

Seeking Common Ground: Perspective of a Gun Rights Supporter

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Prequel

Absolutes in life are few and far between while infinite gradations of gray abound. The ideology and intensity of the debate within the firearm/civil liberties issue cluster mask many hidden opportunities for reasoned analysis, synthesis, and skillful legislative, societal, or regulatory improvement. Dialogue between opposing positions within this broad debate is stilted due to *identity politics* and the understandable distrust generated by years of semantic name-calling, premeditated demonization, and divergent political agendas on both sides. Intentional or contrived misunderstandings of terminology and a focus on power over functional public policy lead to a “gundamentalist” line in the sand on the “pro-gun rights” side and a disingenuous hoplophobic approach masquerading as “common sense” violence reduction proponents on the other “gun control” side.

Introduction: How I Got Involved with the Gun Issue

Thirty years ago my first position involving firearms was representing the National Rifle Association. I came from a non-gun, suburban northeast household where the term “gun control” simply implied “keeping guns out

of the *wrong hands*.” I had then assumed that the possession of a gun (particularly a handgun) was not inherently dangerous per se, yet the term “*gun control*” came to be equated with restricting the manufacture, sale, and use of (hand) guns for as many people as possible. The presumption is that the fewer guns in existence, the lower the likelihood that they would be available for criminals, the mentally disturbed, and unsupervised juveniles. As a hypothesis it suggests a logical relationship (and herein lies the rub). Upon closer examination the theory is specious regarding the very problems that the model is supposed to explain while simultaneously creating numerous (if unintended) political conditions for the intelligent discussion and creation of policy initiatives that might well have a salubrious impact upon those fuzzily identified problems. Looking at this differently, one can ask, “Who supports providing access to firearms for violent predatory criminals, the mentally deranged, or unsupervised juveniles?” No one ever raises his or her hand in agreement! Thus, if the broadest question within this debate is carefully crafted, there appears to be considerable unanimity in purpose. The devil, of course, is always in the details! Until and unless we delineate our terms precisely we can’t even know whether we’re discussing the same subject or if our purported differences are real or fancied. The warden explained it well in *Cool Hand Luke*—“What we have here is a failure to communicate.” Precisely!

My training in handguns was courtesy of the Cambridge police department prior to law school in the late 1970s. Obtaining a handgun lawfully in eastern (urban) Massachusetts required some effort even then. Illegally acquiring a gun then or now is significantly easier. My “V-8” moment as a rookie was at a crime scene of a robbery at a small bodega that had been robbed repeatedly. The owner told me that the chief refused to “sign-off” on his handgun license. Upon some checking I uncovered a common truth about many senior law enforcement officials that certainly extends to many politicians—“We’re OK . . . you’re not!” Indeed the inconvenient history of “gun control” in America is the history of racism, sexism, and elitism. That grocery store owner was an immigrant, a naturalized citizen who spoke with a thick accent and simply didn’t conform to the superficial perceptions that the chief had on who was proper to own a handgun and who was not. It was a defining event for me and I started reading the literature on this issue, coming across a book by civil rights attorney Don Kates entitled *Gun Control, the Liberal Skeptics Speak Out*. He takes a decidedly left-of-center, libertarian look at the balancing of firearm rights and responsibilities within the context of our democratic republic. Liberals historically were and generally are skeptical of government intrusion into individual freedoms—except as it applies to gun ownership. The burden

of proof on regulations into personal liberty should be on the state to show why a restriction is both necessary and effective. Conservatives typically “support the police” (on crime issues), except when it came to gun rights. They parroted that if the police felt restrained by Miranda warnings, well the goal was to make the police more effective so they were against those mandated warnings! Why should a free people make their top priority serving the interests of the police? Aren’t the cops supposed to protect the rights of the people? Shouldn’t our broad orientation be to maximize freedom for the citizens, not to minimize it so as to convenience the police?

My key take-away in my brief stint on the job was that “there is never a cop around when you (civilians) need one,” because if there was, you wouldn’t need one! Most agree that violent felons don’t commit crimes in front of uniformed police officers. Thus, when you’re alone, you are on your own! The job of the police is to catch the criminals after the fact. Black-letter law is unequivocal in that; when confronted by immediate deadly force, individuals have the lawful right to use deadly force to protect themselves. What value is this right if the police chief can deny you the very means to protect/enforce that right? That makes the right meaningless!

