

GUNS, DEMOCRACY, AND
THE INSURRECTIONIST IDEA

Joshua Horwitz and Casey Anderson

THE UNIVERSITY OF MICHIGAN PRESS

ANN ARBOR

CONTENTS

Introduction	I
PART I. THE INSURRECTIONISTS	
CHAPTER 1. What Is the Insurrectionist Idea?	13
CHAPTER 2. What Is the Insurrectionist Agenda?	29
CHAPTER 3. Who Are the Insurrectionists?	35
<i>The NRA</i>	35
<i>Allied Gun Groups</i>	46
<i>The Gun Show Circuit</i>	50
<i>The Gun Rights Grassroots and the Blogosphere</i>	55
<i>Liberal Law Professors and D.C. v. Heller</i>	64
<i>Dissenters and Enforcement of the</i> <i>Insurrectionist Orthodoxy</i>	71
PART 2. HISTORY ACCORDING TO THE INSURRECTIONISTS	
CHAPTER 4. The Founding	79
<i>Guns and the Revolution</i>	82
<i>The Articles of Confederation</i>	91
<i>The Constitution</i>	96
<i>The Founders and Insurrection</i>	110
CHAPTER 5. The Civil War and Reconstruction	118
<i>The Civil War</i>	118
<i>Reconstruction and “Redemption”</i>	121

CHAPTER 6.	The Rise of the Third Reich	137
	<i>German Gun Laws and the Holocaust</i>	137
	<i>Gun Control and the Nazis</i>	139
	<i>A Dangerously Weak State</i>	142
	<i>Overwhelming Private Violence</i>	148
	<i>Democracies and Genocide</i>	155
PART 3. INSURRECTIONISM, DEMOCRACY, AND FREEDOM		
CHAPTER 7.	The Meaning of Freedom	159
CHAPTER 8.	One Gun, One Vote?	163
CHAPTER 9.	Democracy and the Monopoly on Force	171
CHAPTER 10.	Insurrectionism and Individual Rights	185
	<i>Property Rights and Guns at Work</i>	186
	<i>The Right of Redress and Immunity for the Firearm Industry</i>	195
	<i>Due Process and “Shoot First” Laws</i>	208
CHAPTER 11.	Effective Democratic Institutions	215
	Conclusion	221
	Notes	229
	Bibliography	251
	Index	261

INTRODUCTION

The National Rifle Association (NRA) sells everything from its political agenda to its merchandise with a simple equation: more guns equals more freedom. The NRA steadfastly maintains that thirty thousand gun-related deaths and three hundred thousand assaults with firearms in the United States every year are a small price to pay to guarantee freedom. As former NRA president Charlton Heston put it, “Freedom isn’t free.” When Heston told fellow NRA members that anyone who wanted to take his guns would have to pry them out of his “cold dead hands,” he was advancing a theory of the relationship between freedom and firearms that has become a powerful political and social force in America.

When gun enthusiasts talk about the importance of an expansive reading of the Second Amendment to the defense of freedom, they are referring to freedom in a general sense, but they also have something more specific in mind—freedom from government oppression. In their view, unfettered access to firearms is the key ingredient in protecting individual rights from overreaching by government. They argue that the best way—in fact, the only way—to keep centralized authority in check is to ensure that individual citizens retain the capability to confront the government with force of arms.

This idea, which we call *Insurrectionism*, is part of a broader ideological perspective that opposes a strong, activist government in nearly

all of its forms. For Insurrectionists, guns are both symbols and tools of freedom. The idea that individuals must be prepared for a violent confrontation with the state is only one tenet, albeit crucial, of a worldview that is hostile toward—or at least highly suspicious of—public education, immigration, international institutions, and almost any type of social program, especially when run by the federal government. Antigovernment sentiment is, of course, not confined to gun rights enthusiasts, but the Insurrectionist idea adds an emotionally charged element to the standard conservative critique: big government is not just inefficient or even corrupt but is an alien force that threatens to annihilate us if we fail to exercise constant vigilance against its natural tendency toward tyranny.

On occasion, the Insurrectionist idea spurs a lost soul or desperate tax delinquent or publicity-seeking paramilitarist to violent action. Timothy McVeigh was the poster child for the deadly consequences of taking the Insurrectionist idea to heart, but smaller armed confrontations between “citizen” and government are sufficiently common that they usually warrant only a brief mention in the local newspaper unless they escalate into full-scale shootouts. Rather than attempting to resolve their grievances through the courts or the political process, self-declared “patriots” challenge government authority through force of arms, often with bloody results. It is not surprising that Insurrectionist rhetoric eventually leads some people to take violent action, but the blithe acceptance of these outbursts of violence as a natural and perhaps inevitable reaction to government overreaching is remarkable.

After a disgruntled business owner who felt—apparently with some justification—that he was treated unfairly by municipal officials in the town of Kirkwood, Missouri, went on a shooting spree at a town council meeting in the spring of 2008 and killed five people, members of the public responded with outrage at the violence but not at the motives: some observers seem to see armed confrontation with the government as a prerogative of citizenship. Speaking at a community meeting a day after the massacre, one man said that the shooter was “a soldier who paid the price for liberty.”¹

And why shouldn’t shooting public officials be a legitimate response by citizens who are aggrieved by the government? After all, at the time

of the Missouri shooting, briefs were being filed and arguments being prepared for the Supreme Court arguing explicitly that our constitution guarantees every American the right to prepare for armed confrontation with the government. In *Heller v. D.C.*, a challenge to the District of Columbia's gun laws, the NRA, appearing as an amicus curiae, contended that one purpose of the Second Amendment is to protect an individual right to arm against the "depredations of a tyrannical government." The vice president of the United States and 305 members of Congress asked the Court to support that view. And in fact, in a landmark decision striking down parts of the District's gun laws, the Court found that the Second Amendment includes an individual right to insurrection. Justice Antonin Scalia wrote that citizens acting on their own are entitled to arm themselves and connect with others in a "citizens' militia" to counter government tyranny.²

This book asks readers to consider just how damaging this idea is to democratic values. When we began work on the book in 2004, we had no idea that the U.S. Supreme Court would endorse Insurrectionism, but it was already clear that the idea was gaining intellectual traction beyond the radical fringe. Right-wing populists are attracted to the idea that Insurrection through force of arms is a morally and legally legitimate instrument of political expression in a democracy largely because it fits neatly with their core ideological premises—that is, that the government should be kept in a condition of weakness because collective approaches to social problems are wasteful at best and more often constitute an insidious threat to individual liberty.

