

Second Amendment Ammo

By Roger Schultz

The Samurai, The Mountie, and the Cowboy: Should America Adopt the Gun Control Laws of Other Democracies, by David Kopel (Buffalo: Prometheus, 1992).

Contra Mundum, No. 11, Spring 1994

No Constitutional right is more under fire in Clinton's Amerika than the right to keep and bear arms. Virtually every newspaper brings more whines from antigun fascists about the Second Amendment, gun violence, and the need for statist gun controls. It matters not that gun control has been a hallmark of 20th century totalitarianism and that Hitler, Stalin, Mao, and Castro were all big fans of disarming or registering the populace. David Kopel's fine work is excellent ammunition for taking on the powerful new gun prohibitionists.

Kopel compares gun traditions and gun control laws from around the world: Japan, Switzerland, Great Britain, Canada, Australia, New Zealand, Jamaica, and the United States. He offers a wealth of statistical information on the question of whether antigun laws prevent crime. (They don't.) He also contrasts the cultural attitudes in these countries towards guns and violence. In particular, he does a fine job of examining the Second Amendment and the foundation of America's gun culture.

Japan's approach to guns is easy. Almost nobody owns guns and firearms deaths are rare. (My Japanese students are always shocked with the availability of guns in America.) Antigun zealots invariably cite the Japanese example in their calls for disarming Americans.

Kopel persuasively argues that the Japanese situation is unique and could never be copied in the United States. First, Japan's controls are very strict. Handguns, rifles, shotguns, and even airguns are actually or virtually outlawed, and even knives and suspicious cutlery can be seized. Second, the Japanese don't mind these draconian provisions because they lack a history of personal defense weapons. Weapons were a mark of rulers, not the ruled. The samurai class, which had privileged status and a monopoly on weapons, simply did not want armed peasant rivals. They hoped to avoid the situation symbolized by a famous American slogan: "God made men, Colonel Colt made them equal." Third, because of cultural influences, the Japanese are far more submissive than Americans, have great respect for authority, defer to those in power, and have strong internal restraints against violence. (In Japanese prisons, for instance, attacks on guards and other prisoners are rare.

American prisoners, on the other hand, though just as unarmed as their Japanese counterparts, are far more prone to violence.) Finally, Japan is a homogeneous nation with little internal tension. This is significant, since Kopel shows that the high rate of crime in America is tied to minorities which have reasons, either real or imaginary, for rage and violence.

Finally, Kopel argues, the Japanese situation is different because crime in Japan is actually punished. 95% of those accused of a crime confess (and there is great cultural pressure for confessions). The conviction rate for crimes brought to trial is 99.91%. By contrast, in New York City only one percent of felony arrests leads to a prison term, and only nine percent of felony convictions resulted in a prison term of more than a year (p.375).

This is one of Kopel's repeated themes: countries with tough gun laws also have tough criminal justice systems. Low crime rates, which appear to flow from gun controls, actually issue from tough crime control. The U.S., by contrast, has a poor record for indicting, convicting, and punishing violent criminals. The problem in the U.S. isn't with gun ownership, but with a criminal justice system which refuses to punish crime.

Despite the attractive low crime rate in Japan, Kopel argues that there are several reasons why Americans should not try to duplicate the Japanese system. First, Japan has an authoritarian culture which Americans would never tolerate. Police have broad search and seizure powers, keep detailed records on citizens, and commit what Americans would consider egregious civil rights violations. In short, Japan has sacrificed freedom for security. Second, the lack of freedom and feelings of powerlessness contribute to Japan's horrific suicide rate. (And suicides often mask homicides. Cases in which someone kills family members and then cuts his/her own throat are often officially recorded as mass suicides rather than homicides). Even more telling, the combined suicide/homicide rate in Japan exceeds the suicide/homicide rate in the U.S. Tell this to your liberal friends: with suicides factored in, the overall rate of violent death in Japan is higher than in the U.S.! Third, the lack of personal defense contributes to other crimes. The rate of burglary against occupied dwellings is far higher in Japan than in the U.S. American burglars hesitate to approach occupied dwellings, knowing full well that the property might be—as the slogan goes—“insured by Smith and Wesson”.

