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Guns, Democracy, and the Insurrectionist Idea

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CHAPTER THREE

WHO ARE THE INSURRECTIONISTS?

Through the National Rifle Association (NRA) and its allied gun rights groups, the Insurrectionists have created an effective communications infrastructure that incorporates right-wing leaders, politicians at the highest levels of government, the bottom-feeders of the militia movement, and hate groups as well as a large grassroots network that can push Insurrectionist propaganda to millions of gun owners at a moment's notice. To be sure, most NRA members are not Insurrectionists, but the leaders of the NRA and allied groups have committed the Insurrectionist dogma to the service of the "conservative movement" and the Republican Party.

The NRA

Many political professionals believe that the NRA is the most powerful lobbying group in Washington. We and others have argued that the NRA's actual influence on elections is overrated. In politics, though, perception often trumps reality, and the NRA undoubtedly enjoys tremendous clout with legislators. This clout is based almost entirely on the NRA's ability to mobilize a grassroots network on behalf of its legislative and political goals.

The NRA's grassroots organizing and fund-raising efforts feature

messages designed to appeal to gun owners as protectors of “America’s First Freedom.” To the uninitiated, these appeals to freedom sound innocuous, but to someone who is familiar with the political underpinnings of the gun rights movement, an appeal to freedom means only one thing: guns protect our freedom because the government cannot be trusted. The effectiveness of this message is self-evident: the NRA has millions of members, and it raises around \$200 million a year, mostly from small donors.¹

If the NRA limited its agenda to building a bipartisan consensus in favor of a limitless right to bear arms, it could be dismissed as no more than one of the peculiarities of American politics. Many progressives, assuming that the NRA is run by gun enthusiasts who want nothing more than to be left alone with their firearms, have concluded that it can be appeased by opposing gun control or simply by remaining silent on gun-policy issues. This understanding is overly simplistic. The NRA is an integral cog in the “conservative” movement’s political machine, both because of its ability to deliver grassroots supporters and votes to Republican candidates and because of its willingness to engage in relentless propagandizing against liberals, government, and the Democratic Party.

The modern gun rights movement was born in 1977, when hard-liners took over the NRA at the group’s national convention in Cincinnati. The most obvious immediate change came in the organization’s attitude toward compromise. Where previous executives had been uncomfortable putting the NRA into direct public confrontations with elected officials, the new leadership adopted an unapologetically bellicose strategy in political and legislative matters.²

This change in approach produced some notable successes. In the early 1980s, the NRA nearly achieved its goal of abolishing the Bureau of Alcohol, Tobacco, and Firearms (ATF). Only when its leaders realized that the alternative was to transfer authority for enforcing federal gun laws to the Federal Bureau of Investigation (FBI) or another law enforcement agency that could not be so easily demonized did they decide to drop the effort and argue for reductions in ATF’s budget. In 1986, the NRA won passage of the Firearm Owners’ Protection Act, which rolled back key elements of the Gun Control Act of 1968 and drastically cur-

tailed ATF's authority to bring criminal or administrative enforcement actions against rogue gun dealers who divert firearms to convicted felons and other prohibited purchasers.³

In the late 1980s, however, the NRA began to find that getting a reputation as a bully might prove useful in some cases but has serious shortcomings as a long-term political strategy. Wayne LaPierre's characterization of ATF agents as "jack-booted Government thugs" provoked President George H. W. Bush to resign his lifetime NRA membership,⁴ and law enforcement leaders across the country were alienated by the NRA's strident opposition to legislation designed to prevent civilians from purchasing armor-piercing handgun shells. By 1994, the accumulation of bad publicity and ill will generated by the NRA's take-no-prisoners approach had seriously damaged the gun lobby's legislative agenda. Gun control advocates had built majority support in Congress for the Brady law, which requires background checks on all buyers who purchase firearms from licensed gun dealers. They followed up by winning passage of a federal ban on assault weapons. In addition to the first President Bush, Presidents Ronald Reagan, Gerald Ford, and Jimmy Carter publicly renounced their NRA memberships. Gun control groups anticipated winning more victories in the years to come.

The November 1994 midterm congressional elections transformed perceptions about the politics of gun control when Democrats lost control of both the House and Senate for the first time in a generation. The Democrats had stumbled through a host of minor scandals, legislative debacles, and political missteps in the first half of President Bill Clinton's first term, from the implosion of First Lady Hillary Clinton's health care reform initiative and an abortive attempt to allow gays to serve openly in the military to the controversy over the firing of several employees in the White House travel office. Despite the role these problems played in contributing to Democratic losses in 1994, the NRA moved aggressively to claim a major victory based on the defeat of several Democrats who had supported the assault-weapons ban.

At first, the NRA's efforts to convince political professionals, journalists, and the public that the assault-weapons vote was largely responsible for the GOP landslide may have been no more than a remarkably shrewd ploy to take credit for the results of an election cycle that

undoubtedly was influenced by many factors. Over the next several years, however, the broader consequence of these elections was to incorporate the gun rights movement into the Republican Party's coalition. A symbiotic relationship developed between the leaders of the Republican "revolution" and the leaders of the major gun rights groups, particularly the NRA. In the 1990s, as the GOP worked to cement its hold on power by aggressively courting sympathetic interest groups, no organization has allowed itself to become more closely aligned with the Republican Party—and particularly "movement conservatives" within the party—than the NRA.

Prior to 1994, the NRA behaved more or less like any other interest group in doling out political contributions and other efforts to support its legislative agenda. It gave money to candidates from both parties based on their voting records. By 2002, however, the vast majority of the NRA's political action committee contributions (directly to candidates) and its independent expenditures (on behalf of candidates) took place in support of Republican candidates.⁵ The NRA deftly avoided blame for Bob Dole's loss in the 1996 presidential race while moving to claim credit for George W. Bush's narrow Electoral College victory over Al Gore in 2000. Together with the close political relationship between the NRA and top Republican leaders in the House of Representatives, the 2000 presidential election solidified the importance of gun rights among the causes and interest groups that make up the Republican coalition.

On the rare occasions when the NRA supports Democratic candidates, that endorsement does not bring any material amount of cash or volunteer support. Creigh Deeds, a Democrat running for attorney general in Virginia in 2005, learned this lesson the hard way. Although he received the NRA's endorsement, Deeds quickly realized that it was just for show. As he recounted after he lost the election, "The day the NRA endorsement was made public, my opponent's campaign manager quipped to the press that the endorsement was paper thin. Apparently, she knew what she was talking about. In the end the NRA ended up giving my opponent money."⁶

Moreover, the NRA makes a practice of avoiding endorsements of Democratic challengers in races that could affect the balance of power

in Washington. In 2006, for example, the NRA refused to endorse Democratic challengers to Republican incumbents in Texas and Florida even where the challengers had higher NRA ratings.⁷ The NRA has no interest in being bipartisan when there is a risk that Democrats could actually challenge “conservative” control of the policymaking apparatus. This may not be a bad political strategy—from 2000 until 2006 it served the group exceptionally well—but it locks the NRA and the gun rights movement into a symbiotic relationship with reactionary elements of the Republican Party that ties gun rights organizations closely to a host of partisan and ideological battles far removed from firearms policy.

The NRA is so valuable to the GOP because unlike most other interest groups and corporate donors, it has something beyond money to influence elections: a highly motivated core of supporters accompanied by an elaborate communications infrastructure. Insurrectionists represent a small minority of gun owners, but they are active in political campaigns. Many of them spend countless hours handing out political literature, and they often appear at legislative hearings and other public events. Together with the ability to reach gun owners by setting up booths at gun shows and shooting ranges, sending out millions of e-mails to supporters, and spending heavily on direct mail and other forms of advertising, NRA and like-minded gun groups have an impressive ability to mobilize activists.

Of course, the GOP includes interest groups and individuals from a variety of ideological perspectives. Contrary to the assumptions of some progressives, divisions in the Republican base are not limited to disputes between libertarians and religious fundamentalists over social issues such as abortion. Libertarians, for example, are unhappy about the Patriot Act and electronic surveillance by the National Security Agency, while national-security hawks in the party think these measures are of paramount importance. The coalition that brought the Republicans to power in 2000 and 2004 is sometimes divided on important questions of policy, and the NRA works to keep gun owners (whose interests may diverge sharply from the rest of the GOP base on other issues) in the fold by tying gun rights politically and intellectually to the “conservative” movement.

The Iraq war and its aftermath have proven to be a major setback for Republicans, but through 2008 their strength has been not so much finding mutually reinforcing priorities as building a collection of supporters whose interests are not mutually antagonistic. As Grover Norquist, the leading right-wing political operative outside the Republican Party apparatus, explains, the GOP coalition includes at least three distinct spheres: religious conservatives, gun rights enthusiasts, and opponents of taxes. Norquist has observed that fundamentalist Christians who own guns and hate taxes might be an important voting bloc, but a party that brings together people who fit in any one of these three categories (rather than all three at once) can dominate politics.⁸

The faith/guns/taxes coalition is cohesive because each group believes that the government's sovereign powers should be limited in favor of the individual, the family, and God. Gun rights enthusiasts represent the smallest element of this coalition, but they are perhaps the most politically active. The NRA can leverage its influence over its most committed activists and reach substantial numbers of more moderate gun owners without an effective response from the opposition, making it a highly valued ally. While moderate antitax Republicans and the probusiness wing of the party don't think allowing the assault weapons ban to expire or allowing criminals easy access to guns without background checks is good public policy, they are not so deeply opposed to these changes that they get in the way of building a winning coalition.

