

**The Second Amendment Works!
A Primer on How to Defend Our
Most Important Right:
The Right to Bear Arms**

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AUTHOR'S NOTES TO SELF

**US DEMOCIDE HAPPENED WHERE THERE WAS NO RIGHT TO
BEAR ARMS—FOREIGN COUNTRIES.**

**RELATIONSHIP BETWEEN ARCHISM, RIGHT TO BEAR ARMS,
NATIONS AND STATES.**

LIST OF STRATEGIES DISCUSSED IN THE BOOK.

Compare US to other states with large population and large land area.

Russia

Brazil

Indonesia

India

China

One Civil War re slavery

Two isolated shootings of protesters—BUT CHECK RIOTS

Compare to many other countries, China, Hungary, and Venezuela

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Introduction

I am a self-employed lawyer and author and I owe no political favors to anyone. I am not running *for* office. I am running *from* office. So, I am able to say what I really think, and I am going to do that in this book. Many will strongly disagree with some of the things I will write in this book but it's a time for truth after so many years of lies, half-truths and using language to confuse and deceive, not communicate the truth. Our politics are dominated by dishonesty and the failure to come to grips with the real issues and that has to stop.

1. We Are Losing the Fight for the Second Amendment

We are losing the fight for the Second Amendment. We are losing it in the courts. We are losing it in the legislatures. We are losing it in the media, in the schools and with young people. The approach we have been using to protect the Second Amendment for many years has failed, is failing and will continue to fail. That approach has basically focused on lobbying, elections, voting and using the litigation process without any serious attempt to change the philosophical or ideological bent of the country or to change the ideological trajectory of the country *to the left* which in the last five years has been accelerating, and without any attempt to change the basic *progressive* mindset which has dominated American politics for many decades. The tactics we have used are archaic, dated, spent, don't work and there has been no attempt to use bold new innovative tactics and unless that changes, we are going to lose this fight.

We are close to losing a right that has been recognized in the West for many, many centuries. It's an ancient right that great minds first had to do the philosophical work to identify, then define, then do the hard political work to have this right recognized by governments and by government law. We are on the verge of losing this ancient right in these times and perhaps very soon because of our own failure to properly defend it with good arguments and good strategy and tactics and the efficient execution of those strategies and tactics.

This is a bad time to be disarmed. Progressive big government is on the rise regardless of which party is in power. The GOP *loves* big government! Government grows constantly, creating numerous

problems that generate endless social conflict and unrest. Will the government protect you when riots break out?

The Left is resurgent and more radical than ever. They are undeterred by the fact that every leftist regime that ever got power, inflicted, through state gun violence, widespread misery, poverty, strife and often mass murder.

The driving force of leftism is not reason, but anger, envy and hatred. The left could gain power any time by winning an election. Does anyone want to be disarmed while the lunatic left builds a de facto one-party state that will inevitably move towards the creation of a totalitarian state?

So, what new strategic and tactical ideas do we need to save the Second Amendment from oblivion?

2. Gun Control is a Progressive Idea

We need to recognize that gun control is a progressive idea. If we don't understand what progressivism is, then how can we understand the basis for gun control proposals and refute and defeat them? It is like trying to cure a disease when you don't know the cause. Progressivism has been the dominant political mindset for many decades, so failing to understand *exactly* what it is renders us helpless to respond to progressive policy proposals on any number of issues. In a nutshell, *progressivism is the notion that there is a governmental solution to every human problem that can be executed without serious cost or harmful consequences*. Notice the underlying assumption after school shootings that there is some way to prevent all of them or at least make them extremely unlikely. That is nonsense. It's like trying to make everyone above average in intelligence or wealth. It isn't going to happen because it's impossible. Notice how this absurd assumption shapes the debate over school safety. If *our own proposals* for school safety don't guarantee that there will be no shootings ever, we have failed and our proposals will be rejected.

Progressivism is not a rational political philosophy but is rather an irrational form of therapy whereby the progressive makes himself feel better by proposing some government action he thinks, without evidence or logic, will solve the problem. *That explains everything about how progressives react to mass shootings*. Any role that government itself may have played in causing the event is ignored and the progressive must find a non-governmental scapegoat to blame. Thus, in the Parkland Shooting, numerous government policies or personnel failed. The shooter himself was the product of government schools and was bullied and ostracized there for years. Yet, all we hear is that the *NRA*¹ is to blame. This is an obvious absurdity but perfectly understandable once you understand what a progressive is and how they think.