I began to see the “gun control” mantra as a subterfuge for limiting the ability of ordinary citizens to possess the same level of protection that the police and politicians are accustomed to. The gun is never the problem. The question is always, “In whose hands are the guns and how did they acquire them?” Even the “gundamentalists” support gun control—for violent predatory criminals—so why are we arguing about the “what,” instead of the “who” and the “how”?

Common Ground

In the prior chapter Paul Helmke discusses how Wayne LaPierre (the National Rifle Association’s executive vice president) never responded to his requests for a meeting. I know Paul; he’s a smart guy. When our terminology is imprecise and the stakes are very high, internal politics often trumps policy and certainly public posturing. From a gun rights perspective, sitting down with the leader of a group that (arguably) never met a gun restriction it didn’t like is akin to breaking bread with a robber who wants to take your possessions and asks, “Why not meet me halfway and just give me your wallet so I’m not forced to take it and your jewelry?” “Be reasonable,” the robber says, “just give me some of your money and I’ll go away.” It’s the quintessential meeting between the wolf and the shepherd. “You have all those sheep, I don’t want them all, just some of them.”

What incentives does the shepherd have to hold this discussion? This may not be fair, but that's precisely how gun owners see this conference about "common ground." If the shepherd spends his time negotiating with the wolf, how long before the owner of the herd decides to fire the shepherd and hire one who spends his time guarding the flock? You don't have to agree with this analysis, just understand the perspective. Many of us in the gun rights movement remember groups like the Coalition to Stop Gun Violence once had a different and more poignant (honest?) name, the National Coalition to Ban Handguns. Turns out that gun owners are very suspicious of wolves in sheep's clothing.

This exemplifies another hurdle in modern America—the "identity politics" problem. If you identify strongly with a group or politician, you are quite understandably increasingly more likely to go along with that group on any allied issue. If you can't stand some politician (and who doesn't?) you're predisposed to oppose any position espoused by that person even before you consider the merits. I admit my guilt. The Brady Campaign prior to Paul Helmke was called Handgun Control Inc. (HCI). They had the tagline "*keeping guns out of the wrong hands.*" I was a lobbyist for their opponents; I didn't like that tagline, because I opposed what HCI supported. But that tagline is exactly correct! We all want to keep guns out of the wrong hands, even if our definition of who is "wrong" varies considerably. Identity politics is a powerful motivating factor in legislation lobbying, social and cultural positioning, and largely under-reported and unrecognized as a formidable organizing tool. Perhaps now Paul Helmke better understands why Wayne LaPierre had plenty of robust reasons not to meet with him. As Marlon Brando would say in the Godfather, "It's not personal, it's business."

Background Check Issue Cluster

This issue began (nationally) since the 1968 Gun Control Act. That law required a federal firearms licensee (FFL) to obtain information on Form 4473 of the buyer who upon signing the form committed perjury if they lied and now possesses the firearm unlawfully. The Brady Handgun Violence Prevention Act of 1994 requires the FFL to obtain (generally) a NICS background check run by the FBI or state law enforcement prior to that transfer to verify the authenticity of the information. The firearm industry supported the background check requirement because it protected the retail dealer who previously would transfer a gun (unknowingly) to a customer with no check into the veracity of the allegations sworn to on Form 4473. The law coincided with the computerization and instant access of data

allowing for a (usually) seamless check, and rapid government response for the sale to conclude. It also forced jurisdictions everywhere to update and clean the disposition of cases in their system which was an additional benefit to citizens who might have been unaware of the record errors and its substantial impacts upon their employment and credit possibilities. The law required, within the commercial industry, that persons unknown to one another (retailer and seller) would have a background check run at the time of transfer from the licensed dealer to the consumer/buyer. I personally and enthusiastically supported this law in my testimony before the House Subcommittee on Crime in the fall of 1993 on behalf of the firearm industry (American Shooting Sports Council).

The law had no effect on “private sales” transactions because that was not under federal law and it left those decisions to the states. Thus, if you and I live in the same state (state law being silent) a person-to-person (non-FFL) transfer is perfectly lawful whether at a gun show, at a flea market, from a newspaper or internet sales, or a transfer between father and son, two co-workers who happen to be police officers, or two neighbors who each happen to work at the district attorney’s office prosecuting felons. Thus these “private sales” are of two very distinct types, namely those between (a) persons who do *not* know each other and (b) between those who *do* in fact know each other due to their being relatives, friends, co-workers, or neighbors. This is a critical dividing line delineating the key identified problem of transfers between individuals who have no reasonable expectation of knowing anything about the backgrounds of each other. Proceeding cautiously, deliberately, and carefully, this important line can be drawn without inflaming the determined opposition from those (myself included) who oppose government background checks for transfers when the seller personally knows the buyer. In addition many of us are suspicious that the real reason (true or false) is for the government to build a list of all gun owners, possibly outlawing or crippling gun shows and thereby discouraging the firearm heritage and cultural outlet for millions of Americans. Following the Wiki leaks and other National Security Agency revelations, can anyone honestly say that the government doesn’t routinely lie to us citizens?