In this vein, Wayne LaPierre has been quick to make the case that the business community needs the muscle of NRA members to fight the dangers posed by the Democratic takeover of Congress in November 2006. As the 110th Congress got to work, LaPierre wrote, "Only the NRA energizes the powerful pro-freedom voting bloc, resulting in election outcomes good for both American gun rights and for American business. Candidates who support the Second Amendment also support you. They're typically pro-business people who fight for free-market issues, from tort and estate tax reform to immigration policy and the global war on terror."⁹ This assessment that gun rights enthusiasts and "pro-business people" share the same attitude toward immigration is highly questionable, which makes LaPierre's statement a telling exam-

ple of how gun rights leaders work to smooth over differences of opinion among members of the conservative coalition.

As the belief that the NRA is an important cog in the “conservative” movement’s ability to win elections has grown, the NRA and its leaders have developed strong formal and informal relationships with Republican legislators, operatives, and opinion leaders. The NRA board of directors includes Joe Allbaugh, who served as the Bush-Cheney campaign manager in 2000 (and as a consultant to 2008 presidential candidate Rudy Giuliani); U.S. Senator Larry Craig, an Idaho Republican and outspoken gun rights proponent; Grover Norquist, who heads Americans for Tax Reform; and David Keene, leader of the American Conservative Union. With the possible exception of Norquist, Keene is probably the preeminent activist among movement conservatives.

None of these Republican stalwarts is without controversy. Norquist, for example, has been tied to disgraced lobbyist Jack Abramoff, who allegedly used Americans for Tax Reform as a “conduit” to move money “surreptitiously” to support lobbying campaigns for his for-profit clients.¹⁰ Allbaugh was George W. Bush’s first director of the Federal Emergency Management Agency, and Allbaugh brought in his old friend, the now infamous Michael Brown, as his deputy. When Allbaugh left the agency, Brown stepped in just in time to take charge of managing the federal government’s response to Hurricane Katrina. But in light of the dependent relationship between the right-wing ideologues who have seized control of the Republican Party and the leaders of the gun rights movement, the presence of several right-wing heavyweights at the highest levels of the NRA is not surprising. (Craig, of course, lost his clout within the party in 2007 after he pleaded guilty to a misdemeanor conviction for disorderly conduct in a Minneapolis airport bathroom.)

Remarkably, the major gun rights groups have maintained close relationships with the leaders of what can only be described as extremist organizations and causes. Prominent figures from conservative politics such as Allbaugh, Craig, Norquist, and Keene seem not to be disturbed at the prospect of associating with these fringe figures. The NRA board, for example, also includes Bob Brown, publisher of *Soldier of Fortune* magazine, and Peder Lund, publisher of Paladin Press. These publica-

tions cater to readers who fantasize about becoming mercenaries, going “off the grid” by avoiding the use of credit cards and other activities that might allow the government or private debt collectors to track them down, or simply immersing themselves in a subculture where everyone is endlessly fascinated by firearms. Paladin published *How to Be a Hit Man*, a book used in at least one real-life contract killing,¹¹ and other instructional manuals, including *.50 Caliber Construction Manual* and *Acquiring New I.D.: How to Easily Use the Latest Technology to Drop Out, Start Over, and Get on with Your Life*. These directors connect the NRA directly to the underground network of white supremacists and survivalists and to a wide range of other causes on the outer edges of the American Right. Other controversial figures include current board member Ted Nugent and Sanford Abrams, a gun dealer who was recently forced to resign his NRA board seat.

Nugent, a rock musician best known for his 1970s hit “Cat Scratch Fever,” has reemerged in public life as a gun rights zealot. He appears at NRA events and on right-wing talk radio shows preaching to the faithful about the salutary effects of firearms on public safety and self-reliance. Nugent has a long history of making raw, crude, and blatantly racist and sexist comments. For example, in a 1994 interview with *Westword*, a Denver weekly, Nugent said of Hillary Clinton, “You probably can’t use the term ‘toxic cunt’ in your magazine, but that’s what she is. Her very existence insults the spirit of individualism in this country. This bitch is nothing but a two-bit whore for Fidel Castro.”¹²

At his speech at the NRA convention in Houston in 2005, Nugent showed his respect for the rule of law by encouraging the faithful to shoot first and ask questions later: “Remember the Alamo! Shoot ‘em! . . . To show you how radical I am, I want carjackers dead. I want rapists dead. I want burglars dead. I want child molesters dead. I want the bad guys dead. No court case. No parole. No early release. I want ‘em dead. Get a gun and when they attack you, shoot ‘em.”¹³ *Rolling Stone* reported that at a 2007 concert, Nugent veered away from music into political commentary: “Decked out in full-on camouflage hunting gear, Nugent wielded two machine guns while raging, ‘Obama, he’s a piece of shit. I told him to suck on my machine gun. Hey Hillary,’ he continued. ‘You might want to ride one of these into the sunset, you worthless

bitch.' Nugent summed up his eloquent speech by screaming 'freedom!' "¹⁴

Abrams, a well-known Maryland gun dealer and former officer of the Maryland Firearms Dealers Association, owned and operated Baltimore's Valley Guns. In less than ten years as proprietor of the store, Abrams was cited for more than nine hundred violations of federal firearms laws.¹⁵ ATF inspectors found that he could not account for 25 percent of the guns that were listed in his inventory.¹⁶ Out of almost eighty thousand gun sellers nationwide, Valley Guns ranked thirty-seventh in number of guns traced in connection with criminal investigations.¹⁷ ATF attempted to sanction Abrams and eventually moved to take his license, but Abrams took advantage of loopholes in federal gun laws to hold off enforcement action until 2006. In upholding the revocation on appeal, the U.S. Court of Appeals found that "Valley Gun's violations were not technical; they were serious, and public safety required their correction. Preventing Valley Gun from continuing its history of significant failures goes to the core of ATF's responsibilities under the Gun Control Act. Not only was ATF authorized to revoke Valley Gun's license, ATF meaningfully served the public safety in doing so."¹⁸ Even after his lawless behavior attracted widespread publicity, Abrams was reelected to the NRA Board of Directors.

Abrams was finally forced to resign from the NRA board in late 2006, shortly after he came under scrutiny for additional violations of federal and state firearms laws, and he ultimately was convicted (but not sentenced to serve time in prison). Abrams was charged after he supplied convicted felon Keith Showalter with a Bushmaster assault weapon, a Yugoslavian rifle, and a Remington semiautomatic rifle. During a domestic dispute with his estranged girlfriend, Showalter shot at two police officers who tried to intervene. The officers returned fire and killed him. After the shooting, investigators found that Abrams had never recorded the sale of two of the weapons with the state police, as required by Maryland law, and that he broke federal law by possessing an unregistered machine gun.¹⁹

So why do legislators and high-ranking Washington insiders feel that they benefit by being associated with an organization that routinely elects survivalists and rogue gun dealers to its board? The answer

lies in the NRA's ability to activate a grassroots network on behalf of "conservative" candidates and causes. Norquist is a formidable force in fund-raising for Republican candidates and has substantial influence over business lobbyists and others opposed to taxes and regulation of commerce. He has a limited ability to communicate directly with the activists who listen to Nugent or Bob Brown, however. The price that Republicans and their political allies must pay for the assistance of the Insurrectionist-led gun rights groups is having to do their bidding from time to time. And while right-wing populists are a relatively small voting bloc, gun rights groups are among the most effective at reaching and energizing them, using appeals to the defense of freedom that also are attractive to more moderate gun owners who do not necessarily accept or even understand the subtext of the Insurrectionist message.

The NRA's grassroots infrastructure can be a potent force even outside of election campaigns. It is also a weapon that can be used to punish any company or individual in the firearms industry that tries to take steps to limit the flow of guns to criminals through illegal markets. Most gun makers and sellers are happy to follow the NRA's lead on policy questions, but when members of the industry have tried to exercise greater responsibility in curbing the illegal trade in firearms, the NRA has been quick to respond with blacklists and boycotts that have ended careers and bankrupted companies. Although gun control activists often assume that the NRA is a tool of the firearms industry, the gun rights groups drive the industry's political and legislative agenda. The industry takes its marching orders from the NRA, not the other way around.²⁰

Firearms sellers are an extremely diverse group. While the NRA likes to portray the industry as a success story for an American manufacturing sector besieged by foreign competition, foreigners control many gun makers. Glock, an Austrian corporation, through a U.S. subsidiary called Glock USA, now manufactures the leading firearm for law enforcement. The sidearm for the U.S. military is manufactured by Beretta, an Italian corporation that once made firearms for Mussolini's fascist regime. It operates through a U.S. subsidiary called Beretta USA. Other brands long associated with the cowboy myth and the American

West, such as Winchester Arms, are now owned by multinational corporations or are out of business.