The progressive is constantly blaming a *non-governmental* scapegoat for the inevitable failure of their own doomed policies. Why? The progressive believes that state gun violence or the threat of it will improve society. This always fails because it is absurd. Yet, the progressive can never admit failure since he needs the progressive fantasy to cope with life. Hence, the progressive is in an endless search for scapegoats to blame for the failures of his own policies. Guns are a useful scapegoat for many failed progressive policies including school shootings, terrorism caused by endless meddling in other countries, street crime, the failed war on drugs and even suicide. Inert pieces of metal called guns are the cause of all these problems and need to be confiscated and then all will be well. Separated from the magic pieces of metal that make them do evil deeds, sociopaths, terrorists and mass shooters will suddenly turn into altar boys, pacifists and soup kitchen volunteers. Thus, the hard question of why our society manufactures stone-cold killers can be blissfully cast aside. So, more laws are passed, the power of the state increases, no effort is made to actually solve any of these problems by identifying their root causes, so things get worse and the crazy cycle of endless government growth continues.

Also, since the progressive instantly knows, *without any investigation*, the solution to any human problem, government guns in your face, the progressive shows little interest in doing a proper investigation of the causes of a mass shooting. Yet, without such an investigation, such shootings are more likely to continue. One commentator, Brad Wilcox, has noted how often mass shooters

¹ It is quite amusing that the gun grabbers have chosen to make the NRA their prime villain since most Second Amendment supporters are not members and many view the NRA as very tepid supporters of the right to bear arms.

grew up without a father in the home. If true, that fact might point the way to possible solutions that might make mass shootings less likely. The progressive, judging from recent events blaming the NRA and private gun owners, *shows no interest in a scientific investigation of the facts* and thus, since they have dominated the debate, they make it more likely that mass shootings will continue. Now, trying to get at the root cause of social problems is hard work, takes time and guarantees no immediate or perfect solution, so the progressive who craves an instant solution, is not interested. They want therapy. *They want to feel good now dammit.* They do not want to do the hard work of understanding the harsh and complex truth of the human condition.

If we don't clinically dissect progressivism and use that information to respond to their gun monopoly proposals, we will continue to lose.

The analytical framework laid out in [Progressivism: A Primer on the Idea Destroying America](#) is extremely useful for explaining the formulaic reaction of progressives to mass shootings.

Keep in mind that progressivism is a kind of self-imposed mental disability wherein the progressive convinces himself, without evidence or logic, that government action is the solution to all human problems and therefore becomes blind to any evidence that government itself may be the culprit.

Also, keep in mind that in order to distract attention away from prior progressive government failures, the progressive instinctively resorts to a set of pre-determined non-governmental or societal scapegoats to be blamed for any new problems that come along. What is rarely realized, even by non-progressives, is that blaming innocent scapegoats for problems created by government is a pernicious form of hate speech! So, in the South Carolina tragedy, before all the relevant facts were known, progressives had already trotted out: white racism (which for all practical purposes means *white people!*) and private gun ownership, among other scapegoats. Although the presence of the Confederate flag on government property is technically a government policy, in the present controversy, the flag primarily serves as an alleged symbol of white racism, thus allowing progressives to aim their furor at a non-governmental target.

Ironically, while progressives are doing a victory lap on the flag issue, the Confederate flag issue actually shows the failure of progressivism to achieve social harmony among diverse groups. Democracy creates winners and losers in every one of its policies. When the predominant view was that the flag was hoisted in honor of brave Confederate soldiers or in opposition to federal omnipotence, the minority who viewed the flag differently were forced to endure the majority's decision. Now, the former majority is forced to endure the majority's edict that deems them racist "redneck" haters. Each side will now look at the other as a threat to their culture and values. Thus it is that the progressive's beloved democracy creates not harmony among racial, ethnic and religious groups, but *continuous and escalating conflict*. This point is explored in detail in my [book](#). A phenomenon I identified a few years ago and spelled out in [the book](#), "liberty reduction as a form of grieving," is ongoing with numerous politicians calling for reducing the liberty of innocents to own guns.

On the other hand, no progressive government policies may be discussed as possible contributors to this tragedy. There has been zero or little note taken of these possible factors:

1. The failure of a law restricting guns at church to stop the shooter.
2. The deterrent effect of that same law on the victims as it requires specific consent by the church to carry a concealed weapon.
3. The deterrent effect of handgun licensing laws in South Carolina.
4. The ban on open-carry in South Carolina.

5. The fact that the government takes people's money and usurps tremendous power and promises to keep people safe and yet provides little actual protection in advance of crime as in this case.
6. Whether the shooter was under the influence of state-approved psychotropic drugs prescribed by state-licensed professionals.
7. The fact that the shooter was, after years of "preparation for life" at government school, unemployed and aimless.
8. The fact that the shooter may have been riled up by his recent felony drug arrest. The progressives invented the war on drugs. Violence breeds violence.
9. The fact that the shooter attended government school for many years and thus the state itself helped shape his mindset, character and values and subjected him to the pro-drug culture common in government schools. See, *Government Schools Are Bad for Your Kids*, Chapter 3, "The Best Drug Store in Town."
10. Finally, the fact that progressives promised us that if their various policies and programs to improve race relations and improve the social and economic welfare of African-Americans were enacted, that enormous progress would be made. In these times, it is obvious that they have failed and that race relations are getting worse and large segments of the black community are stagnating or declining and in despair.