Kopel's most interesting statistic concerns Japanese-Americans. If they wanted to, Japanese-Americans could regularly purchase handguns and shoot each other with abandon. Yet Kopel shows that, “Japanese-Americans, who have access to firearms, have a lower violent crime rate than do Japanese in Japan. (p.45)” In other words, for this one ethno-cultural group, the increased availability of firearms means absolutely nothing in terms of increased violence.

Switzerland offers a much different scenario. In Switzerland, there is a high rate of gun ownership (including fully-automatic assault weapons), yet little gun crime. There is a famous “Swissraeli syllogism”: “1. Switzerland and Israel are heavily armed; 2.

Switzerland and Israel have very low crime rates; 3. Therefore, guns do not cause crime.”

The Swiss, like Americans, are very independent and have a long tradition of an armed citizenry. To defend themselves and guarantee their liberty, the Swiss stressed an ever-vigilant citizen militia. Metternich once commented that Switzerland does not have an army; it is an army. Today, there is still universal male military service. There is one key difference between the U.S. and Switzerland, which says a great deal about the national ethos in each. In the former, gun ownership is a *right*, in the latter it is a *duty*.

The Swiss government trusts the people and encourages private ownership of military weapons. It sells old rifles to the public (as well as machine guns, howitzers, cannons, anti-aircraft guns, and bazookas). This little nation of six million people has 600,000 fully automatic rifles (more than in all the U.S.). The government sponsors and runs rifle ranges, and subsidizes ammunition sales. The Swiss have an old slogan: “If the government cannot trust the people, the people cannot trust the government”.

Despite all these guns, the Swiss have a very low rate of violent crime. They are living proof of the adage that, “guns don't kill, people do”. The reason? First, the Swiss are peaceful and dislike violence. Rambo movies are banned in Switzerland, even though the people own “Rambo-style” guns. Second, the Swiss stress individual responsibility for law and order. As Kopel notes, “with the weakest central government of any democracy, the political structure is organized to promote citizen involvement and responsibility”. The contrast between Sweden and Switzerland is especially telling. Sweden has a homogeneous population, tight gun controls, and heavy centralization, as well as a higher crime rate. Switzerland has a diverse population, lots of guns, little centralized control, and a lower crime rate. The lesson: The Swiss successfully give people greater responsibility for their own security.

Finally, Kopel points to the traditional character of Swiss society. Swiss families tend to be patriarchal. (Switzerland has the lowest percentage of working moms in all Europe.) Fathers teach their sons to use guns, creating a strong internal constraint to misusing weapons. People taught to use guns by an authority figure, like a father, are much less likely to abuse firearms than those introduced to guns by their peers. Kopel, who has a libertarian strain, doesn't care much for this traditionalist and patriarchal Swiss character and argues that it would never work in America. I'm not so sure. We could learn much from the Swiss.

The Swiss experience does prove this: guns themselves do not cause crime. Abundant Swiss firepower has not created an epidemic of violence. The next time liberals start beslobbering Japan's gun policy, tell them about these yodelers in funny pants.

Kopel next compares five nations with a similar background in the British Commonwealth: Canada, Australia, New Zealand, Jamaica, Great Britain. The situation in Great Britain concerns Kopel. Though the British had a long history of gun-ownership, gun owners are rapidly losing their rights. Building upon Medieval precedents, the 1689

Bill of Rights had guaranteed the right of gun ownership, even noting that it was a “traditional right of Englishmen”. Over time, however, this right was eroded and “shooting” became the prerogative of the English gentry. Fears of Bolsheviks and gangsters led to new gun restrictions in the early 20th century. By 1940, the English were seriously underarmed. (During World War ii, the nra came to the rescue, shipping thousands of personal weapons from America to Great Britain to help defend against Hitler.)

Today, Great Britain allows shotguns, but handguns and rifles are very difficult to obtain. Guns are allowed only for targeting and hunting, and not for self-defense. In fact mace, knives, and guard dogs are also illegal—one is supposed to rely entirely upon Big Brother for security. “Supposed to”, at any rate, because there is a high rate of non-compliance with the Brit's strict antigun laws. The attack on gun ownership parallels the erosion of other civil rights as well, such as the right to trial by jury. As one limey put it while comparing America and Britain, “we're subjects, you are citizens.”

The British experience is one of creeping gun controls. Kopel points out that these gun laws are driven by symbolic concerns. As in America, guns are treated by “looks” not by their actual firepower or their threat to society. Guns that look sinister are the first targets of gun control, which expiates liberals who are always satisfied with symbolism over substance.