Conversely, some U.S. gun makers devote themselves to turning out low-quality handguns known as Saturday night specials or “junk guns” that have been prohibited from importation by the Gun Control Act of 1968.²¹ Some manufacturers are mom-and-pop operations that turn out small quantities of specialty guns, such as high-end target pistols or low-end assault weapons. The entire U.S. firearms manufacturing and ammunition industry is quite small, generating approximately two billion dollars in gross annual sales.²²

Gun companies benefit from the political organization and clout of the NRA and other gun rights groups but are also held hostage to the Insurrectionist worldview that guides gun rights advocacy. Until the late 1990s, the firearms industry maintained an independent trade association to push its agenda on Capitol Hill and in statehouses across the country. Through the American Shooting Sports Council (ASSC), gun makers and dealers had a voice on public policy issues that sometimes deviated from the gun rights movement’s party line. For example, legitimate firearm sellers were unhappy about the failure to regulate sales by “collectors” and “hobbyists” at gun shows, because many of these unlicensed sellers distribute large numbers of guns without being required to perform background checks, maintain insurance, or pay for the routine overhead associated with running a gun store. During the Clinton administration, the ASSC endorsed closing the loophole that allows criminals to avoid background checks at gun shows by purchasing from these unlicensed sellers.²³

The NRA responded to this turn of events by orchestrating the dismantling of the ASSC, eliminating the industry’s only independent trade association.²⁴ Most gun owners support requiring background checks on all firearm sales at gun shows, but Insurrectionists insist on retaining the option to conduct transactions outside the FBI background-check system, and they were unwilling to allow the firearms industry to support legislation that would establish a system of universal accountability for gun purchases.

Again contrary to the common assumption that the NRA does the

industry's bidding, this incident illustrates that the gun rights group tail wags the industry dog. Firearms makers and dealers deviate from the Insurrectionist line at their peril. The NRA's bark is much worse than its bite when it comes to threats to boycott businesses outside the firearms industry, but it has enormous economic leverage over gun dealers and manufacturers. Bucking the NRA, Smith & Wesson worked closely with the Clinton administration even after the ASSC was silenced. The NRA responded by crippling Smith & Wesson's business, eventually forcing the company into bankruptcy. Today, without exception, the industry toes the NRA line even when doing so is bad for business. In exchange for the industry's acquiescence in its leadership, the NRA has used its political power to win legislative favors for gun companies, such as federal legislation that immunizes gun dealers and manufacturers from civil liability for distribution and sales practices that make it easier for criminals to buy guns.

Allied Gun Groups

The NRA is by far the largest gun rights group in the world, but a host of smaller players fill every conceivable demographic and geographic niche in the gun rights movement. State-based gun rights groups such as the Virginia Citizens Defense League and the Gun Owners of California primarily focus on legislatures in their home states and generally are most concerned with self-defense issues, such as loosening restrictions on the ability of individuals to carry concealed weapons. Certain groups cater to distinct categories of gun owners, such as Jews for the Preservation of Firearms Ownership (JPFO) and the Pink Pistols, whose motto is "Armed Gays Don't Get Bashed."

Of course, these organizations strongly oppose any new gun control laws and advocate further weakening ATF and repealing the Brady law, but the NRA does not really need their help with lobbying; in some cases, the involvement of these groups in lobbying serves merely to highlight the extremism of the Insurrectionist-inspired gun rights agenda.²⁵ Some niche groups seem to have few members and exist primarily to create the appearance that support for gun rights extends beyond the Right. The larger and better-organized allied groups earn their

keep by maintaining a steady stream of communications with gun owners, who are bombarded relentlessly with Insurrectionist rhetoric designed to persuade them that the government is evil and that gun owners must prepare to resist confiscation of their firearms. The most prominent allied groups articulating this position include the Gun Owners of America (GOA), the Second Amendment Foundation (SAF), and JPFO. These organizations can aggressively and more explicitly inculcate gun owners with Insurrectionist ideology that the NRA must couch in softer, more general terms that link guns and freedom.

JPFO paints itself as America's fiercest defender of firearms ownership, while GOA claims that it is "the only no-compromise gun lobby in Washington." The leaders of GOA and SAF, Larry Pratt and Alan Gottlieb, respectively, are colorful characters, to say the least. Pratt has in the past had ties with the militia and white supremacist movements.²⁶ Gottlieb is a convicted felon who spent a year in prison on federal tax-evasion charges in the late 1970s.²⁷ These allied groups skillfully mix gun rights with antigovernment ideology in an effort to warn gun owners about the threat of gun control. "This Second Amendment right . . . is not about hunting or target shooting, it's about freedom and defense. It is the great insurance policy against tyranny, and it has kept our country free for more than two centuries," Gottlieb said in a 2006 press release. "Today's gun grabbers don't march in red coats down country roads. . . . They skulk through the halls of Congress and state legislatures. Yet, their goal is the same. They would disarm us, steal our liberty and destroy our way of life."²⁸

JPFO echoes the Insurrectionist theory of the Second Amendment. In a document designed to persuade Jews that they should support a constitutional right to bear arms, JPFO says that "the Second Amendment does not aim at protecting hunters. So, there is no reason for a Jew—or anyone else—to say, 'I don't hunt, so why should I own firearms?' It's simple: Jews' history of murderous persecution by governments means that Jews should spearhead efforts to expand the individual civil right to be armed."²⁹

The allied groups are not content to protect us merely against legislative encroachment on the right to bear arms. The courts are part of the plot against liberty as well. In a 2005 newsletter article, "The

Supreme Court Has Declared Itself above the Law," the GOA's Pratt claimed that the courts are out of control and that states should be able to overturn the decisions of Congress and the federal courts: "To save our gun rights, indeed, to save all of our freedoms, the time has come to bring courts back under control. States need to study the history of nullification. Congress needs to do its part to rein in the judges. In the words of the defenders of freedom on Flight 93, 'Let's roll.'"³⁰

Pratt has repeatedly emphasized the nullification doctrine that was a key rationale invoked by the Confederacy to justify secession. Of course, the Union was saved when Lincoln refused to let the southern states decide for themselves which federal laws to obey and which ones to reject as inconsistent with their conception of federalism. Pratt appeals to the same doctrine to defend the proposition that armed citizens are entitled to ignore federal laws they find objectionable and that America is not in fact one country. He then has the temerity to invoke the phrase famously used as a rallying cry by real patriots who sacrificed their lives to stop terrorists from crashing an airplane into a building during the September 11 attacks.

But it is far from patriotic to advocate the use or threat of armed violence against a democratic process that has been available to settle grievances and advance common interests for more than two hundred years. In fact, it is precisely the opposite of patriotism. Appeals to prepare for conflict with the government or to nullify federal laws are fundamentally inconsistent with a commitment to core democratic values—that is, to the idea that disputes are settled through debate rather than force within a framework that provides political accountability at the ballot box, not at the barrel of a gun.

Not satisfied in trying to undermine the legitimacy of the federal government in the United States, GOA has interjected itself into the gun debate in other countries. Pratt has helped launch gun rights groups in Brazil and South Africa. He has written that he was happy to be on hand at a conference organized by the new Gun Owners of South Africa organization. South Africa has a major gun-violence problem, and the government has been grappling with measures to reduce the killings, including licensing gun owners. When a South African police chief, Robert McBride, remarked that it was not constructive or accurate for

gun owners to compare the licensing law in South Africa to Hitler's actions to lay the groundwork for the Holocaust, Pratt swung into action, writing,

As in the United States, gun banners are simply unwilling (and unable) to deal with the mountains of data that disprove their arguments. Maybe they are really not concerned about crime after all. If that is the case, maybe we are getting close to understanding why they don't want opponents to keep bringing up countries where gun control led to confiscation and was then followed by genocide. Do you suppose that is what terrorist-now-police-chief McBride has in mind when he wants no talk of Hitler and Pol Pot?³¹

The allied groups use simple tactics. First, discredit the government and gun control supporters as bent on genocide and repression. Second, idealize gun owners as über-patriots prepared to fight tyranny wherever it rears its ugly head. Both Gottlieb and Pratt are experts in using these arguments to build support for their groups.

These organizations inhabit two worlds. To casual observers, they appear to be simply another set of issue-advocacy groups funded largely by direct-mail solicitations from small donors. Their leaders demonstrate their absolutist bona fides by generating mainstream media attention for their support for repealing the de facto ban on machine guns and by staking out other extreme positions on gun policy.

These groups have another, less public, role as conduits to Insurrectionist ideology that is not acceptable in polite company. The allied groups are responsible for managing the hard-core extremists in the gun rights fold without getting so close to the NRA as to damage its credibility inside the Beltway.³² For example, Pratt is known to have met with white supremacists, neo-Nazi leaders, and state militia groups in Estes Park, Colorado, in response to the shootout at Ruby Ridge between federal agents and Randy Weaver.³³ Pratt has lived a double life that allows him to associate with racists and radical antigovernment activists who openly discuss overthrowing the government at the same time that he maintains close relationships with senior members of Congress and appears regularly in the mainstream media.

Sometimes these worlds collide, as when Pratt was forced to resign from Pat Buchanan's 1996 presidential campaign because his ties to white supremacists had become an embarrassment. Pratt shook off the resulting bad publicity and remains a fixture in Washington. He is a regular on the cable talk show circuit, and one of the authors appeared opposite Pratt in an MSNBC segment in which he objected to a proposal to stop people on the terrorist watch list from purchasing firearms. After the taping, he clarified to the host that one of his objections was that the list could be used to prevent people like his "friends at Ruby Ridge" from acquiring firearms.³⁴ The siege at Ruby Ridge started when ATF agents attempted to serve a warrant on Weaver for selling two illegally sawed-off shotguns.³⁵ In Pratt's world, no firearm should be illegal and the federal government is an occupying force attempting to confiscate all the guns in America. He is tolerated and even welcomed in "conservative" circles, however, because he is politically useful.