The self-imposed mental disability of progressivism is very destructive. It prevents progressives from properly analyzing the underlying causes of social problems, blinds them to the role of big government in generating such problems and, finally, it encourages them to find innocent, non-governmental scapegoats to blame for the problem of the day and to engage in hate speech against them, subjecting them to the risk of violent retaliation.

The fact is that people who differ from each other in many ways *do* get along in the free *marketplace* but not in the coercive *government-place* where government and politicians divide people into winners and losers and play various groups against each other in the pursuit of power. All over the world and in the United States, the big government system has failed and is failing to bring peace and harmony among different racial, ethnic and religious groups. Only liberty, which includes the right to bear arms, can bring us all together. Progressive government guns never have and never will.

3. The Left Controls the Idea-Disseminating Institutions

The anti-private gun left controls virtually all idea-disseminating institutions in society. They include: K-12 schools, the media, college, Hollywood and the large social media companies. The non-left has some talk radio, some podcasts and the School of Hard Knocks. With this monopoly, anti-Second Amendment propaganda sweeps through society very quickly. Because the schools are propaganda mills, we have lost young people. If we don't get them back, we are toast.

One way to get them back is to support their own natural right to escape from these pre-digital age, daytime youth detention and propaganda centers backed up by the *government guns* of state truant officers. We need to steal the left's old slogan from the 1960's and announce a "jail break" from the government schools. *The students are right*. Who wants to be forced at gunpoint to be in a dangerous place filled with other students who hate being there and sometimes go postal while the government provides zero protection? The state kidnaps your kids, bullies them, turns them into bullies of the weaker, gives them dangerous psychotropic drugs, then leaves the students defenseless, and it's the fault of the shotgun locked in your safe at home? That's madness.

Let's be blunt. K-12 government schools are largely run by members of teachers' unions that give 90% of their political donations to the Democratic Party. They teach the children you send there. And you wonder why kids are pro-gun control? *Take a look in the mirror*. I've been saying this for twenty years. Pull your kids out of these places before it's too late.

But in the meantime, it's obvious that kids are taught *nothing*, or worse, about the Second Amendment in school. We need to draft and get to every high school in the nation, a proposed Second Amendment curriculum. (That curriculum should include this book as a suggested reading.) Call a press conference and walk in the place and insist that kids be taught about the Bill of Rights! Wow, a what a radical proposal; but I assure you, *all hell will break loose* because the left does not like an open debate over ideas. They prefer a rigged game like they have now. When all else fails, stand out in front of your local high school, hand out copies of this book and watch the MSM go ballistic!

4. The Left Has Framed the Debate to Make Sure We Lose

Because the left controls the terms of the debate, the issue has been framed in such a way that we lose. The true purposes of the Second Amendment are ignored or obfuscated, and smoke screens and red herrings degrade the debate.

If the purpose of right to bear arms is to allow people to defend themselves against random street crimes, then the way progressives think, that must be weighed against the risk of bad guys getting guns, guns being lost or stolen, accidental gun discharges and suicides. In the utopian mindset of the progressive, the solution is always more gun control because progressivism has no limiting principle.

But what if the real purposes of the Second Amendment were understood? The debate would change significantly. As I have explained in detail in my state and federal court filings, the Amendment has twin purposes. In the American system, *the people are sovereign* and have the ultimate right to rule and the right to *retake* that delegation of power when government abuses its powers. This is all basic stuff that really can't be denied. Remember the Declaration of Independence and the British gun control mission at Lexington and Concord? Ever hear of the Fourth of July and fireworks?

If that is purpose No. 1, which students are *never* taught, what exactly is the counterargument? How about, "We have elections now; revolutions are no longer needed." Quick rebuttal. What if, as has happened many times in recent world history, they cancel the elections? (King George suspended the state legislatures, essentially cancelling elections.) *Gun confiscation is sovereignty confiscation*, reversing 250 years of understanding about who the bosses are and who the servants are. Confiscation makes us the slaves of any *Seven Days in May*-type general who wants to stage a banana republic-style coup, so he can act like Dr. Strangelove and nuke Russia.²

The second reason for the Second Amendment is a bit shocking as no one ever talks about it in left-wing controlled institutions: to prevent the government from engaging in atrocities against its own citizens. The first reaction of naïve Americans ignorant of history is this: That's crazy. That can't happen here. Of course it can't. We are armed! *The Second Amendment works!* Since 1776, there is no instance of the mass premeditated slaughter by the government of American citizen-civilians. We have been spared what we have seen in many other countries throughout history, the killing of many thousands of people by the state. So, it only seems odd to say that the American government has not engaged in mass murder because the Second Amendment has worked!