There is a correlation between gun restrictions and the gun crime rate, but it is the exact opposite of what one would expect. The more guns are controlled, Kopel shows, the higher the incidence of gun crimes. The rate of burglary against occupied homes, for instance, soared after controls. 59% of British burglaries were against occupied homes, while this is true of only 13% of American burglaries (p.92).

Kopel further argues that the rising crime rate is due to British wimpishness in treating crime. Until the mid-fifties, Britain executed half of its murderers. In 1965 capital punishment was abolished, and since that time prison sentences have become increasingly lax. Liberals used gun control as a surrogate for capital punishment; by pushing gun prohibitions they could appear tough on crime and also deflect interest in the death penalty. The British lesson is this: if you want to control gun crime, punish criminals, but don't criminalize gun ownership.

The case of Canada is especially important, because of the country's geographical proximity and cultural similarities with the U.S. Canadians have lots of guns—almost as many per capita as in the U.S.—but also have handgun controls.

Kopel rightly stresses the historical and cultural differences between the two countries. Canada is characterized by “cratophilia”—a “love of government”. Canada had no turbulent frontier, no Indian conflicts, and no Revolutionary War. Writes Kopel: “The American national character has been shaped by the violent, armed assertion of national independence, whereas Canada has been shaped by a reaction against the American

tradition of armed violence. (p.138)” In each country the frontier experience was symbolized by an armed man in the saddle: in America it was the independent cowboy, in Canada it was the ubiquitous Mountie who brought control from a central authority.

Canada began stressing antigun laws recently after two deadly schoolhouse shootings. (Again, Kopel shows that the antigun laws were used to divert attention from capital punishment.) Canada outlawed large capacity magazines, allowed for open searches, and mandated a long (28 day) waiting period. It is illegal in Canada to use firearms for personal defense—“to prevent serious bodily injury, rape, or someone's else's murder. (p.147)” It is even illegal to carry a loaded handgun on your own property!

The question is, did Canada's new law reduce gun violence? Gun crime is low, but the murder rate had been declining well before the first laws went into effect (in 1978). Other statistics are just as ambiguous. Robberies which involved guns have declined from 38% (in 1977) to 25% (in 1988). Yet there was a virtually identical decline over the same period in the U.S., where guns were becoming more available. Some statistics were clearly worse in Canada: there were five times as many burglaries against occupied homes than in the U.S. (p.155).

Liberals eager for Canadian-style gun laws like to show the contrasts between Vancouver and Seattle. An influential *New England Journal of Medicine* article noted that Seattle's murder rate was much higher and attributed it to the availability of guns. (They neglected to mention that Vancouver's murder rate remained the same in the years after the introduction of antigun laws. In other words, gun control did nothing to reduce the murder rate in Vancouver.) Even more interesting, the Seattle-Vancouver study was funded by the U.S. Center for Disease Control, which budgeted \$20 million to prove that America had an “epidemic” of firearms violence (p.154). People who waste tax money on such silly studies ought to be shot. (Just kidding.)

What the liberals failed to mention in the Seattle-Vancouver study was the race factor. The non-Hispanic white homicide rate in both cities is *equal*; Seattle's higher murder rate is due wholly to its larger minority population. In fact, the overall death-rate for non-Hispanic white Americans from all types of shootings (murder, suicide, accident, etc.) is identical to that of non-Hispanic white Canadians (p.159). Furthermore, the white murder rate in the United States has remained constant for a century and a half. Kopel reports (p.342) that: “The 1839 white homicide rate of 2.8 per 100,000 per year has remained mostly stable to this day. The black homicide rate mushroomed from 7.5 (1839-1901) to 24.6 (1948-1952) to 64.2 (1972-1974)”.

Finally, there is in Canada an interesting correlation between gun controls and the suicide rate. After controls, the number of gun suicides dropped, though the overall number of Canadian suicides increased (there was an increase in death by jumping). At the same time in the U.S., where guns were increasingly available, the suicide rate actually dropped. Kopel again hints that strict antigun legislation actually increases the suicide rate because it exacerbates a sense of powerlessness in the face of creeping statism.