The proponents of universal background checks always claim that to ensure that the buyer meets the federal requirements, all transfers should undergo the National Instant Criminal Background Check System (NICS) check. Here is my “compromise” solution. Let’s call it the “Gun Show Preservation and Protection Act.” What gun rights group would oppose that? It would set up a new FFL license category for gun show promoters allowing them to run the NICS checks at gun shows. It would give sellers of

firearms who transfer any gun under the NICS check system the same protection under federal law that manufacturers and retailers have under the Protection of Lawful Commerce in Arms Act (note the valuable and non-penal incentive). It would exclude from the mandated requirements firearm transfers between family members, friends, co-workers, and neighbors known to the seller for more than one year, but it wouldn't provide the liability protection extended to the industry. So if I sell my gun to a friend who decides to rob a bank that afternoon with his new pistol I too can be sued. Had I taken the gun to an FFL to do the transfer I could have been excluded from the lawsuit from the start, but if I just transfer the gun I'm subject to court inquiry into what I knew and when I knew it. Instead of arguing endlessly over what the perfect system should be, why don't we support a pretty good one that takes into account the legitimate concerns both sides have? Opponents of this cite the fact that criminals also have friends. This is true, but if you possess a gun illegally, what reason would there be not to sell it to another criminal? Can anyone imagine a gangbanger concerned that his transfer of the gun to a fellow gang member would be a violation of the Gun Control Act of 1968?

Prohibited Purchasers

In the prior chapter Paul brings up an important point that's never had a good public evaluation. We generally prohibit convicted felons from lawful firearm ownership, but misdemeanor convictions, even for multiple violent felony arrests plea bargained down to misdemeanors, are no bar to firearm purchases. His point is basic. Why do we prohibit non-violent felons but tolerate violent misdemeanors lawfully acquiring guns? Indeed, the conviction for the same act may be a felony in one state and a misdemeanor in a bordering jurisdiction and vice versa. Aren't we smarter than this? Can't we devise a more intelligent standard with a review process after ten or more years following the punishment for the return of one's firearm civil liberties?

The prohibition for those "adjudicated mentally insane" avoids the crux of the most difficult category of firearm misuses. Crazy people will do insane and dangerous things and we as a society have neglected and avoided our responsibility to provide help for them. This will cost money, which we have chosen to spend on other things while blaming gun laws and gun owners whenever any new horrific tragedy arises. The media relentlessly ask why the gun rights organizations don't take on a policy and leadership role on this issue. Exactly what expertise does the NRA have on mental health? Why should any gun rights group lead a fight when the

mental health community is either silent or befuddled? Where is the American Psychological Association? Why doesn't Congress or the president convene meetings to craft answers from them? At the very least our thought process ought to be to do the least harm by encouraging people to seek psychological help. We ought not discourage troubled individuals from seeking help by contemplating a law that leads to the cessation of their Second Amendment freedoms at least right at the outset.

Perhaps the biggest bugaboo in the entire criminal justice/firearm conversation revolves around drugs. Our war on drugs has cost billions of dollars and tens of thousands of lives. On this issue perhaps we should consider the old maxim, "When you're in a hole, STOP DIGGING!" The fight over drugs, not just marijuana but all drugs, misses the identical point that alcohol prohibition led to—the cure is far worse than the problem! Ask the retired professionals from LEAP (Law Enforcement Against Prohibition). They are unanimous that the war on drugs leads to more drug misuse, more gun violence, and more ruined lives with huge societal costs. For the record, Jack Cole, one of their founders and a retired New Jersey State Police drug enforcement specialist, states that there have been a number of law-enforcement victories; "the cost of heroin has gone down and the purity has gone way up."