The NRA and its allies have been among the leading vehicles for popularizing the claim that a strong government is antithetical to freedom. The gun rights movement has become an integral part of the broader conservative coalition because the Insurrectionist idea advances the larger cause of demonizing government in virtually all of its forms. After all, if individual citizens have a right to decide when government taxation or regulation or infrastructure development amounts to tyranny, all government action is easily viewed as suspect.

This book argues that the Insurrectionist idea poses a serious threat to democratic values and institutions. In outlining how Insurrectionism made the transition from a radical set of claims about the centrality of

firearms in the preservation of freedom to a mainstream legal theory that enjoys widespread political support (and why it poses such a danger to our democracy), we make three main arguments.

First, the Insurrectionist movement must be taken seriously because it has political and social consequences beyond firearms policy, and these consequences make it a major threat to much of the progressive agenda. The leading gun rights groups preach Insurrectionism as a core concept, teaching members and nonmembers alike that they should not trust the government and should be prepared to resist it with force. Recent public opinion research shows that many gun owners have accepted the Insurrectionist message and see resistance to government as at least one good reason for owning a gun.³

The core of the Insurrectionist dogma is its insistence that unrestricted access to guns of every kind is an essential element of freedom. Insurrectionists see the government as the enemy and condemn any and all gun regulation as a government plot to monitor gun ownership (presumably to lay the groundwork for confiscation of privately owned firearms in the event of a political crisis). By constantly hammering home the idea that the gun rights movement is essentially about the defense of liberty, advocates of the Insurrectionist myth have effectively turned *freedom* into a code word understood by the initiated to imply a quite remarkable conception of the role of private violence in our political system, eliminating the need to spell out the idea in detail or confront its logical implications.

The gun rights groups, with the NRA in the forefront, have created a communications network that reaches down into the grass roots and delivers messages, talking points, and voting advice to millions of Americans. Through various forms of mass media, such as television, radio, and billboards, they reach sympathetic fellow travelers who may not actually be group members or even gun owners. These efforts are usually invisible to anyone who lives in or near a large city, but every two years (and especially in presidential election years), the roads and airwaves of rural and small-town America are filled with pleas to "Vote Freedom First" by supporting candidates backed by gun rights groups.

The NRA's communications and grassroots capabilities allow it to swing a small but often critical group of voters in tightly contested cam-

paigns. In an era when presidential elections are often decided by a handful of votes in a single state, this organizational capability is immensely valuable, even though most gun owners disagree with the NRA on many issues. By embracing the NRA, the right wing of the Republican Party gets access to a message machine that churns out anti-progressive propaganda not just during the election season but year in and year out. It is no wonder, then, that some of the leading lights of the "conservative" movement, such as Grover Norquist and David Keene, sit on the NRA's board of directors and embrace the Insurrectionist message.

More troubling from our perspective is this message's effect on the political prospects of progressive candidates. Pitifully few politicians have been confident enough to stand up to Insurrectionist rhetoric, and many have embraced it as a legitimate perspective on the role of guns in a democracy. Progressives (particularly those concerned about civil liberties) sometimes spout Insurrectionist rhetoric without thinking through what it means. Progressive political leaders should think carefully about the long-term costs and benefits of embracing an idea that is fundamentally antagonistic toward any form of government that is capable of undertaking ambitious efforts to solve difficult social problems.

Second, Insurrectionism derives from a view of the American experience and more generally of the modern history of the world that is wildly at odds with the historical record. The Insurrectionist myth that government is the enemy of freedom and that armed citizens have proven the best check on government power has been concocted from twisting the facts of historical events, with revisionist accounts of three episodes from the past playing an especially important part in the Insurrectionist delusion: the American Revolution and the founding of the American republic, the denial of civil rights to African Americans after the Civil War, and the rise of the Third Reich under Adolf Hitler. The touchstone of the Insurrectionist take on these events is that strong government is always the primary threat to human freedom and that private ownership of firearms is the only force that can keep this threat in check.

Insurrectionists teach that the lesson of the founding of the United States is that guns were so important to American freedom that the

framers enshrined in our Constitution the right of every individual to own guns to ward off government tyranny.⁴ From the Civil War, the Insurrectionists draw the conclusion that the government's disarming of the former slaves led to the subjugation of African Americans for one hundred years.⁵ From the rise of the Nazis, Insurrectionists glean the insight that if the Weimar Republic had dispensed with gun control, Hitler would not have exterminated six million Jews and millions of other people.⁶ In the Insurrectionist version of history, these three examples offer cautionary tales that illustrate the immense danger posed by gun control schemes.