The allied groups ultimately serve as conduits to the people on the extreme right of the political spectrum. These are people who think the NRA is too mainstream, too willing to compromise. They are tolerated by "movement conservatives" because every vote counts in a country where national elections are often decided by razor-thin margins, and the allied groups appeal to group of voters that are highly engaged in politics because they view it as a life-or-death contest between good and evil. In Norquist's values-plus-taxes-plus-guns equation, the allied groups make sure that the gun owners of every stripe—including those who want to use their guns to fight a race war—are included in the final tally on Election Day.

The Gun Show Circuit

The NRA and the allied groups are by no means the only entities preaching Insurrectionism to grassroots activists. Each weekend in America, Insurrectionists with a similar message meet in civic centers, VFW halls, and fairgrounds to distribute their message at gun shows. Gun shows are among the most important gathering places for Insurrectionists, and they provide a distribution network for propaganda from Far Right causes. Visitors can usually buy anything from a single-

shot .22 to a military-style semiautomatic assault weapon, along with instructions on how to convert it into a fully automatic machine gun. Although it is illegal under federal law to sell a machine gun to a purchaser without a special license, vendors on site often offer kits to convert a semiautomatic firearm into a machine gun. A consumer without the special license can legally purchase a semiautomatic assault rifle at one booth and then go to another booth and buy the parts to turn it into a fully automatic machine gun. The sheer volume and variety of guns and ammunition for sale can be overwhelming for the uninitiated. Hundreds of tables with every imaginable type of weaponry: semiautomatic shotguns, target pistols, autoloading pistols, and .50 rifles are all available at gun shows.

As noted previously, many states allow gun owners to sell firearms at gun shows without conducting background checks on the buyers. Unlike federally licensed firearms dealers, who must perform background checks on all sales, "private sellers" are not subject to the regulations applicable to licensed gun dealers, even though these private sellers may be involved in a high volume of firearm transactions. This results in a strange anomaly at gun shows. At one table, a federally licensed dealer who has left his store for the day to come to the gun show will be dutifully filling out paperwork to record a gun sale and run a background check, while at the next table a "hobbyist" with dozens of guns for sale will be offering cash-and-carry service without background checks or a sales record.

If a criminal attends a gun show in search of a firearm, which vendor will he choose: the licensed dealer who is required to conduct a background check that could stop the purchase and will certainly leave a paper trail, or the "hobbyist" offering sales with no strings attached? At a gun show in Nashville, Tennessee, one of the authors was perusing the wares of an unlicensed vendor and saw a Bushmaster semiautomatic assault rifle similar to the one used by John Muhammad and Lee Malvo during their 2002 killing spree in the Washington, D.C., area. When the vendor was asked what needed to be done before the gun could be purchased, the vendor responded that all he needed was to make sure that the purchaser was a Tennessee resident. Since the author looked like a Tennessee resident, he said, there was nothing else to do. It is no won-

der that ATF reported (before the Republican-controlled Congress cut off the funding for such reports in 2004) that its investigations determined gun shows to be the second-leading source of illegally trafficked guns recovered in criminal investigations.³⁶

A few women and minorities attend gun shows, and one of the authors has witnessed the incongruous sight of an African American browsing the available firearms at a table immediately adjacent to another vendor selling racist bumper stickers and books, but the crowds are invariably composed largely of white men. A careful observer sometimes sees some young women who appear to be making straw purchases for boyfriends who are prohibited from purchasing firearms from licensed dealers, perhaps because of drug convictions or other disqualifying felonies. The chances that a purchase will be stopped are slim. ATF, due to its limited resources, conducts investigations at about 2 percent of the more than five thousand gun shows held each year in the United States.³⁷ But when ATF does investigate, it often finds that prohibited purchases are taking place. An investigation of seven gun shows in Virginia, for example, resulted in dozens of arrests of purchasers who made false statements on the forms required to conduct background checks, were in possession of marijuana and cocaine, or were fugitives from justice. The NRA promptly responded by persuading its friends in Congress to pressure ATF to halt the investigations.³⁸

Firearm sales are only one part of the commerce and conversation at these shows. Amid the guns and gun paraphernalia, vendors do a brisk business in antigovernment propaganda and political material. In fact, gun shows are the only place in most communities where people can purchase books such as the *Turner Diaries*, an apocalyptic novel describing how white American gun enthusiasts can organize themselves to overthrow a U.S. government dominated by black thugs and their Jewish puppet masters. In 2005, one of the authors purchased a copy of the *Turner Diaries* at the Nation's Gun Show, a quarterly event held just outside Washington. Other literary staples on the gun-show circuit include books describing how to make homemade incendiary devices, escape capture by law enforcement, carry out contract killings, and avoid paying income taxes.

Anyone not steeped in Insurrectionist ideology would likely find the

mix of unregulated gun sales and extremist political materials disturbing, but for gun owners accustomed to thinking of firearms as symbols of "freedom" (understood as the power and willingness to resist a government that is essentially an occupying force), the combination seems perfectly appropriate. In principle, the Insurrectionist idea does not logically require the embrace of racism or anti-Semitism, but racists, anti-Semites, and others on the political margins have a strong attraction to the Insurrectionist theory of gun rights, for obvious reasons. The people who hold these views believe the U.S. government represents alien values by supporting the welfare state and protecting the rights of racial and religious minorities at the expense of whites and Christians, a variant on the basic Insurrectionist account of how our government works.

Mass murderers Buford Furrow, who made a name for himself by shooting young campers at a Los Angeles Jewish community center, and Timothy McVeigh, the Oklahoma City federal building bomber, spent considerable time at gun shows. McVeigh was a regular at gun shows, and although he certainly sold guns from time to time, he seemed to focus mainly on peddling antigovernment propaganda. He made a point of distributing the *Turner Diaries* and referred to it as his bible for the bombing in Oklahoma City. He was introduced to the book through an advertisement in *Soldier of Fortune*. McVeigh also sold Insurrectionist bumper stickers with slogans such as "Fear the government that fears your gun"; "A man with a gun is a citizen, a man without a gun is a subject"; and "Politicians love gun control."³⁹

McVeigh formed a deep attachment to firearms, which he saw as "the first tool of freedom." He viewed his actions at Oklahoma City as a patriotic stand against oppressive government. The day of the bombing, he wore a T-shirt with a drawing of Abraham Lincoln on the front and the words of John Wilkes Booth, "Sic semper tyrannis." On the back was an image of a tree with blood dripping from the branches, superimposed over a Thomas Jefferson refrain: "The tree of liberty must be refreshed from time to time with the blood of patriots."⁴⁰ Jefferson was not above using overheated rhetoric, but he certainly never meant for the blood of innocent children to be shed in the name of liberty.⁴¹ Nor would he have been pleased by the linkage of his words to those of Lincoln's killer. Few gun owners would try to emulate the bomber's ul-

timate course of action, but his ideology and political beliefs were typical of a prominent segment of the gun-show community—and entirely consistent with the Insurrectionist idea. At gun shows, McVeigh undoubtedly encountered many kindred spirits.

Furrow made frequent firearm purchases at gun shows in Washington State, including, it is believed, the weapons used in his attack. Furrow was deeply involved in the anti-Semitic and racist Aryan Nations, spending long periods of time at the group's headquarters in Hayden Lake, Idaho. Furrow was a guard at the compound when he met his future wife, Debbie Mathews. Mathews's first husband, Robert, had been part of an Aryan Nations hit team that assassinated outspoken Jewish talk show host Alan Berg in Denver in 1984. Robert Mathews was eventually killed during a shootout with FBI agents. After Furrow's capture in Las Vegas, he exclaimed that he was trying to send a "wake-up call to America to kill Jews." In a court filing, prosecutors said that Furrow, echoing the *Turner Diaries*, told them that he was "at war with the Jewish-controlled federal government."⁴²

Both McVeigh and Furrow were part of an extremist subculture that is impossible to miss at gun shows, but most promoters of these events have made little or no effort to make purveyors of hatred and bigotry feel unwelcome. Booths at gun shows in major metropolitan areas routinely sell Insurrectionist material. Bumper stickers adorned with such slogans as "If I had known things would turn out this bad, I would have picked my own cotton" are offered for sale, along with Nazi war memorabilia and even complete SS uniforms. These materials seem to offend few customers, and promoters continue renting space to the vendors who sell them. The First Amendment protects this type of speech from government censorship, but promoters could simply refuse to accept such business. Most people at gun shows are not criminals or racists, but it is no exaggeration to say that these events are a breeding ground for hate and intolerance as well as a ready source of guns for anyone who has a reason—real or imagined—to fear an FBI background check.

Near the entrance to almost every gun show, the NRA operates a booth or table where members are recruited and political literature is distributed. Gun shows provide an opportunity for the NRA and other allied groups to communicate Insurrectionist ideology and spread polit-

ical messages (and endorsements) among gun owners who may or may not fully understand or support the group's ideological agenda. The NRA has fought tooth and nail to block legislation that would extend the background-check system that currently applies to licensed firearm dealers at gun shows. Its intensive lobbying on this issue can best be understood as an effort to protect those who want to buy untraceable firearms with no law enforcement oversight. The fact that the NRA views this group as a core constituency speaks volumes about its ideology and objectives.

