nations. All of these have contributed to crime rates higher than those in other Western nations. Indeed, when a number of the cultural and demographic variables are

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controlled for, much of the apparent difference between American and Western European homicide rates disappears-despite the greater presence of firearms in American society.

But international comparisons should raise deeper and more disturbing questions, questions too rarely asked in serious company. The central and usually unchallenged premise of the gun control movement is that society becomes more civilized when the citizen surrenders the means of self-defense, leaving the state a monopoly of force.

That this premise goes largely unchallenged is the most remarkable feature of our gun control debate. We are ending a century that has repeatedly witnessed the consequences of unchecked state monopolies of force. University of Hawaii political scientist Rudolph J. Rummel, one of the leading students of democide (mass murder of civilian populations by governments), has estimated that nearly 170 million people have been murdered by their own governments in our century. The familiar list of mass murderers- Hitler, Stalin, Mao, Pol Pot-only scratches the surface. The mass slaughter of helpless, unarmed civilian populations continues to this very day in Sudan, Rwanda, and parts of the former Yugoslavia.

The reluctance of outside forces to intervene is well documented. And yet the obvious question is strangely absent: Would arms in the hands of average citizens have made a difference? Could the overstretched Nazi war machine have murdered 11 million armed and resisting Europeans while also taking on the Soviet and Anglo-American armies? Could 50,000-70,000 Khmer Rouge have butchered 2-3 million armed Cambodians? These questions bear repeating. The answers are by no means clear, but it is unconscionable they are not being asked.

Need Americans have such concerns? Well, we have been spared rule by dictators, but state tyranny can come in other forms. It can come when government refuses to protect unpopular groups- people who are disfavored because of their political or religious beliefs, or their ancestry, or the color of their skin. Our past has certainly not been free of this brand of state tyranny. In the Jim Crow South, for example, government failed and indeed refused to protect blacks from extra-legal violence. Given our history, it's stunning we fail to question those who would force upon us a total reliance on the state for defense.

Nor should our discussion of freedom and the right to arms be limited to foreign or historical examples. The lives and freedoms of decent, law-abiding citizens throughout our nation, especially in our dangerous inner cities, are constantly threatened by criminal predators. This has devastated minority communities. And yet the effort to limit the right to armed self-defense has been most intense in such communities. Bans on firearms ownership in public housing, the constant effort to ban pistols poor people can afford-scornfully labeled "Saturday Night Specials" and more recently "junk guns"-are denying the means of self-defense to entire communities in a failed attempt to disarm criminal predators. In too many communities, particularly under-protected minority communities, citizens have simply been disarmed and left to the mercy of well-armed criminals.

This has led to further curtailment of freedom. Consider initiatives in recent years to require tenants in public housing to allow their apartments to be searched: First, police failed for decades, for justifiable but also far too frequently unjustifiable reasons, to protect citizens in many of our most dangerous public housing projects. Next, as the situation became sufficiently desperate, tenants were prohibited from owning firearms for their own defense. Finally the demand came, "Surrender your right to privacy in your home." The message could not be clearer: A people incapable of protecting themselves will lose their rights as a free people, becoming either servile dependents of the state or of the criminal predators who are their defacto masters.

All of this should force us to reconsider our debate over arms and rights. For too long, it has been framed as a question of the rights of

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sportsmen. it is far more serious: The Second Amendment has something critical to say about the relationship between the citizen and the state. For most of human history, in most of the nations in the world, the individual has all too often been a helpless dependent of the state, beholden to the state's benevolence and indeed competence for his physical survival.

The notion of a right to arms bespeaks a very different relationship. It says the individual is not simply a helpless bystander in the difficult and dangerous task of ensuring his or her safety. Instead, the citizen is an active participant, an equal partner with the state in ensuring not only his own safety but that of his community.

This is a serious right for serious people. It takes the individual from servile dependency on the state to the status of participating citizen, capable of making intelligent choices in defense of one's life and ultimately one's freedom. This conception of citizenship recognizes that the ultimate civil right is the right to defend one's own life, that without that right all other rights are meaningless, and that without the means of self-defense the right to self-defense is but an empty promise.

Our serious thinkers have been absent from this debate for too long. The Second Amendment is simply too important to leave to the gun nuts.

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