Australia, founded as a penal colony, had a much different history and unique attitudes toward guns and authority. Like the U.S., gun rules are established by Australian states, not the central government. (And as in the United States, the states with the strictest controls have the greatest problems with firearms violence.) In 1988, after a couple of serious shootings, Australia enacted harsh antigun laws, including a 14 day waiting period, strict licensing, requirements that applicants list a “good cause” for gun ownership (self-defense wasn't a good reason), and even the control of air guns. There was a furious response to the new law. Membership in rifle associations soared, there was a vigorous ad campaign (best slogan: “Free Men Own Guns—Convicts Don't”), and gun owners organized politically. In 1988 the Labor Party, which was behind the law, suffered its worst political defeat in fifty years.

Kopel draws a number of lessons from this Australian experience. Gun registration was a waste. It failed to prevent crime. Worse, because of a high rate of non-compliance, it criminalized a new class of citizens and led to a general decline in the respect for law. Kopel also notes that the antigun movement attracted all the wacko-left, from feminists to animal liberationists. Finally, he shows, when citizens united in defense of their gun rights they were overwhelmingly successful.

New Zealand has the best system of responsible gun ownership. Like the United States, New Zealand had a history of conflict with indigenous peoples (the Maoris) and a tradition of citizen militias. According to New Zealand law, citizens must acquire an easy-to-obtain gun license, which allows them to buy an unlimited number of guns (and freely resell them), but does not require the registration of individual guns (which is a paperwork nightmare, as anyone in the U.S. can testify). Police pushed for this relatively painless system, and the people trust the police to administer the system fairly. Kopel suggests that the New Zealand example is a solid prescription for responsible gun ownership: simple licensing of gun owners, no gun registration, and a police force that respects gun rights and deals honestly with gun owners.

Jamaica offers the worst-case scenario. In 1974, as part of sharp swerve to state socialism, Jamaica instituted draconian antigun laws. The Gun Court Act allowed for citizens to be rounded up, tried, sentenced, and jailed within days, without bail or a jury trial, for offenses as small as being in the presence of someone with a gun or possessing a single bullet. (The possession of a single bullet could bring a mandatory life sentence.)

Did the severe antigun law reduce violent crime? There was no long-term effect on the murder rate (people reverted to using machetes), robberies tripled, and the rate of political assassinations jumped. The chaos in Jamaica was especially disastrous because rival political factions and the police, who still possessed guns, were the leading culprits in the violence. The homicide rate per 100,000 climbed from 4.6 in 1954, to 13.6 in 1974, and after a decade of controls, to 22.6 in 1987 (p.268). As Kopel notes, “the Jamaican gun laws have deprived Jamaicans of the most effective means of self-defense against street criminals, and of self-defense against a far more dangerous group of criminals—the men who wear police uniforms and employ the authority and resources of government in

furtherance of their crimes. (p.269)”

Finally, there are excellent concluding chapters on the United States. The American gun tradition, which was rooted in English common law and fortified by the frontier experience, became the stuff of legend at Lexington and Concord. Yankees had argued during the war that a republican army was far superior to English professional armies, for “standing armies” could eventually be used by tyrants to dominate the people. Kopel argues that the War for Independence “vindicated the democratic ideal of the armed husbandman as the embodiment of Republican virtue. (p.318)” Perhaps the best example was George Washington, who owned over fifty guns, of which a third were handguns.

The emphasis on an armed citizenry was codified in the Second Amendment to the U.S. Constitution: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bears Arms, shall not be infringed”. Kopel correctly notes that the “militia” referred to all adult free males, *not* a select group of guardsmen (a common liberal argument nowadays). Warning that if Congress controlled the militia the result would be federal tyrants, Patrick Henry said: “The militia, sir, is our ultimate safety... The great object is that every man be armed...every one who is able may have a gun. (p.319)” Tench Coxe, another founding father, put it this way: “Who are the militia? Are they not ourselves? Congress have no power to disarm the militia. Their swords, and every terrible implement of the soldier, are the birthright of an American.”

The expression “well regulated”, furthermore, did not mean federally-controlled. In the arms parlance of the 18th century, “to regulate” meant to shoot accurately. Thus the idea of a “well regulated militia” in the Amendment “was an exhortation to competence, not an invitation to bureaucracy.” When Michael Farris ran for Lt. Governor of Virginia in 1992, the antigun lobby took special aim at him. Handgun Control, Inc., released a slick mailer with this supposed-to-be scary Farris position on gun control: “aim, squeeze the trigger, hit what you're aiming at.” And that was precisely what the Second Amendment was about.