This book offers a detailed examination of these arguments about the lessons of history. We show that the Constitution was specifically framed to prevent individuals from using mob power as a fourth branch of government and that protection for Insurrectionism, as advocated by a small group of radical Antifederalists, was the losing argument in the ratification debates. As for the Reconstruction and Nazi arguments, we show that the key factor in the horrors carried out by the Klan and its allies (and then eighty years later by the Nazis) was the disintegration of government power in the face of organized private violence. The problem with arming the oppressed to give them an opportunity to defend themselves is not that the freed slaves or the Jews of Europe did not have an adequate moral claim to use whatever means they could find to fight back. The victims of genocide are fully justified in taking up arms to defend themselves. The difficulty with the argument against gun control in World War II-era Germany or the Reconstruction South is that guns would not have helped to hold off the Nazis or the Klansmen for long. Without a commitment by legitimate democratic government to enforce the rule of law and its monopoly on force, a few more guns for former slaves would have provided little long-term help. In fact, a strong government that has the means and the will to enforce individual rights—the kind of government opposed by Insurrectionists—would have been a source of far greater protection. We argue, then, that historical experience counsels against the weak government favored by Insurrectionist thought and in support of democratic government empowered with the tools to protect itself and its citizens from the mob.

Third, the Insurrectionists cannot secure their substantive, proce-

dural, or symbolic demands except at the expense of many other vital freedoms, most of which have no direct relationship at all to firearms. Despite their oft-expressed enthusiasm for the uncompromising defense of freedom, the Insurrectionists who lead the gun rights movement do not seem to mind trampling the democratic rights of others. The most obvious—but not the most important—example is the gun rights movement's willingness to compromise public safety. The insistence on gun rights absolutism ignores the practical impact of gun violence on the freedom of individuals to walk down the streets of their own neighborhoods. When crime data began to show that gun violence was increasing in the late 1980s and early 1990s, gun control groups developed proposals to address what they saw as a public health threat. The Insurrectionists, conversely, saw rising crime rates—and the political pressure to address them—as a threat to their ideological goals. While gun control advocates worked to marshal statistics in support of their legislative agenda, their counterparts in the gun rights movement moved to deflect any initiative that would allow the government to identify gun owners, even for purposes of investigating and prosecuting violent crimes committed with their guns.

The more fundamental danger, however, is not that the erosion of public safety imposes a cost on individual freedom. The more serious problem is that by inculcating gun owners with a paranoid, obsessively antigovernment political ideology, the Insurrectionist movement has helped to stoke hostility toward government power (e.g., international treaties and environmental regulation) and pluralism (e.g., by attacking immigration and affirmative action). By promoting the idea that no person can or should rely on anyone else for anything important, the Insurrectionists' warped worldview shapes negative attitudes about government, mutual obligation, and community.

Gun control advocates—and the progressive movement—have failed to appreciate the danger posed by this ideological blaze and the grassroots network fanning its flames. Without an organized and sustained effort to show how the NRA and other gun groups have become instruments of a broader reactionary movement, these groups will continue manipulating gun owners into joining a coalition of libertarians, right-wing populists, and religious “conservatives” who want to make

war on public education, progressive taxation, civil rights, and virtually every other significant social and political advance of the past century.

In fact, the unchecked spread of Insurrectionism threatens the shared values and institutions that comprise our democratic system by undercutting support for a strong and effective government capable of protecting individual rights (including equal protection of the laws and the freedom to walk the streets in safety). The antidemocratic effects of Insurrectionism are more than simply an indirect consequence of the gun rights movement's alliance with the "conservative" movement. Antidemocratic values such as hostility to pluralism lie at the core of the Insurrectionist idea.

The authors are acutely aware of the strange illusion, so real and so compelling to some people, that the Insurrectionists are entitled to subsume their doctrines under the rubric of "conservative" political thought. So as a gentle reminder to readers, we have placed the term "conservative" and its derivatives in quotation marks wherever the text requires disavowal of a conceit suggesting that this misbegotten form of radicalism owes its ancestry to venerable traditions. More than a half century ago, conservative scholar Peter Viereck described the Insurrectionists of his day, the McCarthyites, as "rootless doctrinaires."⁷ According to Viereck, "Conservatism is the art of listening to the way history grows," and he quoted August Heckscher as saying,

Conservatism is rarely a program and certainly never a dogma. It is not an ideology. At its best conservatism is a way of thinking and acting in the midst of a social order which is too overlaid with history and too steeped in values, too complex and diverse, to lend itself to simple reforms. It is a way of thought which not only recognizes different classes, orders, and interests in the social order but actually values these differences and is not afraid to cultivate them.⁸

In short, Insurrectionism is a radical doctrine, and its use as a political tool is fraught with danger. Unlike the Insurrectionists, however, we do not favor undercutting other individual rights to check the growth of this noxious idea. No American can or should be punished by the government for expressing ideas, even when these ideas include the

proposition that armed citizens should use force against the government as a form of political dissent. But what means are available to confront and discredit the Insurrectionist idea and the political organization that has been built around it? We have a few suggestions for ways to advance a progressive strategic alternative to the gun rights fantasy of Insurrectionism:

1. Recognize Insurrectionism as a threat to the entire progressive movement. Too many political progressives assume that the gun rights movement can be co-opted or simply ignored. Progressives fail to understand that the Insurrectionist idea is part and parcel of a broader reactionary worldview. Unless progressives recognize that the Insurrectionist premise of the modern gun rights movement is fundamentally hostile to the progressive project and its values, the “conservative” movement will use gun rights as a building block for organizing and propagandizing.

2. Isolate the Insurrectionists by embracing the self-defenders and the sporting gun owners. The fact remains that most gun owners are not Insurrectionists. The majority of gun owners keep guns primarily for self-protection or recreation, not to prepare for some future Armageddon. Insurrectionists do not deserve the cover provided them by self-defenders and sporting gun owners.