The NRA likes to call itself the nation's oldest and largest civil rights group, but its commitment to civil rights seems strangely stunted. The NRA argues that hostility toward gun possession and toward citizens who own and use firearms is a form of invidious discrimination. Gun rights, they say, should be protected with the same vigor and in the same ways as other civil rights. Yet as they press this expansive view of gun rights on legislators and the public, the NRA and its allies simultaneously stand shoulder to shoulder with racists and bigots at gun shows. This aspect of the NRA's hypocrisy reached its high-water mark when it objected to identification checks conducted by ATF on buyers at gun shows on the grounds that the checks were conducted in a racially discriminatory manner but continued to stand mute as vendors at gun shows openly sold books advocating race war and bumper stickers celebrating the virtues of slavery.

The Gun Rights Grassroots and the Blogosphere

Gun shows are an important distribution channel for Insurrectionist propaganda and other extremist literature, but the Internet is also a major tool for Insurrectionist advocacy. The Insurrectionists have created hundreds of sites for the robust discussion of guns, "gun grabbers," and "government tyranny." It is easy to find fringe sites that mix hostility toward government with gun issues,⁴³ but the sites set up as "legitimate" undertakings by establishment gun rights supporters are essentially identical in terms of the substance of the views they represent. At popular sites such as www.KeepandBearArms.com (run by Alan Gottlieb and founded by Angel Shamaya, who was arrested in 2006 for

threatening his girlfriend and for various weapons violations) the latest gun news is discussed and dissected by hundreds of postings every day. Complaints about excessive regulation of guns and praise for armed citizens who shoot criminals are common. Even more consistent, however, is the presence of heated diatribes on the evils of government. Many of the articles on these sites have nothing to do with guns, focusing instead on the dangers of expansive government power. The same was true for the popular but now defunct site www.packing.org.

A cursory review of a day's worth of postings on the Web site www.KeepandBearArms.com continues to show a deep fear of government and its agents. A user identified as "Tick@Tock," responding to a posted article on federal standards for driver licenses, wrote, "If you think the government isn't our enemy you and I live in different countries. Granted the UN is a big, BIG enemy of ours, but that's not to say that the [U.S.] government isn't."⁴⁴ In response to an article about the murder trial of a South Carolina homeowner who killed two law enforcement agents in a property dispute, "Tdoff" wrote, "It's a rare cop that takes his oath to uphold the Constitution seriously, and if he does he'll be bumping heads with his superior. The bulk of them would much prefer a police state."⁴⁵ The homeowner, Steven Bixby, was part of the "patriot" antigovernment movement and moved to South Carolina with his family after fleeing an arrest warrant in New Hampshire. In his new hometown, Laurens, he added a domestic violence charge as well as a harassment charge for calling an acquaintance, Noel Thompson, a "fucking nigger" and threatening to kill him, all because Thompson's kids walked across Bixby's property on the way to the school-bus stop. Bixby was known to get drunk at bars and scream "Live free or die!" at other patrons. Bixby's shooting spree was precipitated when a deputy sheriff knocked on his door to discuss road upgrades in front of the house.⁴⁶ "Tdoff," however, blamed the police for the shooting, and no visitor to www.KeepandBearArms.com saw fit to point out that "Tdoff" was attacking two dead law enforcement officers who had been murdered while doing their jobs. Unfortunately, this kind of reaction is typical of the Internet echo chamber, where Insurrectionists insist to each other that gun owners are almost universally righteous citizens de-

fending their families from criminals and their country from its government. They are far from alone in their beliefs.

Gun owners are as diverse as America itself, and as a group they are only slightly to the right of non-gun-owners on questions such as gay rights, school prayer, and other controversial social issues (although they are significantly more likely to vote for Republican candidates).⁴⁷ Many would never dream of taking up arms against the government, and they own guns for hunting and target shooting or to defend themselves and their families against crime.

If the gun rights movement's agenda were oriented around protecting and strengthening the right of law-abiding Americans to use guns for these purposes, then the scope of disagreement over gun policy would be exceedingly narrow. Public opinion research shows that an overwhelming majority of Americans—including most gun owners—supports policies designed to improve accountability. For example, gun owners strongly support requiring background checks for all sales at gun shows. Even licensing and registration, the *bête noire* of gun rights fundamentalism, attracts strong support from gun owners, and many Americans assume that federal law already imposes both background-check requirements and licensing and registration for all guns.⁴⁸

Most gun control debates, however, are not really about policy, and the gun rights groups prefer it that way. A major basis for opposition to most gun control laws is the idea that these laws are merely a pretext for gathering information that can be used by the state to seize privately held firearms in the event of a political crisis. The leaders of gun rights groups employ the ideology of Insurrectionism to motivate gun owners to support the broader worldview espoused by such groups. Their leaders and theorists portray the debate over guns as a black-and-white struggle between “pro-gun” lovers of freedom and “antigun” statist.

These advocates define any proposal to regulate access to guns—for example, by requiring all buyers to undergo background checks—as a blow to liberty, even though many gun owners support background checks as a way to make it harder for convicted felons to buy weapons. Similarly, proposals to require licensing and registration so police can trace guns used in crimes to their last owner (and not just their original

retail purchaser, who may be several steps removed from the most recent owner in the chain of possession) are immediately dismissed as nothing more than a way to make it easier for the government to seize all guns in private hands whenever it gets the chance. In other words, the gun debate has morphed into a discussion of the role of government, allowing gun rights groups to tap into a broad vein of undifferentiated antigovernment sentiment. For example, Phil Van Cleave, president of the Virginia Citizens Defense League, told Virginia legislators in 2006 that a bill to require background checks on all firearms sales at gun shows was a step toward government confiscation of handguns,⁴⁹ even though existing law requires background checks for all firearm sales at gun stores, a system that has neither resulted in confiscation nor created a database that would allow the state to confiscate guns at some point in the future.

Inconvenient facts are never allowed to interfere with the Insurrectionist message: all proposals to regulate any aspect of the manufacture, sale, or use of guns are simply government efforts to take guns away from every law-abiding citizen who wants a firearm for any purpose. Gun control advocates have failed to take seriously this grossly oversimplified and wildly inaccurate view of firearms regulation because they cannot grasp how any significant number of people could be persuaded by such preposterous claims. The problem is not so much the power of the argument, however, as the fact that it has been repeated so often that many gun owners accept it as true, while gun control advocates have failed to answer it.

Insurrectionist rhetoric is now a standard feature of the gun rights movement's support of unrestricted access to firearms and opposition to even the mildest form of gun regulation. At an October 2006 forum sponsored by the NRA at George Mason Law School in Virginia, Shaun Kranish, the founder of www.I-Carry.org, asked the gathered group of gun rights activists whether the onslaught of recent gun regulations is an indication that they should start "the revolution" against government tyranny. The crowd, many of whom were openly carrying sidearms, did not rush out into the streets and attempt to seize control of the municipal government, but no one challenged the premise of Kranish's question—the idea that we stand at the threshold where our

government might legitimately be challenged with force. One of the speakers explained that while armed revolution would be justified in principle, things really were not all that bleak for gun owners yet, because six years of solid Republican control of the legislative and executive branches of the federal government had helped to curb some of the most offensive limits on gun owners and individual freedom.⁵⁰

The Insurrectionist leanings of grassroots leaders present at the NRA forum should alarm all citizens who believe that effective democratic government is an indispensable component of real freedom. The uncritical acceptance of Insurrectionist explanations of the role of guns in a free society is profoundly unhealthy for democratic institutions and values. Just a few weeks after the forum, Congress changed hands and the NRA immediately predicted the impending onslaught of "government gun-grabbing." In early 2007, Kranish focused his antigovernment zealotry by becoming an active supporter of New Hampshire couple Ed and Elaine Brown, who embody the sort of crackpot resistance to government that is the natural consequence of Insurrectionist thinking.

The Browns have refused to pay income taxes since 1996, claiming that the U.S. government lacks the authority to levy such taxes. In January 2007, the Browns were convicted of conspiracy and tax evasion.⁵¹ They continue to adhere to their belief that there is no legitimate law requiring the payment of income taxes and that the entire U.S. legal system is under the control of the Freemasons. In April 2007, the Browns were sentenced in absentia to sixty-three months in federal prison, but they forcibly resisted arrest at their fortified compound. They were finally taken into custody six months later.