Another set of issues within this discussion is whether people on the terrorist watch list should be denied buying guns by law. This sounds perfectly rational on the surface, but once again, the devil truly is in the details. Who is on the terrorist watchlist, how did they get there, and how does one get removed? Depending on which list we are talking about there may be a million people on some form of watch list. Former senator Ted Kennedy found himself on the Transportation Security Administration "no-fly" list and had a heck of a time getting removed—and he was a powerful, recognizable, influential U.S. senator! The counter intuitive truth, according to every experienced law enforcement official I've spoken with (off the record), is that a real terrorist is highly unlikely to walk into a gun shop and submit to a NICS check before obtaining guns. If a real terrorist was that stupid, the last thing we should do is alert them that they didn't pass the background check! That unlikely moment is called "actionable intelligence." If a terrorist attempts to buy fifteen Barrett semi-automatic rifles, that would be the perfect moment to begin intensive surveillance and figure out what's going on, not pat ourselves on the head and congratulate ourselves for preventing the transfer of those guns from a legitimate source. These issues are never as simple as they initially appear and the answers are always more convoluted and nuanced once you know "the rest of the story."

Database Records

When it comes to databases the old maxim “GIGO” still holds—garbage in, garbage out. Records are only as helpful as their accuracy. We continue to make a serious mistake of assuming that any time a prohibited person is stopped from a firearm purchase we have prevented a potential harm. While it’s true that the purchase may be denied at the gun shop, why do we congratulate ourselves that the tragedy was avoided? Preventing dangerous mentally challenged persons through NICS checks from a new firearm purchase works much better than thwarting intentional criminal acquisitions. All we have done is relocate the purchase for intentional “bad guys” from a legitimate source to an illegitimate one. The past twenty years, history of the Brady Law is rather sad when we look at how few prosecutions there have been for prohibited persons attempting to buy guns from legitimate sources. Any prosecutor will tell you (and criminals know this) that the first thing thrown out for a plea bargain is the “felon in possession” charge. What is the message to the criminals? It shouts, “We really don’t care about the gun laws.”

Stolen Firearms

This aspect of the gun issue gets virtually no policy discussion, rather surprisingly. Where do criminals obtain most of their guns? Is it by going through background checks at gun stores with fake identification or using “straw man” purchases? No. Is it by going to gun shows and buying from non-FFL sellers? No. Do they clandestinely manufacture guns side by side with their meth labs? No. THEY STEAL THEM! The statistics on firearm theft have been fairly consistent over the past twenty years. Criminals steal in excess of a half a million firearms every year. There aren’t 500,000 criminal gun misuses annually so what happens to those guns? The majority of them are resold back into the legitimate channels.

What do burglars steal? Forty years ago they stole TVs and stereos along with cash, jewelry, drugs, and guns, anything they could fence or easily dispose of. No one steals televisions anymore. This is how the illicit system operates. If you burglarize homes you’re bound to know a couple of fences who are all too happy to buy those guns for pennies on the dollar. Any fence knows enough to take the stolen property a state or two away from the area and try to sell them back to a dealer who is excited about buying used guns—that’s where retail shops have high profit margins (used, not stolen, guns). When a dealer buys a gun he/she puts it into their “A & D” book (acquisition and disposition). If we were to add one small, computerized

step to this process the entire market in stolen guns would become far more difficult and problematical for lawbreakers. Ninety-nine percent of store-front firearm retailers organize their books on computer. As a dealer enters the serial number, the make and model of the gun, why not automatically have the system check the NCIC list of reported stolen guns? By the third entry with a positive hit of a reported firearm most local police would be interested in paying the seller an immediate visit and inquiring exactly how they acquired those guns reported as stolen. Word of mouth being what it is, in short order fences wouldn't be too eager to buy "hot" firearms and thieves wouldn't be so enamored with stealing them if they can't unload them easily. Add to this some incentive for gun owners such as, keep the serial numbers of your guns and if reported you will get those guns returned when located. Alternately to the retailer, if the guns aren't reported as stolen and you innocently buy them, you aren't ever liable to their rightful owner or their insurance company should the theft and your sale subsequently be discovered and reported.

This orientation is critically important and always overlooked during discussions of prospective firearm legislation. You don't have to make it illegal for the owner not to report the theft; his economic interest alone will encourage him to do so. The insurance companies will require those serial numbers in order to collect the insurance, so gun owners will have a financial incentive to keep the numbers and make police reports without threat of penalty for doing so! Will this prevent the future theft of all firearms? No, but it will reduce the enticements for theft and add a degree of hindrances to illegal dealers that will have the intended results! Gun owners oppose mandatory reporting because they just don't want to be victimized twice; once for the theft and then for the failure to report the theft. Inducements, not criminal mandates, work better, are far more politically acceptable, and lead to the identical policy location. On the other hand, crafting regulations and laws that gun owners actually would support (or at least won't oppose) prevents presidential hand wringing, congressional news conferences, and editorial bashing based on doctrinaire, ancient perceptions.