More than two hundred million firearms are in private hands in the United States, and almost 40 percent of homes contain at least one gun. Legislation to ban handguns has been extremely difficult to pass, and even if new handgun sales were outlawed—an unlikely scenario for the foreseeable future—the effect would be entirely prospective, albeit significant over time. Education about the dangers of guns in the home, coupled with rigorous regulatory and enforcement efforts to close the channels of illegal gun distribution, may now be the best way to convince Americans that their families and communities will be better off without unfettered access to firearms.

3. Reclaim the values and reframe the question. Gun control advocates have spent the past three decades trying to persuade the public

that guns are dangerous, while gun rights groups have argued that guns are essential to our freedom. We need to challenge the idea that guns protect freedom and democracy. The most important threat posed by unfettered access to firearms comes from those who would use it as an Insurrectionist shibboleth. This ideology should have been completely discredited with the Civil War, and its ascendance represents a return to the days when our society was less free and less democratic. Progressives must be willing to stand up and say, "I believe in strong gun laws because I am a patriot, and I believe that accountability and personal responsibility are not only consistent with freedom and democracy but are essential to both."

The American debate over guns should be framed as a discussion about America's civic health. The questions should be, How can a commitment to democratic values be squared with the idea of violence against a democratic government? What role does respect for political equality and pluralism play in our system of government, and what is the relationship between the ideology of the gun rights movement and these values? Do we want to live in a society where people who want nothing more than to move about their communities without fear need to bring a firearm to protect themselves from violence? How have we allowed the debate over democratic values to become so cheapened and degraded? By answering these questions, we can begin a new debate about guns in America that can open the door to more effective approaches to violent crime as well as to a heightened respect for the values and institutions that make our country great.

CHAPTER ONE

WHAT IS THE INSURRECTIONIST IDEA?

Insurrectionist is not a synonym for *gun owner*. Most gun owners do not belong to organizations that support—or whose leaders support—Insurrectionism. The 4.3 million members claimed by the National Rifle Association (NRA)¹ make it one of the nation’s largest membership organizations, but the United States is home to an estimated 80 million gun owners. Even within the NRA, many members perceive it as a service provider—that is, they sign up to take advantage of discounted insurance or hunting gear and ignore its political views. Some other gun groups, such as Gun Owners of America (GOA), position themselves to the right of the NRA, claiming that they are more uncompromising in their opposition to regulation of firearms. The members of these groups join because of the politics. Gun Owners of America would never be confused with a member-services organization. In fact, GOA offers its members little beyond repeated exhortations to send in another check to beat back the threat of gun control.

Americans have different reasons for—and attach different meanings to—gun ownership. Some people use guns for hunting and other recreational activities such as target shooting or collecting. Others (who might best be called the “self-defenders”) acquire guns to protect themselves or their families from crime. Nobody can say with certainty how many people own guns to protect themselves from the government. Of

course, many if not most gun owners buy firearms for more than one purpose. The major gun groups preach Insurrectionism, teaching members and nonmembers alike that they should not trust the government and should get ready to resist it with guns. Recent public opinion research shows that many gun owners have accepted the Insurrectionist message and see resistance to government as at least one good reason for owning a gun.²

The core of the Insurrectionist idea is its shibboleth that unrestricted access to guns of every kind is an essential element of political freedom. Insurrectionists see the government as the enemy and condemn any and all gun regulation as a government plot to monitor gun ownership (and presumably to lay the groundwork for confiscation in the event of a political crisis). One of the leading Insurrectionist theorists, David Kopel, vividly sums up the Insurrectionist animus toward gun registration:

It is improper to require that people possessing constitutionally protected objects register themselves with the government, especially when the benefits of registration are so trivial. The Supreme Court has ruled that the First Amendment prohibits the government from registering purchasers of newspapers and magazines, even of foreign Communist propaganda. The same principle should apply to the Second Amendment: *the tools of political dissent should be privately owned and unregistered.*³

Nelson Lund, one of the leading Insurrectionists in academia, posits that the Constitution establishes an individual right to bear arms to protect against federal tyranny: "An armed populace—even if it could not serve to deter tyranny as effectively as a legal prohibition against federal standing armies—would still constitute a highly significant obstacle to the most serious kinds of governmental oppression."⁴ So Lund believes that the government, state or federal, is prohibited from limiting civilian access to almost any kind of weapons, including "grenades and bazookas," and that laws banning assault weapons or the carrying of concealed weapons are unconstitutional.⁵

The late Bill Bridgewater, former executive director of the Alliance

of Stocking Gun Dealers, described in a widely circulated essay how American citizens could wage a guerrilla war against the U.S. government:

One of these days a truly charismatic individual is going to walk out of the heartland of America and point out that the Declaration of Independence has never been repealed and that it “requires” all citizens to rise up against an oppressive government. With the current attitude toward our government and the people who populate it, a massive groundswell of support for throwing the current crop to the dogs and starting over again might not be so difficult.⁶

Bridgewater noted that the North Vietnamese, using as their model the tactics of America’s war for independence, humbled the greatest military in the world. If the North Vietnamese could do it, the argument goes, American citizens—large numbers of whom already own sophisticated firearms—could succeed. Bridgewater did not live to see it, but the effort to pacify Iraq is a good reminder that even the most capable military forces face serious difficulties when confronted with the tactics of guerrilla warfare.

Bridgewater’s essay, originally published in the *Bullet Trap* in 1994, is still making its way around the Internet. In 2006, it was posted on LizMichael.com, a site with the somewhat immodest motto “Political activism for the liberation of the world” that includes a series of articles citing Lund’s work. By itself, the site is not particularly significant, but the ideas it promotes are staples of the strain of right-wing populism that has become a core element of contemporary “conservative” politics. It often marries antigovernment ideology to gun rights absolutism: Widespread private ownership of firearms is the ultimate guarantor of liberty. All gun control is an infringement of rights reserved for the people by virtue of our history. Government is the enemy. Our founding fathers believed that the individual’s personal right to armaments as a check on overbearing government was essential to the protection of freedom and democracy. This idea was true then, and it is true today.