Ed Brown was the national leader of several organizations dedicated to protecting citizens from the government, including the U.S. Constitution Rangers and the Un-American Activities Investigations Commission.⁵² He has been an outspoken detractor of the United Nations and the power of the U.S. government, especially with regard to the income tax and gun control. The Browns have gained a great deal of support because of their involvement in these Insurrectionist groups. Kranish, one of Ed Brown's most outspoken supporters, created the Browns' official Web site, MaketheStand.com, and was a frequent surreptitious visitor to their New Hampshire residence, providing them with sup-

plies and links to the outside world after law enforcement cut off access to their compound after their convictions. Randy Weaver, who precipitated the Ruby Ridge standoff, also has been outspoken in his support for the Browns and his belief that the government has unlawfully brainwashed American citizens.⁵³ Ron Paul, a libertarian Republican who represents Texas in Congress and mounted a surprisingly strong campaign for president in 2008, has compared tax evaders like the Browns to Martin Luther King Jr. and Mahatma Gandhi.⁵⁴

This support enabled the Browns to prevent U.S. marshals from entering their fortresslike residence until October 2007. Despite government efforts to force the Browns out by cutting off their power, phone lines, and Internet, they managed to live in relative comfort because supporters provided them with solar generators, disposable cell phones, surveillance equipment, and food.⁵⁵ In September 2007, four of their primary supporters, Jason Gerhard, Cirino "Reno" Gonzalez, Dan Riley, and Robert Wolffe, were arrested and charged with providing firearms to the Browns and conspiracy to prevent officers of the United States from discharging their duties. A number of firearms were found at the residences of these supporters, including .50-caliber high-powered rifles and assault rifles, including AK-47s.⁵⁶

Kranish played a pivotal role in their arrest by unknowingly leading a deputy U.S. marshal to their doorstep. Early in the standoff, Kranish formed an Internet friendship with "Dutch," a U.S. marshal posing as a Brown supporter. After months of correspondence, Dutch and Kranish met in person and decided to visit the Brown residence. Kranish brought Dutch to the Browns' Plainfield compound, enabling the U.S. marshal to spend time with Ed Brown and gain a great deal of insight into his plans to evade arrest indefinitely. The next day, Dutch led a small group of U.S. marshals, disguised as supporters, into the Brown residence, where they peacefully took the Browns into custody.⁵⁷

The Browns and their supporters have threatened the lives of numerous judges involved in the case and their family members. Prior to his arrest, Ed Brown took to the airwaves on his radio show, *Ed Brown under Siege*, and openly threatened the judges: "Once this thing starts, we're going to seek them out and hunt them down." He later reaffirmed the threat, announcing, "We're going to bring them to justice. So any-

body who wishes to join them, you go right ahead and join them. But I promise you, long after I'm gone, they're going to seek out you and your bloodline."⁵⁸ After two judges recused themselves from the case because of these death threats, pretrial hearings were moved to Maine.

The Browns' supporters said they believe that the couple's arrest was an act of war and that they retain the right to retaliate against the U.S. government. Kranish asserts that the U.S. government's efforts to bring the Browns to justice warrant a revolution: "If you corner us, you give us no option."⁵⁹ He had been recorded numerous times on *Ed Brown under Siege* urging other gun owners to take up the fight against the American government.

While few people actually stop paying taxes or gird themselves for an impending war with the government, the ideology that supports these actions is an integral part of the contemporary gun rights movement and its Insurrectionist ideology. When the Browns and others like them begin to take the Insurrectionist idea seriously and decide to act on it, the NRA and others who have worked to popularize it—for whatever reason—ultimately bear some responsibility for the results.

In newspapers, blogs and public forums across the country, run-of-the-mill gun rights supporters have learned to frame the issue of gun control as a menace to individual liberty and as a species of government tyranny and oppression. The currency of Insurrectionist conceptions of gun rights was evidenced in the responses to a January 2007 article in the *Northwest Arkansas Morning News* detailing the arrest and impending trial of Hollis Wayne Fincher, the self-appointed leader of a county militia, on a charge of possessing several unregistered machine guns. The story quickly focused on government oppression. Fincher said he had armed himself to protect against "illegal aggression by federal authorities, including the Bureau of Alcohol, Tobacco and Firearms." Using the e-mail comment section provided by the newspaper, a Fincher supporter with the user name "felon" wrote, "This country is a dictatorship under the guise of dem[ocracy]. [T]he feds care less for what the people want or vote for. [A]ll that matters to them is power to control we the people. [L]ook how they ignore the immigration laws."⁶⁰

A supporter writing under the name "Beefree" wrote, "WHEN YOU

LET PEOPLE DO WHATEVER THEY WANT, YOU GET WOOD-STOCK. WHEN YOU LET GOVERNMENTS DO WHATEVER THEY WANT, YOU GET AUSCHWITZ." Responding to "Beefree," another user wrote, "I say when you let Government do what ever they want, you get Waco." Other postings spun the intent of the framers in drafting the Second Amendment and the original authority of the Declaration of Independence in an effort to defend Fincher's actions and assail the power of the state.⁶¹ A few voices argued that Fincher was a problem, but most responses contended that in this effort to enforce the firearm laws, the government had effectively become a police state that had stripped Fincher of his basic rights, even though Fincher would stand trial before a jury of his peers and be represented by counsel of his choosing.

A federal jury eventually convicted Fincher. His lawyer, Oscar Stillely, vowed that Fincher would appeal all the way to the Supreme Court if necessary. Picking up the Insurrectionist points, he argued that government has become oppressive. "Basically, the Second Amendment got defined away so that if the government can tell us what's affected by the Second Amendment, if anything, I'd like to know what it is," Stillely said. "If this case holds up, the federal government has gone from a government of limited powers to a government that's absolutely unlimited by the Constitution, by the grant of power (by the states to the federal government) or anything else except politics." The first comment in response to this article instructs Fincher sympathizers to "support the Gun Owners of America, NRA, JPFA [*sic*], etc., hoping that they may have some counsel be willing to take this case pro bono."⁶²

Fincher's defenders did not attempt to make an argument about the public-safety implications of unrestricted access to machine guns—they cannot sustain that claim. Instead, they employed the rhetoric of opposition to government power and support for liberty that plays into current "conservative" themes of reducing taxes and reducing the size of government. Moreover, the discussion this case engenders among average citizens in a regional newspaper picks up many of the major Insurrectionist themes advanced by more sophisticated gun rights advocates, including the claim that Hitler relied on gun control and that the founders enshrined a right to armed revolt in the U.S. Constitution. The

supporter “felon” even found a way to incorporate the claim that law enforcement should focus on immigrants rather than on machine guns.

Many other gun rights enthusiasts have picked up the Hitler theme. The argument about Nazis and gun control has become a common part of the general discourse about guns. For example, at NoSpeed-Bumps.com (subtitled “Expanding American Freedom in the 21st Century”), blogger Captain Colin wrote from the United Kingdom,

Why did we all bother to stop the Nazi's in WW2 by using guns and then let them control us by voting for the buggers!

United Nations, United Nazi's more like.

Pro gun = pro human rights, anti gun = Nazi's! (Or just plain stupid).⁶³

The Nazi theme is also prominent in the hate mail received on a regular basis by the Coalition to Stop Gun Violence. In one e-mail, a woman wrote, “Shame on you for your Nazi-inspired agenda!!! Hitler was also a big supporter of ‘gun control,’ and everybody knows what the result of that was! Shame on you!”⁶⁴

On Web sites dedicated specifically to gun rights, calls for actual armed resistance against the government are often debated. At the defunct www.packing.org, one of the most popular gun rights sites at the time, the comments in the “Gun Talk” section got to the essence of the Insurrectionist line of reasoning. One user, “Woody,” wrote on November 26, 2006, “I don’t think anyone here is advocating revolution, but please know that it is not off the table, nor will it ever be off the table—as long as we retain the arms necessary to the task. . . . However, these people need to know—until we get a Congress that will repeal the unconstitutional law, or a Court that will shoot it down, these people need to know there is a cost if they go any further.” Responding in the same thread, “Brentt” congratulated “Woody” on his excellent points and added, “Will we as Americans be able to draw the line at confiscation? I sure as hell like to think so. Isn’t having the will and the ability to resist tyranny what makes us Americans? Isn’t that what made us free and has kept us free up to this point in our history? Many others in

other nations have not been so lucky. They have had neither the will nor the ability to resist tyranny. Need I go into the many examples in the 20th century and even the 21st century where millions upon millions of citizens have been slaughtered by their own governments? Can't happen here you suppose? Keep living in your dream world if that is what you think."⁶⁵

This thread is not at all unusual, and it typifies the thought process of gun rights advocates who take the Insurrectionist idea seriously and are moved to consider the appropriate time and reason to begin the revolution. On www.packing.org under the topic, "Violating the 2nd Amendment is treason already," "Mod 658" wrote on October 23, 2006, "It is treason to not use the Second Amendment when its [*sic*] needed. I believe its [*sic*] treason to let this and other rights be frittered away in the name of security and public safety. Yet here we are. Are we ready for the fight?" In response, "Robie Cagle" wrote approvingly of the Confederacy's resistance to the Union and added, "We have an inherent right to self protection, and a responsibility to defend our freedom to the last. As pointed out by another, insurgencies cause a great deal of mayhem, especially if the initial blows come from many sides, and cover the land. One good, coordinated blow could create the opportunities needed to force the [U.S.] government to act, hopefully to correct the errors of their ways."⁶⁶

We are not suggesting that more than a few of these bloggers and message board posters will ever actually act on their fantasies, but the larger and more dangerous problem is the antidemocratic sentiment that is part and parcel of the Insurrectionist idea. These bloggers are, in effect, claiming that their possession of firearms makes them supercitizens ready to take the initiative to confront the government with violence. As we will discuss later in this book, the essence of our democracy is equality, and an armed citizen does not get special veto rights over legislation or have a special or more legitimate claim on freedom.