Kopel correctly discounts the myth of American frontier violence. Vigilantes usually had nothing to do with rowdiness or individual vendettas. Historically, “vigilantism meant organized, community effort to rid a locality of lawbreakers” (p.327). Despite what is depicted in Western films, the “Wild West” was actually pretty tame. There certainly were homicides (though the murder rate was lower than in Washington, DC, today), but they usually involved drunken young men. Other crimes were not a problem: “the per capita annual robbery rate was seven percent of modern New York's, the burglary rate was one percent. Rape was unknown. The old, the weak, the female, the innocent, and the unwilling to fight were rarely the targets of attack” (p.328).

Kopel also underscores the legitimate need for self-defense. The FBI has a “Crime Clock” which illustrates how a violent crime is committed every 17 seconds, he notes, “yet every 48 seconds, a person uses a handgun to defend himself or herself against another person” (p.376). Weapons for self defense are increasingly necessary in a violent world, especially

one in which the police are unable or unwilling to protect citizens. (The book includes horror stories of those who opted not to defend themselves and instead relied on the police—with tragic results.) Besieged Korean-American businessmen in South Central Los Angeles and Reginald Denny's brick-wielding friends are a good arguments for exercising your Second Amendment rights.

The book has a wealth of statistical information and new insights on statistics. Homicide figures, for instance, include statistics on people who legitimately shot intruders and were acquitted for self-defense. Writes Kopel: “It is ironic that statistical miscounting of American self-defense is used as an argument in favor of gun control, when in fact a large fraction of American homicides are not crimes, but legitimate defenses against crimes” (p.409).

Kopel does a good job of showing the statist agenda of liberal antigun advocates. The right to keep arms and defend oneself, they believe, must be sacrificed to a new ideal of community and dependence on federal and state constables. In the liberal vision, only the police can be trusted to own and use weapons. Ironically, these same liberals usually argue that the police are brutal, untrustworthy, and a threat to Constitutional liberties.

When it comes to laying the blame for American violence, Kopel argues, both liberals and conservatives point to the Constitution. Liberals blame the “obsolete” Second Amendment and the nation's gun cranks. Conservatives blame Amendments four through six and the way that liberal judges have used them as loopholes to coddle the crooks. Kopel suggests that the First Amendment may be the most responsible for violence and crime. Homicide rates in the U.S., Canada, and South Africa jumped after the introduction of television. In Canada the homicide rate doubled after TV came, even though the percentage of per capita firearms remained constant (p.413).

The book also answers some of the most common questions about guns and violence. In conversations I've had, the greatest emotional appeal concerned innocent children who were shot. I once told a lunch table full of liberal colleagues that I preferred not to think of these shootings as murdering children, but as “post-natal abortion”. Silence. Though they had moaned and wailed about a few children being shot (which is indeed tragic), they are never very concerned about the one and a half million innocent children who are brutally dismembered via abortion every year, and even argue that I should finance the abortions with my tax dollars. Kopel suggests that if people were really interested in saving the lives of little tots, they should ban private swimming pools since they cause more accidental deaths than guns.

Finally, Kopel argues that sport shooting is far less violent and dangerous than other sports. Shooting is non-sexist: men and women can compete equally. Like golf, it is a lifetime sport and people are able to compete until an old age. Compared to other sports, shooting is less violent, has little less risk of injury, and never generates fights between participants and spectators. Jefferson once told a nephew: “Games played with a bat and ball are too violent, and stamp no character on the mind... [A]s to the species of sport, I

advise the gun. (p.427)”

There are few weaknesses in this book. I wished Kopel had studied some other countries, say Israel or Northern Ireland. For perspective, he might have had a chapter on the antigun policies in totalitarian countries. Occasionally Kopel's libertarian orientation pops up and becomes a nuisance.

This is an excellent work, both in the information it contains and the policies it advocates. Kopel shows that there is no necessary correlation between guns and crime, and does show a correlation between crime and punishment (or the lack of it). Gun controls as currently advocated would neither prevent crime nor disarm criminals. It would criminalize honest people, destroy their right to self-defense, and greatly expand the power and potential for tyranny of the statist government. Keeping with the Second Amendment, Kopel argues for responsible gun ownership by American citizens—citizens who are willing to protect themselves, their families, and their republic. That's the same advice that John Wayne once gave in an old Western: “Never point your gun at anyone...unless you mean to pull the trigger.”