Unsurprisingly, the NRA and its ideological fellow travelers have tried to legitimize Insurrectionism to rationalize their opposition to

even the most trivial gun regulations. Wayne LaPierre, the NRA's top executive, says, "The people have the right, must have the right, to take whatever measures necessary, including force, to abolish oppressive government."⁷ In 1998, U.S. senator (and later attorney general) John Ashcroft somewhat awkwardly argued, "A citizenry armed with the right both to possess firearms and to speak freely is less likely to fall victim to a tyrannical central government than a citizenry that is disarmed from criticizing government or defending themselves."⁸

The Insurrectionist objection to the regulation of firearms may extend to state government, even though the reservation of authority to state-level officials in principle provides another check on overreaching centralized power. The Insurrectionist mind-set took on comic effect when one of the authors witnessed the spectacle of an aide to a Virginia state legislator objecting to restrictions on firearms on the grounds that he might need a gun to resist oppression by his employer. Asked by a lobbyist whether the aide's boss might vote for closing the loophole that allows people to buy guns without background checks at gun shows, the aide responded that he would not even pose the question to the legislator. The aide explained that because a background check would alert the government when a gun is purchased, he was uncomfortable with the process. "I need my gun to protect against the government," he said. The lobbyist reminded the aide that as a legislative assistant, he is an agent of the government he professed to fear. His response, relying perhaps on advice from his accountant, "I am not the government because I am a contractor." Leaving aside the absurdity of the objection that requiring background checks on firearm sales at gun shows would prevent law-abiding citizens from buying guns (when three of the five states with the largest number of gun shows require background checks and all sales at gun stores already require the checks), the notion that an employee of one of the oldest, most conservative legislative chambers in the world thinks that he personally needs a gun to protect himself from that legislature is a testament to how tightly some gun rights advocates have embraced Insurrectionist theory.

Until recently, few Americans not involved in private militias or other right-wing fringe groups that make up the "patriot" movement took seriously the Insurrectionist idea.⁹ Despite some backpedaling in

the wake of Timothy McVeigh's use of Insurrectionist justifications for the bombing of the Oklahoma City federal building, the major gun rights organizations have become more aggressive in advancing an Insurrectionist rationale for an expansive view of gun rights. The propaganda used by these outfits exploits the habitual American distrust of government, but the extent of uncritical acceptance of Insurrectionist interpretations of the Second Amendment is nevertheless striking. For example, Libertarian luminary Ron Paul, who raised \$34.5 million in his bid for the 2008 Republican presidential nomination (which was more than fellow Republican Fred Thompson and only slightly less than Democrat John Edwards, both thought to be in the top tier of candidates at the outset of the race),¹⁰ stated on his campaign Web site that a "gun in the hand of a law-abiding citizen serves as a very real, very important deterrent to an arrogant and aggressive government. Guns in the hands of the bureaucrats do the opposite. The founders of this country fully understood this fact, it's a shame our generation has ignored it."¹¹ Mike Huckabee, who won 257 electoral votes in the 2008 Republican primaries,¹² responded to a question at a town hall meeting in New Hampshire with the answer that the Second Amendment "gives me that last line of defense against tyranny, even the tyranny of my own government."¹³

Together with self-defense against violent crime, the imagined need to reserve the option to use force against the government is a central justification invoked by gun rights advocates in opposing legislation or regulation that would place any restriction, no matter how mild, on access to firearms. The philosophical, legal, and practical dimensions of the use of firearms for self-defense are beyond the scope of this book, but the political and policy agenda of gun rights groups goes well beyond protecting the right to self-defense against violent crime. Most kinds of gun control—such as requirements for background checks on gun purchasers—that are designed to prevent the direct or indirect sale of firearms to criminals do not diminish a law-abiding citizen's ability to keep and use a gun for self-defense. A gun that has been registered is no less effective than an unregistered firearm when aimed at a criminal. In fact, efforts to keep guns away from criminals (e.g., by applying the background-check requirement to all gun show sales or requiring own-

ers to register their firearms) reduce the chances that the victim of a crime will be confronted by superior firepower when wielding a gun in self-defense. In addition, many firearms are ill suited for defensive use in the home or in a vehicle. A simple revolver is more useful and safer for home defense or personal protection than an AR-15, the semiautomatic version of the M-16 used by the U.S. military.¹⁴

Moreover, the claim that private ownership of firearms improves public safety is an empirical question. Academic analyses of private firearm ownership in terms of self-defense show that gun possession and availability actually increase the risk of death and injury.¹⁵ Conversely, the claim that unfettered access to firearms can prevent government tyranny in the United States without fostering anarchy bears little scrutiny by serious thinkers and academics and cannot be tested by experimental methods. As a result, it is difficult to put the Insurrectionist idea to the test of real-world practice in the absence of a cataclysmic breakdown of the American system of government as we know it.

The Insurrectionist slant on history predicts that government unchecked by well-armed citizens will eventually murder its citizens, enslave them, or allow others to do so. Mistrusting even the strongest democratic institutions, Insurrectionists argue that the only safeguard that will prevent totalitarianism over the long run is a well-armed populace. But the Insurrectionist telling of history is a myth designed to perpetuate the needs of a gun rights industry (of which firearms makers and dealers are only a small part) headed by the NRA but comprised of an array of allied groups and entrepreneurs that flourish by bombarding gun owners with propaganda designed to convince them of an ever-present threat to their guns and their freedom in the form of a government run amok. Only by arming themselves to the teeth—while sending in their checks to the major gun rights groups and supporting the conservative movement's political goals—can gun owners head off this danger.