Liberal Law Professors and *D.C. v. Heller*

In a remarkable case of strange bedfellows, the Insurrectionists have been aided by some of the intellectual elites that they so frequently vil-

ify—liberal law professors. Writing in law reviews and casebooks, a handful of legal academics with left-leaning political attachments have given the Insurrectionist idea a patina of intellectual respectability. Until the 1990s, few law professors paid any attention to the Second Amendment. If the subject was addressed at all in law school classrooms, it was described as a collective right of the states to organize militias as they saw fit. Until the U.S. Supreme Court's decision in *District of Columbia v. Heller*, described in depth in chapter 9, the federal courts had uniformly upheld gun control laws against constitutional attack on the basis of a 1939 case, *U.S. v. Miller*, that arose from a challenge to the federal ban on sawed-off shotguns. *Miller* upheld a conviction because in the absence of a showing that the weapon in question has "some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument."⁶⁷

As we have described, Nelson Lund, David Kopel and other right-wing lawyers—some with academic affiliations—have worked for years to churn out law review articles and hold symposia designed to challenge the received understanding of the Second Amendment and elaborate its Insurrectionist roots. These efforts would have come to naught if a group of liberal law professors had not decided to dabble in Second Amendment scholarship. These quick forays into the field started with the University of Texas law professor Sanford Levinson, author of "The Embarrassing Second Amendment," and continued with such well-known law professors as William Van Alstyne of the College of William and Mary, Akhil Reed Amar of Yale, and Laurence Tribe of Harvard. These professors generally did not immerse themselves deeply in the primary source material used to justify Insurrectionist claims about the original understanding of the Second Amendment, and some of these treatments of the issue were appallingly superficial.

Partly as a result of the interest generated by these academics, the Second Amendment discussion in law schools today is more complex. In the most recent update to his constitutional treatise, Tribe, a liberal legal icon, for the first time describes the Second Amendment as an individual right: "The amendment achieves its central purpose by assuring that the federal government may not disarm individual citizens

without some unusually strong justification consistent with the authority of the states to organize their own militias. That assurance in turn is provided through recognizing a right (admittedly of uncertain scope) on the part of individuals to possess and use firearms in the defense of themselves and their homes—not a right to hunt for game, quite clearly.⁶⁸ Tribe made it clear that he now believes that the Second Amendment may well establish an individual right to own guns “to protect the people of the several states from an all-powerful national government.”⁶⁹ Insurrectionists have lauded Tribe’s “conversion,” and his failure to consider the implications of the theory he endorsed (such as how and when an individual exercises a right of self-protection against the federal government in practice) added fuel to the fire.

Unfortunately, the liberal law professors who have lent support to the Insurrectionist theory of interpretation of the Second Amendment have not parsed the various possible scopes of an individual right to own guns, and they approve an Insurrectionary reading of the amendment’s purposes without much discussion and often on the basis of nothing more than an argument about the grammatical construction of the text.⁷⁰ The contours of an individual right could vary greatly, of course. For example, an individual right to participate in a state militia would be among the most narrow of interpretations; an individual right to bear arms against criminals (traditionally a common law, not a constitutional right) would be broader; while the broadest and most radical interpretation would be an individual right to take up arms against the government.

The third interpretation is exactly where these liberal law professors would lead us. Levinson and Van Alstyne, for example, have argued that the framers intentionally diverged from the centralized power of contemporary European states and deliberately created a different model with armed citizens as a check on government power. Van Alstyne writes that “the Second Amendment represented not an adoption, but a rejection, of this vision—a vision of the security state.”⁷¹ Van Alstyne pontificates, “Specifically, [the Second Amendment] looks to an ultimate reliance on the common citizen who has a right to keep and bear arms rather than only to some standing army.” Moreover, he adds, “There are doubtless certain national constitutions that put a privileged

emphasis on the security of 'the state,' but such as they are, they are all *unlike* our Constitution and the provisions they have respecting their security do not appear in a similarly phrased Bill of Rights."⁷²

We attribute the wave of endorsements for an Insurrectionist reading of the Second Amendment by liberals to a failure to analyze the legal and political history surrounding the adoption of the Bill of Rights with anything like the seriousness that is applied to other subjects. The academics who have embraced the Insurrectionist theory of the Second Amendment have tended to rely heavily—and for the most part uncritically—on the scholarship/advocacy of the right-wing lawyers who pioneered the Insurrectionist theory by cutting and pasting selectively from primary sources to give their conclusions the appearance of fidelity to the historic record.⁷³ The liberal adherents to the Insurrectionist theory of the Second Amendment do not intend to induce ordinary citizens to take up machine guns and revolt, but they unthinkingly lend their credibility to a warped and dangerous conception of how our system of government works.

The framers would have recognized the claims advanced by Insurrectionist lawyers as the same arguments advanced by radical Antifederalists and flatly rejected by the Federalist majorities that dominated the Constitutional Convention and the first Congress, which adopted the Second Amendment. These were the same framers who scrapped the Articles of Confederation in favor of the Constitution expressly because the latter gave the national government the ability to maintain domestic tranquility and compete economically and militarily with the great powers of Europe. In an otherwise thoughtful article about the structure of the Bill of Rights, Amar argues that "history also connected the right to keep and bear arms with the idea of popular sovereignty. In Locke's influential *Second Treatise of Government*, the people's right to alter or abolish tyrannous government invariably required a popular appeal to arms. To Americans in 1789, this was not merely speculative theory. It was the lived experience of their age. In their lifetimes, they had seen the Lockean words of the Declaration made flesh (and blood) in a Revolution wrought by arms." In a footnote, Amar explains that the Constitution did not actually countenance violence: "Between 1776 and 1789, Americans domesticated and defused the idea of violent rev-

olution by channeling it into the newly renovated legal instrument of the peaceful convention. Through the idea of conventions, Americans legalized revolution, substituting ballots for bullets."⁷⁴ The point made in the footnote undercuts the claim that the framers intended to enshrine in the Constitution a right to engage in political violence, and Amar's nuanced discussion of the Second Amendment has been interpreted as a defense of Insurrectionist theory.

Citing Amar's "right to alter or abolish" language, Brent McIntosh, writing in the *Alabama Law Review*, constructs an argument that goes well beyond Amar's thesis and finds a clear right to revolution in the Second Amendment. McIntosh laments that the power of private citizens to assert their political views with firearms has been eclipsed by the power of the U.S. military. According to McIntosh,

The federal government can now muster war-waging capabilities that, though they might be used only at a terrible cost in American lives, could not be overcome by even the most determined of popular uprisings. With modern weaponry and the diminished interest of American civilians in things martial, gone is the era when a concerted popular effort could have deterred even the most destructive resistance of the government to its own overthrow.

With these two passings—the disappearance from Second Amendment doctrine of the revolutionary focus and the death of the American citizenry's absolute ability to overthrow the government by force—so has gone the deepest, most profound, and most vital function of the Second Amendment.⁷⁵

When such arguments are taken seriously in legal academia, it is little wonder that many gun owners have come to believe that they are the modern incarnation of the spirit of revolution that led the founders to break with the British monarchy. Even if taking down the government is not really possible now, why shouldn't patriots who object to higher marginal tax rates or permissive immigration laws breathe new life into the Second Amendment's promise of a right to shoot disagreeable politicians? It is not uncommon to see the work of the liberal legal academics

plastered on Insurrectionist Web sites offering justification and cover for anyone with a grievance against the government.

Of course, many of these left-wing academics belatedly realized the implications of embracing a right to insurrection and have tried to downplay their positions, asserting that their writings should not be used as a justification to find gun control laws unconstitutional. Tribe has suggested that the challenge to the District of Columbia's handgun ban in *D.C. v. Heller* should have failed because "under any plausible standard of review, a legislature's choice to limit the citizenry to rifles, shotguns and other weapons less likely to augment urban violence need not, and should not, be viewed as an unconstitutional abridgment of the right of the people to keep or bear arms."⁷⁶ Amar has written that "to rail against central tyranny today is to be considerably more paranoid than were the Founders, given the general track record of the United States since 1787. Put another way, given that ballots and the First Amendment have proved pretty good devices for keeping the feds under control, bullets and the Second Amendment need not bear as much weight today as some pessimists anticipated two centuries ago."⁷⁷ Moreover, none of these liberal scholars ultimately agreed to sign any of the briefs urging the Supreme Court to strike down the District of Columbia's gun laws in the *Heller* case. Unfortunately, the horse has left the barn. Professor Carl Bogus has noted that the flirtation with Insurrectionist theory by the liberal law professors who endorsed the "individual right school was politically important. These . . . important scholars gave this position respectability, and their membership in the individual right camp was loudly trumpeted by the gun rights community."⁷⁸

In June 2008, in a 5-4 opinion written by Justice Antonin Scalia, the Supreme Court ruled in *Heller* that the Second Amendment guarantees an individual right to own firearms.⁷⁹ Scalia (like Tribe in his treatise) declined to articulate the scope of the right other than to say that it definitely included the right to have a handgun to protect "hearth and home."⁸⁰ Scalia alluded to the Insurrectionist idea, hinting that the right to own and use guns may be far broader than self-defense in the home. In his majority opinion, he suggests that the Second Amendment

could not simply have been intended to protect the organized state militia, because that interpretation would exclude the possibility of individual citizens with their arms banding together and acting as a check on government: "If . . . the Second Amendment right is no more than the right to keep and use weapons as a member of an organized militia . . . if, that is, the *organized* militia is the sole institutional beneficiary of the Second Amendment's guarantee—it does not assure the existence of a 'citizens' militia' as a safeguard against tyranny."⁸¹ This rather circular argument assumes that the Second Amendment must not be limited to service in a militia because otherwise the right would apply only to service in a militia.