Concealed Carry, Open Carry

This is the issue that's likely to come up in Congress over the next ten years. The Senate already passed a version of this to mandate every state recognizing the carry permit of other states. Open carry when out in the woods is fine. It is legal in many places but that doesn't make it smart or a great idea, just a legal one. The whole purpose in carrying a handgun is self-defense. If the bad guy knows you have one you will be the first one

attacked, the element of surprise being lost. No state legislature is going to seriously reconsider their state's "shall issue" laws. Some states like New Hampshire require a \$10 payment, no training, and they issue that concealed carry license, indeed they must issue it to just about anyone. Some states like Texas are "shall issue" but they require actual training and a modicum of instruction on the law of deadly force, a good idea in my view. The gun harm reduction community should view the national carry debate as a last best line of defense. Handled thoughtfully (something rarely done in this deliberation) it's an opportunity to have some useful requirements for the carrying of concealed firearms from state to state. A smart approach wouldn't seek to change any of the current state reciprocity agreements. It would mandate training standards and once met, state authorities would issue an "enhanced" state carry license allowing that now better trained citizen to carry in other states under federal law.

In the previous chapter Paul discusses the possibility that we might end up giving "passes for dangerous people to carry guns in public." Frankly that statement confuses me. Criminals carry in public all the time and we don't (seriously) expect them to fill out official permission forms to carry concealed. Crazy people also carry guns and misuse them in horrible tragedies (frequently in "gun free zones"). I can't imagine Paul is suggesting that denying a lunatic a carry license will be an effective tool in preventing them from murdering a dozen people at a shopping mall or on school property. Terrorists won't be applying for them either. Paul must be postulating that there is some subgroup of individuals that can lawfully buy guns but ought not (even with training) be allowed to lawfully carry the legal guns they lawfully continue to own. Making public policy for that group shouldn't prevent us from establishing norms for the 99.8 percent of us that don't fall into that category. Trying to satisfy every conceivable permutation and situational problem prevents society from making important decisions affecting the bulk of the population. I can always craft a "what if" situation that might not have happened "but for." This is what law professors are supposed to do. Nevertheless, good policy enacted is far better than perfect policy endlessly debated.

Limits on Types of Guns and Ammunition

The technical debate over "good guns" and "bad guns," "assault weapons" versus non-assault weapons, has to be the most spurious debilitating and downright silliest debate points within the confines of this issue. My definition for an assault weapon is simple—"any loaded firearm pointed at me is an assault weapon while any loaded firearm in my hands is a defensive

device.” The gun doesn’t make itself an “assault” or a “defensive” tool, the user does! That’s the whole point! It’s never the gun, but in whose hands are the guns. That’s what matters. Even the 1994 federal law called the guns “semi-automatic” assault weapons, a complete contradiction in technical terminology. If it can’t fire fully automatically it can’t be a true “assault weapon.” This dialogue truly is the holy grail of stupid. Which would be worse, facing a thug with grandfather’s 12-gauge shotgun loaded with four rounds of double 0 buck or a 9mm rifle with a forward magazine, a flash suppresser, bayonet lug attachment, barrel shroud, and eleven rounds in the magazine? Obviously this is a trick question! Dead is dead, and being killed with a shotgun is only marginally different than being killed with a rifle, so why are we wasting valuable time over such irrelevant distinctions?

There are more than 100 million (probably much more) higher-capacity magazines (over ten rounds) lawfully owned in America. Think about this: the New York Secure Ammunition and Firearms Enforcement (SAFE) Act (enacted in 2013 after the Newtown, Connecticut, shooting) makes it illegal to possess a pistol loaded with more than seven rounds in the magazine. Compare and contrast with this: a licensed handgun owner in New York may have a pistol in each hand with seven bullets in the magazine and one in the chamber for a total of sixteen rounds ready for firing. Should that same licensed citizen possess an empty twenty-round magazine and no pistol, they would now be committing a major felony. Is it really surprising that gun owners across this country are suspicious of politicians espousing claims of “safety” with the resulting focus on the mechanical device of licensed citizens rather than the smaller and admittedly dangerous class of intentional criminals?

In the prior chapter Paul Helmke questions why “the only reason someone needed to be able to fire more than ten rounds quickly was if they were trying to kill a lot of people.” Every police officer in this country carries a sidearm with more than ten rounds, yet I am of the distinct view that rarely do any of them desire “to kill a lot of people.” Yes, police are generally better trained than the average gun owner, so why do they need more rounds than a suburban housewife encountering three burglars breaking into her home if they are so well trained? When fire breaks out, water is a good thing to have on hand, and in that scenario more is better for police and civilians!