The myth that government is the enemy of freedom and that only armed citizens protect freedom, as we document repeatedly in this volume, has been concocted by twisting the facts of historical events and in particular by popularizing revisionist accounts of three episodes from the past that are frequently used to buttress support for the Insurrectionist delusion: the American Revolution and the founding of the

American republic, the denial of civil rights to African Americans after the Civil War, and the rise of the Third Reich under Adolf Hitler. The Insurrectionist interpretation of these events is that strong government is always the gravest threat to human freedom and that private ownership of firearms is the only hope of keeping this threat in check.

From the founding of the United States, the Insurrectionists draw the lesson that guns were so important to American freedom that the framers enshrined in our Constitution the right of every individual to own guns to ward off government tyranny.¹⁶ From the Civil War and Reconstruction, the Insurrectionists conclude that the government's disarming of the former slaves guaranteed the continued subjugation of African Americans despite the introduction of formal legal equality for people of all races.¹⁷ In examining the rise of the Nazis, the Insurrectionists argue that if the Weimar Republic had dispensed with gun control, Hitler would not have been able to exterminate 6 million Jews and millions of other people.¹⁸ In the Insurrectionist account of history, these three examples offer cautionary tales that illustrate the immense danger posed by gun control schemes. For good measure, Insurrectionist ideologues have recently added to their list of historical illustrations of the folly of gun control, including the argument that in the twentieth century, governments caused the deaths of 114 million people through a combination of gun control and genocide¹⁹ and the claim that the disarming of law-abiding citizens was in large measure responsible for the breakdown of order in New Orleans in the aftermath of Hurricane Katrina.

Insurrectionists see anonymous gun ownership as a check on government tyranny, but they are vague about who has the right to decide the moment when the government has become tyrannical and should be resisted with private armed force. Some Insurrectionist theorists, such as Kopel, have qualified their endorsement of revolution led by armed citizens by noting that a few folks sitting around their living room can't invoke the Second Amendment to justify taking up arms against the government. Yet even Kopel unequivocally states that a majority of citizens need not support the use of violence to legitimate armed resistance.²⁰ For some other Insurrectionists, taking up arms against the government is a personal decision.²¹ Insurrectionists may disagree among themselves about exactly what triggers the right to take

up arms against the U.S. government, but they share the view that armed resistance to tyrannical government is a legitimate response to a policy or action, even when that policy or action has been carried out by democratically elected representatives constrained by an independent judiciary with the power to vindicate individual rights against the state.

Insurrectionists confuse their antidemocratic sentiments with legitimate revolution, casting themselves as putative leaders of a modern-day revolt on behalf of “the people” to restore “true” democracy and freedom (with all of the self-righteousness and romanticism that are the imperishable companions of political violence). As we describe in detail later in this book, revolution is not sanctioned by the Constitution, does not enjoy legal protection as an individual right, and should be avoided unless there is a complete breakdown in democratic institutions of government. Our founders knew this, which is why they approached revolution cautiously, convened representative bodies to study it, acted through deliberative and democratic bodies (by the standards of the era), and immediately replaced the Crown with a more democratic government. The decision of an individual to take up arms against the government, when undertaken with like-minded friends or even with a “substantial minority” of the public, is at best extralegal and at worst represents an antidemocratic attempt to undermine representative government.

To the Insurrectionists, in their obsessive paranoia, no society can be free (at least in the long term) without more or less ubiquitous private ownership of firearms because no government can be trusted to respect individual rights if citizens do not retain a credible capability to confront an overreaching state with armed resistance. Kopel has written, “If Americans are to remain free—and to live as securely as freedom allows—then it must be recognized that guns play an important and necessary role in American society, and that Americans have inherited the right to arm themselves against those foreign or domestic enemies who would deprive them of life and liberty.”²² Or as LaPierre puts it, “The Second Amendment is the fulcrum of freedom in our nation, because freedom and the Second Amendment are mutually interdependent. They are the ‘chicken and the egg’; neither can exist without the other.”²³

On its face, the “guns protect freedom” formulation sounds plausible, and anyone who would oppose the gun rights movement’s superficially attractive goals may seem to be attacking freedom itself. Then-NRA president Charlton Heston, addressing the organization’s annual convention in 2000, remarked, “I’m here because I love my country and I love this freedom. . . . It dawned on me that the doorway to all freedoms is framed by muskets.” Referring to Vice President Al Gore, the Democratic candidate for president, Heston lifted a musket over his head and said, “So as we set out this year to defeat the divisive forces that would take freedom away, I want to say those words again for everyone within the sound of my voice to hear and to heed, and especially for you Mr. Gore: From my cold dead hands!”²⁴ At the 2007 NRA convention, LaPierre detailed that threats to freedom are everywhere and that the NRA membership, fully armed and ready for battle, is the last line of defense:

So no matter what the animal rights terrorists throw at us, no matter what crime wave illegal immigrant gangs cause, no matter what deals are cut in the back rooms of the United Nations, no matter who is slamming gavels at the Supreme Court, no matter who is sitting in the White House, and no matter who wins what election or chairs what committee, if they are enemies of what’s in that exhibit hall over there, if they threaten what that great hall preserves [guns], if they dare assault the one freedom that secures all freedoms, this National Rifle Association, millions and millions of members strong, you will rise and stand and we, together, will fight them all.²⁵