In the ultimate case of buyer's remorse, within hours of the release of the *Heller* decision, Levinson wrote a posting for the Huffington Post Web site complaining that he was "dismayed" by the Court's opinion and decrying the historical methodology in both the majority and dissenting opinions.⁸² He complains about the same "law-office history" in service of advocacy that he employed in his "Embarrassing Second Amendment" article. In many ways, Levinson's article was responsible for making gun rights revisionism intellectually respectable in the academy and ultimately among jurists, and the article—as much as any other single event—laid the groundwork for the *Heller* decision.

Maybe Levinson and Tribe and the others were not serious when they argued that Americans should have an individual right to take up arms against the U.S. government. Maybe they should have tried a little harder to untangle the complicated history of the Second Amendment before renouncing established interpretations of the right to bear arms. Backed by a grassroots conservative political movement, their arguments got out of control and are now enshrined in a Supreme Court decision—which, by Justice Scalia's design, is clearly just the first in what will be a series of future decisions to flesh out the breadth of the Second Amendment. The lower federal courts have just begun to hear challenges to gun laws under *Heller*, but the progressive legal theorists who aided and abetted the revolution in constitutional doctrine that produced *Heller* clearly have unleashed a theory with no clear limiting principles and have helped ensure that this theory would be put into practice, with troubling implications in the real world.

Dissenters and Enforcement of the Insurrectionist Orthodoxy

Anyone who doubts that the Insurrectionist idea now operates as the central animating force behind the modern gun rights movement need only consider what happens when firearm enthusiasts dare to question the Insurrectionist idea in public.

A recent example is the experience of one of America's most famous hunters and outdoor enthusiasts, Jim Zumbo. Zumbo has written thousands of articles for hunting magazines, hosted a television show, and served as a board member for many conservation and hunting organizations, including the Outdoor Writers Association of America, the Rocky Mountain Elk Foundation, and the U.S. Sportsmen's Alliance. He has had professional affiliations with the NRA, Remington Arms Company, *Outdoor Life* magazine, and a host of other outdoor-oriented products. All this came crashing down on him after he had the audacity to question whether assault weapons should be viewed as necessary and appropriate for sporting uses. On February 16, 2007, after a day of testing a new Remington .17-caliber Spitfire bullet while hunting coyotes in southeastern Wyoming, Zumbo wrote on his *Outdoor Life* blog,

I must be living in a vacuum. The guides on our hunt tell me that the use of AR and AK rifles have a rapidly growing following among hunters, especially prairie dog hunters. I had no clue. Only once in my life have I ever seen anyone using one of these firearms.

I call them "assault" rifles, which may upset some people. Excuse me, maybe I'm a traditionalist, but I see no place for these weapons among our hunting fraternity. I'll go so far as to call them "terrorist" rifles. . . .

Sorry, folks, in my humble opinion, these things have no place in hunting. We don't need to be lumped into the group of people who terrorize the world with them, which is an obvious concern. I've always been comfortable with the statement that hunters don't use assault rifles. We've always been proud of our "sporting firearms."

This really has me concerned. As hunters, we don't need the image of walking around the woods carrying one of these weapons. To most of the public, an assault rifle is a terrifying thing. Let's divorce ourselves

from them. I say game departments should ban them from the prairies and woods.⁸³

The response was fast and furious. In just a few days, the blog drew six thousand comments excoriating Zumbo and calling for his removal from *Outdoor Life*. One commenter, "dan5362," wrote, "I sure hope that all of Mr. Dumbo's sponsors drop out of all association directly or indirectly with this Idiot. If you didn't know any better you would think Mr. Jim Zumbo was sleeping with Sarah Brady. This truly is a Sad time for all!!!"⁸⁴ The Zumbo story shot across the Internet. Visitors to chat sites catering to gun enthusiasts went after Zumbo with venom. A Web site called Dump Zumbo (now Zumbo Dumped) appeared and demanded his head. Dump Zumbo's main contributor, BCR-Shorty, explained on another Web site that "The 2nd Amendment isn't about gun ownership for 'Sporting Purposes' to protect your hunting rifles & shot-guns. The spirit and intent of the 2nd Amendment is about ensuring that the current 'Arms of the Day' are in the hands of the general populace to deter tyranny from enemies abroad & within from depriving any U.S. citizens of our life, liberty, property and our great country."⁸⁵ The story had morphed from a discussion about appropriate hunting weapons into a defense of the Insurrectionist idea.

As soon as the discussion turned to Zumbo's assault on freedom, he did not stand a chance with the Insurrectionist crowd. Within a few days of making the comments, Zumbo was dropped by all his outdoor sponsors and lost his television show and magazine deals, including one with the NRA. In terminating its relationship with Zumbo, the NRA made it clear that challenges to the Insurrectionist worldview (even from gun enthusiasts such as Zumbo) would not be tolerated and used the opportunity to threaten Congress:

The ensuing wave of grassroots response in support of the Second Amendment is a clear indication that America's gun owners will act swiftly and decisively to counter falsehoods or misrepresentations perpetuated by any member of the media—whether it is one of the major networks or a fellow gun owner.

That depth of feeling and the unanimity of the response from the na-

tion's firearms owners sends a message to the new Congress. It says that millions of people understand the issue of semi-autos and will resist with an immense singular political will any attempts to create a new ban on semi-automatic firearms.⁸⁶

Other outdoor writers tried to come to Zumbo's defense but were treated with an equal degree of hostility. Pat Wray, an outdoor writer from Oregon, used his column to ask Zumbo's critics to think about their actions: "Something very strange happened in the world of outdoor communication this week. One of America's best known hunting writers slipped and metaphorically cut himself—so a few thousand of his closest friends ate him alive." Wray continued,

For decades the NRA has fostered a climate of fear and paranoia among gun owners. They have hammered home the message that everyone is out to take our guns and that compromise is tantamount to treason. They created an attitude within their membership that anyone who disagreed was an enemy and the best defense was a good offense. Nowhere has that message taken root as strongly as within the owners of the military style rifles, and it was they who came after Zumbo in their thousands.

It is ironic—and tragic—that the NRA's message, so effectively delivered for so many years, has come back to ruin the professional life of one of their own.⁸⁷

While some gun owners reflected on the situation and concluded that efforts to punish dissenting points of view within their ranks would be inconsistent with a professed commitment to individual freedom, Wray quickly found himself in the crosshairs of firearms-rights advocates who uncritically accept the idea that challenges to the Insurrectionist idea are tantamount to the repudiation of democracy and freedom. On KeepandBearArms.com, a leading gun rights Web site, the response was addressed to "Zumbo" Pat Wray. One person commented, "Oh yeah Patrick? We're zealots now! Maybe Pat needs a little zealots treatment as well. He can go join Zumbo in the unemployment line."⁸⁸ In a comment on the online version of Wray's article, an angry reader got to the heart of the matter:

Jim Zumbo didn't get it and now Pat Wray doesn't get [it]. . . . What Zumbo's words amounted to was an attack on your and my 2nd Amendment rights which was never about hunting. The 2nd Amendment was put in place to guarantee that the Citizens of the United States are armed and to give them a fighting chance in case someone declared themselves dictator of the United States and declared our Constitution along with all Amendments null and void. Enemies of our Constitution want to get rid of the 2nd Amendment first because it would in effect pull the teeth on the Citizens of these United States. We would no longer have a fighting chance.⁸⁹

For having the temerity to suggest that there is room for debate about civilian use of weapons designed for the military, Zumbo and to a lesser extent Wray (who in fact opposes banning assault weapons) endured vicious personal attacks and loss of livelihood. For Insurrectionists, the world is divided into black and white, with the good guys defined by their support for the proposition that Americans should stockpile armaments for use against their own government. A posting from "quoteman" on KeepandBearArms.com makes this point: "The one good thing that came out of this is how I now honestly believe that gun owners as a whole have actually drawn their line in the sand. If Congress passes anything remotely close to the [19]94 [assault weapons] ban it might just ignite a nation. And our little group of 20 will be right on the front lines. Molon Labe!"⁹⁰ "Molon labe" is Greek for "Come and take them!" According to the *Firing Line*, the self-proclaimed "leading online forum for firearm enthusiasts," owned by *S.W.A.T. Magazine*, gun owners

have adopted this defiant utterance as a battle cry in our war against oppression because it says so clearly and simply towards those who would take our arms.

It signifies our determination to not strike the first blow, but also to not stand mute and allow our loved ones, and all that we believe in and stand for, to be trampled by men who would deprive us of our God-given—or natural, if you will—rights to suit their own ends.⁹¹

It is past time to take the Insurrectionist idea seriously and create a cogent and compelling response. The failure of progressives to do so has allowed the gun rights movement to chip away at this country's most important values.⁹² The core belief that supports American democracy is that each vote has equal weight, so anyone who dislikes a particular elective or legislative outcome is obliged to work through democratic institutions such as the courts or future elections to change the outcome. The Insurrectionists reject this premise in favor of a political value system in which might makes right and the people who are willing and able to bring armed force to bear are entitled to compel the resolution of political controversies according to their preferences.

In essence, Insurrectionists are trying to cultivate the antidemocratic citizen, echoing the sentiments of the Civil War rebels who decided to fight rather than to abide by election results they found not to their liking. This line of thinking was played out with disastrous results in the nineteenth century. If we allow this idea to be resuscitated as a respectable approach to politics and citizenship, we will regret that decision in the twenty-first.