Smart Guns

We can make a gun today that will never be misused, so long as we manufacture it without the firing pin! Then again it can’t be used and it really wouldn’t be a “gun” if it can’t fire. There have been mechanical safety

devices for more than one hundred years available with firearms. Ultimately the most important safety device for a firearm is the brain of the operator of that device. Relying on mechanical or computer technology, while useful in certain situations, can be catastrophic in others. The more the safety devices and fail safes, the greater the likelihood of a critical problem when you need it most. The unstated problem with this particular issue is “distrust.” The anti-gun community has been behind a push for “smart guns” for some of the wrong reasons. They are correct that it would increase the cost of firearms. Many gun owners would like to own a gun that knows when to fire and when the operator really didn’t mean to fire it. We’d like to carry that gun even if it costs double the price, but why would we want, need, or buy that technology for the dozens of other handguns that sit in our safes and are never carried for protection? Why don’t the gun harm prevention folks ever really support firearm safety education? Doesn’t society owe an obligation to teach our children some basic safety rules so that we can prevent accidents? Actions have consequences and our perceptions are based upon our assessment of those activities.

Gun Trafficking Laws

Here is yet another issue that “cuts” one way superficially and appears entirely differently upon closer examination. Over the past twenty years in order to control illegal trafficking some proposals have included “one gun a month.” When a buyer purchases two or more handguns from a licensee, that FFL holder must fill out a “multiple sales form.” A copy of that multiple sales form is sent to the local (or state) police and to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). In the 1990s gangbangers would send (typically) a girlfriend (no criminal history) into a gun shop to purchase several guns at one time. I sat through a hearing in Congress listening to several buyers who thought this was legal. Too bad the multiple sales form doesn’t require a signature by the buyer alerting them to the fact that they are now on a special list or will be should any of these guns show up being traced from a crime scene. The dilemma became apparent in one meeting with then Philadelphia Mayor Ed Rendell where the one-gun-a-month proposal again came to the fore. Ask any senior ATF agent what the single most important investigative lead is on gun running and they will tell you, “Oh, it’s the multiple sales form.” As we explained to the mayors, “Eliminate multiple sales, and you eliminate the single most important investigative lead the police have in tracking gun runners.” Once again, the more you know, the more complicated the task becomes in crafting methods to combat the problems without interfering either

with law enforcement techniques or legitimate buyers. Of course in a “one-gun-a-month” jurisdiction, you can send seven people to the same gun shop to each buy one gun and then nobody is the wiser.

Conclusion

Gun violence is only a problem when committed against innocent people. Gun violence against predatory persons is a blessing in the absence of other alternatives. There are almost as many guns in civilian hands as there are people in the United States. What is sorely lacking in the debate over firearms is an appreciation of whose ox is being gored. Public opinion polls are mixed on many of the specifics of this controversy but one thing stands clear: when gun owners feel that their rights to own firearms for any lawful purpose are on the table, politicians beware! Every time there is a “dust-up” on guns and elected officials tout the latest poll that shows 80 percent of voters support restricting this or banning that, I can confidently assert the following: “Congressman, you don’t have to worry about the 80 percent that approves of your proposal, because they aren’t going to support you or oppose you based on your vote on this issue. You’d best be concerned with the 20 percent who disagree with you, because they are the activist gun owners who care about their Second Amendment rights and a hefty percentage of them actually will vote for you or against you based upon what you do on this legislation.” On the other hand, elected officials who forget about an important constituency always appear in shock on election night when they discover that gun owners care deeply enough about their guns to make this a defining issue. It’s an acutely subliminal concern and it’s not about guns on this level; it’s about trust, and a government or a politician that no longer trusts his constituents is no longer worthy of their trust in return.

To millions and millions of American gun owners it’s never been exclusively about guns—it’s about freedom, and being against that freedom is an uncomfortably dangerous position for elected officials to find themselves in come the first Tuesday after the first Monday in November. Voters and pundits who lack the nuanced understanding that we’ve discussed here just can’t believe or accept as “fair” that a relatively small percentage of voters can actually make such an important difference in the outcome of American politics. Democracy is a messy business, but the alternative is terrifyingly ugly, leading us back to the origins of the Second Amendment with our struggle against rule by the British Crown, who most assuredly thought it knew what was in our best interests whether we agreed or not.

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