Gun rights advocates have worked with a small stable of academics and think tanks over decades to churn out enormous volumes of “scholarship” intended to legitimize the link between guns and freedom. This work is not produced by the militia fringe but by mainstays of the conservative movement. Nelson Lund, for example, currently holds the Patrick Henry Professorship of Constitutional Law and the Second Amendment at George Mason University’s Law School, a post funded by a million-dollar donation from the NRA.²⁶ Lund is not just some fringe renegade activist spewing Insurrectionist rhetoric on some low-

budget radio station. He holds five academic degrees, including a law degree from the University of Chicago and a doctorate from Harvard University. He clerked for U.S. Court of Appeals judge Patrick E. Higinbotham and Supreme Court justice Sandra Day O'Connor. He has worked in the White House as associate counsel to President George H. W. Bush. Lund serves on the Board of Legal Advisors to the Heritage Foundation and has written a slew of articles on the Second Amendment, including "Have Gun, Can't Travel: The Right to Arms under the Privileges and Immunities Clause of Article IV." He also contributed the section on the Second Amendment to the *Heritage Guide to the Constitution*.²⁷

Kopel is a prolific contributor to a variety of popular and quasi-scholarly publications and serves as the research director at the Independence Institute, an organization "established upon the eternal truths of the Declaration of Independence." The Independence Institute bills itself as a "free market think tank" and advocates tight limits on the role of state and federal government.²⁸ The Independence Institute is funded in part by a network of foundations such as the Castle Rock Foundation, founded by the Coors family (also a major supporter of the Heritage Foundation), and the Southeastern Legal Foundation (which claims as one of its major accomplishments the successful effort to get former president Bill Clinton's Arkansas law license suspended).²⁹ Kopel is a frequent contributor to NRA publications and often appears as a featured speaker at NRA functions.

The NRA and its allies (including think tanks and foundations linked to the "conservative movement") have spent millions trying to camouflage as mainstream wisdom the highly dubious proposition that freedom is best protected from government by a well-armed and unregulated populace. In recent years, the NRA has made the connection between guns and the defense of liberty a central theme of almost all of its public communications. Then-NRA president Kayne Robinson's 2005 broadside against liberals, the media, and other bugaboos of the Right is representative of both the substance and tone of the contemporary gun rights lexicon: "Although the elite media and the snob left despise our freedom, we have right, history and liberty on our side," Robinson said. "We should never, never give in to the forces that would rob us of our

freedom. Never, never surrender to the bigots who look down their noses at our freedoms."³⁰

It would be difficult to exaggerate how thoroughly the "guns equal freedom" message has been incorporated into everything having anything to do with gun rights organizations and their cause. In the summer of 2006, for example, the NRA offered its members the opportunity to book passage on its "Freedom Cruise" with Wayne LaPierre, Oliver North, and Newt Gingrich, among other notables, on a Holland America ship. In addition, in the preface to his 2007 book, *The Essential Second Amendment Guide*, LaPierre writes, "In the Second Amendment, we have the purest and most precious form of freedom because it is the one freedom that gives common men and women uncommon power to defend all freedoms. . . . Thank you for keeping the flame of freedom burning brightly in American hearts. Yours in Freedom, Wayne LaPierre."³¹

By constantly hammering home the idea that the gun rights movement is essentially about the defense of liberty, advocates of the Insurrectionist myth have effectively turned *freedom* into a code word understood by the initiated to imply a quite remarkable conception of the role of private violence in our political system while communicating benign concern for civil rights to the uninitiated. Slogans such as "Vote Freedom First" allow the NRA to inculcate the idea that guns are the cornerstone of freedom without expressly spelling out the argument that citizens must prepare for violent conflict with the government or confronting the logical implications of that argument. In much the same way, "conservative" politicians use the phrase *culture of life* to remind "social conservatives" of their fealty without having to explicitly state a position on abortion or gay rights that might alienate moderate voters.

The NRA's 2006 national convention in Milwaukee was called "Freedom's Second Army," and its 2007 convention in St. Louis was advertised as the "Biggest Celebration of Freedom in NRA History!"³² LaPierre refers to NRA members and their fellow travelers as the "pro-freedom voting bloc."³³ Building on this coded language, the NRA has introduced a new monthly magazine for its members called *America's First Freedom*, with features such as a "Freedom Index" that moves up

and down in response to the victories and setbacks of the gun rights lobby. In the January 2007 issue, the index notes that freedom took a three-point hit (on a one-hundred-point scale) based on the election of a Democratic majority in Congress the preceding November; Mayor Michael Bloomberg's efforts to reduce the carrying of concealed handguns in the New York City; and Michigan voters' rejection of a ballot initiative that would have legalized the hunting of mourning doves.³⁴ Whenever any person, organization, or government entity does something the NRA doesn't like, freedom has suffered a defeat, even when the NRA's position favors limiting someone else's rights, as it has done in attempting to prevent private landowners from keeping firearms off their property.

The suggestion that the Constitution's core values are implicated in a debate about whether to allow residents of Michigan to shoot at mourning doves may seem tenuous at best, but the NRA is relentless in associating every aspect of the ownership and use of guns with the cause of protecting freedom. Each time the concept of freedom is invoked in connection with gun rights, the NRA reinforces the idea not only that the right to own a gun is an important freedom but that government is the enemy of all forms of individual liberty. The NRA's official communications consistently attribute just about every social problem to the heavy hand of government, even in situations where most observers would conclude that the source of the difficulty is the weakness of government action, not its excesses.

Perhaps the best example of the NRA's systematic attempts to interpret the breakdown of government as evidence that government is too powerful came with Hurricane Katrina. In *Freedom in Peril: Guarding the 2nd Amendment in the 21st Century*, the NRA rails against many of its perennial targets (e.g., Senator Hillary Clinton and filmmaker Michael Moore) but adds a new villain: the role of the military and local law enforcement agencies in responding to the hurricane.³⁵ While most Americans understood Katrina as a wake-up call for government to upgrade its disaster-response abilities, the NRA's communications apparatus now regularly releases videos, press releases, and direct-mail appeals arguing that efforts to disarm and evacuate residents of New Orleans as order broke down following the storm represented

proof positive that government confiscation of firearms is a clear and present danger. *Freedom in Peril* notes that for a few terrifying days, New Orleans degenerated into anarchy but then goes on to make the curious claim that

Katrina became the proving ground for what American gun owners have always predicted. The day came when government bureaucrats threw the Bill of Rights out the window and declared freedom to be whatever they say it is. A mayor and a police chief revoked the rights of law-abiding citizens. The Second Amendment was only as good as they said it was. And they had plenty of men in helmets and body armor with M-16s to prove it.³⁶

The NRA and other gun rights groups now regularly point to the Katrina episode as a reason to pass state and federal legislation expressly forbidding law enforcement officials from taking guns away from residents of a disaster area. The NRA and its allies argue that chaos ensued in New Orleans because law enforcement disarmed law-abiding citizens.

Anyone who has reviewed the contemporaneous press coverage of the Katrina disaster knows that the NRA has its facts backward. The police and National Guard did not reach areas hit hardest by flooding until after order had already broken down, so it is hard to see how their efforts to limit access to firearms could have caused the disorder. Moreover, the police and military started disarming civilians they encountered in the area precisely because so many looters and other criminals were armed, and in a few cases they were keeping rescue personnel at bay by shooting at them. Some citizens were disarmed and forcibly evacuated because violence was impeding recovery operations. The Insurrectionist account of Katrina also ignores the role that easy access to guns—many stolen by criminals from residences and gun stores abandoned as the hurricane moved in—contributed to the problems faced by public authorities in restoring order and conducting rescue and recovery operations.

None of this has stopped Insurrectionist propagandists from moving aggressively to construct a Katrina mythology that portrays the denial of access to firearms as delaying the restoration of order. By reversing

the chronology to put gun confiscation ahead of the chaos and violence in New Orleans, the gun rights movement has made the hurricane fit within its broader story line about how police—as part of the government—cannot be trusted to protect the innocent as armed criminals rape, rob, and murder but are quick to seize guns from these same innocent people who need firearms to protect themselves in the law enforcement vacuum after a natural disaster. According to the NRA, post-Katrina New Orleans was a criminals' playground with no police in sight, yet law enforcement officers were ruthlessly disarming residents who were then left with no way to defend their lives or property. In this retelling, the police represent the worst of both worlds, totally ineffective against the bad guys but highly efficient in disarming the good guys. The government is too weak to protect its citizens yet too strong to be trusted.

Guns did not play a decisive role in the catastrophic aftermath of Katrina one way or the other, but the disaster highlights the real-world consequences of weak and ineffective government. The losses of life and property resulting from Katrina were exacerbated by the government's failures to plan adequately and effectively for its response to a major hurricane in the area and to allocate the resources needed to deal with the problems created by the storm in a timely manner. These shortcomings point to the need for stronger and smarter government efforts to prepare for and respond to major emergencies. Viewed in this light, the insistence on portraying Katrina as a case study in the dangers of a government grown too powerful is counterproductive not only to improving disaster preparedness but also to a rational discussion of the role of firearms in a free society.

What makes the Insurrectionist propaganda so insidious is not just its effect on gun policy but also its role in advancing an antigovernment ideology that is hostile to progressive values and democratic institutions. The ideology behind the gun rights movement rejects community and consensus building in favor of a social compact that may be dissolved at any time, by anyone, based on narrow conceptions of self-interest. In this view, might (whether political or physical) makes right, and government can never make legitimate claims against individuals

on behalf of the community, even when decisions are made by democratic means with strong guarantees for individual rights.

The Insurrectionist idea may not spur many gun owners to challenge the government to an armed showdown, although this idea guided Timothy McVeigh (who believed that destroying the Murrah Building was justified self-defense, because after the government action at Waco and Ruby Ridge it was clear to him that “there was an imminent threat to the lives of gun owners”)³⁷ and continues to be used by white supremacists and other extremists to justify violence. Insurrectionist ideology is, however, regularly employed in service of organizing opposition to progressive political leaders and their ideas.

The gun rights movement has masterfully used its power to mobilize grassroots opposition to progressives as a way of building clout within the “conservative” coalition. We cannot say whether the leaders of the major gun rights organizations actually believe their own rhetoric, but they have shown they are not above using it in service to causes far removed from the fight to protect the constitutional rights they claim to hold dear. For example, the NRA has not hesitated to push for legislation forcing employers to allow employees to bring guns to work, an idea that requires the government to abrogate private property rights in favor of the interests of firearms enthusiasts who prefer never to go anywhere without a gun. It is also hard to believe that LaPierre, a political operative turned gun activist who makes eight hundred thousand dollars a year and lives in an elite suburban enclave just outside Washington, D.C., takes seriously the relentless attacks on the social, political, and economic elites he so closely resembles.

Some other figures within the gun rights movement cut their ideological teeth developing direct-mail campaigns aimed at senior citizens and religious fundamentalists, and gun rights advocacy sometimes seems to have more to do with frightening or angering gun owners into writing more checks than with any attempt to strip away restrictions on gun ownership through political action. In fact, the NRA’s entire “Vote Freedom First” campaign to get gun owners to the polls in the 2000 elections was crafted by the Mercury Group, an inside-the-Beltway public relations firm, to frame candidates who supported the

NRA's position as "pro-freedom." The firm's Web site boasts, "We're masters at melding news with drama, politics with theatre and public affairs with popular buzz to make your message sing and your story sell."³⁸ Indeed, the gun rights leaders have effectively told a paranoid tale that the government is evil as a way of building a formidable financial and political force.