Now, they want to do an experiment, in an era where the left is on the rise and could capture power any time, to surrender all our guns to the state. Don't judge the left by how they act when they are *out of power*, a bit crazy to be sure but not an indication of how the left acts when they have absolute power. For that, we need to know some history. According to RJ Rummel, the left killed 60 million people in the Soviet Union; 35 million in China; two million in Cambodia; and millions more in Vietnam, North Korea and Yugoslavia.

² "[S]word and sovereignty always march hand in hand. . ." John Trenchard & Walter Moyle, "An Argument Shewing, that a Standing Army is inconsistent with a Free Government, and absolutely destructive to the Constitution of the English Monarchy" (London: 1697).

To say this kind of thing can never happen here is naïve, ignores all human history and is really a kind of subtle racism. The truth is, every race we know of has committed mass atrocities at one time or another so the American government, *the only one to drop nuclear bombs on women and children and lie about it*, is, most definitely *not* immune.³ Just ask the poor victims of that *other* famous gun control mission at Wounded Knee Creek, South Dakota in 1890. Americans daily worship at the shrine of a secular saint, Saint Abraham, who ordered the mass execution of previously disarmed Dakota Indians on December 26, 1862.

Now, you could argue that these atrocities all happened in modern times and the Framers could not have had this purpose in mind when they adopted the Second Amendment. Nothing could be further from the truth.

Folks, you probably did not learn this in government school but RJ Rummel's research shows us the whole history of the human race is riddled with episodes of maniacal, insane, democide: *mass murder* by states, governments, kingdoms and other political entities. The Framers were well-read in history and were well aware of this sad history of how power is continually abused.

The Sultan of Dehli murdered hundreds of thousands around the 13th century. Slavery killed at least 17 million Africans over the centuries. The Mongol khans murdered 30 million people. Millions of civilians were murdered during the Thirty Years War in Europe (1618-1648). Over 100,000 were murdered in the *leftist* French Revolution, just three years after the Second Amendment was ratified. According to Rummel, the Ottoman Empire murdered about two million Armenians and other subjects.

I could go on and on, ad nauseum. Bottom line: tyrannical governments have throughout history committed atrocities against their subjects. The Second Amendment protects against this prospect. It works! The Second Amendment is like a life insurance policy you hope you never need. Why does the left so desperately want, for no good reason, to try an experiment and see what happens if the entire civilian population is disarmed? All history, common sense, logic and evidence, argues against this dangerous experiment. And who will guarantee that once the fanatical left confiscates all our guns, the resulting tyrannical state will not act like all the other ones in history and how exactly will that guarantee be enforced? With a leftist single-payer life insurance policy?

Keep in mind, the progressive is motivated by *fear of his own shadow*, but the leftist is motivated by *anger and hatred of you!* The progressive will *bore* you to death and *work* you to death with taxes, inflation and regulations. But beware of the anger and hatred of the leftist. Too often in history, *hatred combined with power* has produced crimes against humanity.

Speaking of leftism, can recent events in Venezuela shed any light on the gun control debate in the United States? That is exactly what I told the New York Appellate Division court in February, 2019:

“The problem with intermediate scrutiny is, you have this fundamental right declared by *Heller*, but nowhere in the intermediate scrutiny test is there any value at all given to the two primary values of the Second Amendment...which is, you have the right to protect yourself against a tyrannical government and, by the way, if you look at the headlines, Venezuela is now shooting unarmed protesters. So, it's not like, oh, we have a democracy. What if the democracy falls apart, as it is? But also, whenever the

³ “THE WHITE HOUSE, Washington, D.C., IMMEDIATE RELEASE —August 6, 1945, STATEMENT BY THE PRESIDENT OF THE UNITED STATES, Sixteen hours ago an American airplane dropped one bomb on Hiroshima, an important Japanese Army base.” (Emphasis added).

government is not around to protect you, you have the right to protect yourself. And in the intermediate scrutiny test, there is absolutely no weight given to either of those values. So that test cannot stand.”

The right to bear arms is recognized as a pre-existing natural right in the Second Amendment by use of the term “the” as in “the right of the people to keep and bear Arms, shall not be infringed.” The right has two main purposes, one of which is essentially ignored by gun control supporters. The right allows people to defend themselves when the government fails to do so or is indeed the aggressor. Thus, the right allows people to defend themselves against tyrannical government or against crime when the government is not around to do so, which is the vast majority of the time.

Opponents of the right to bear arms deal with the prime purpose of the right by ignoring it. I know this since I have filed several lawsuits in which I argue on the basis of the need to deter tyrannical government and find that time and time again, my argument is not refuted but simply ignored by the lawyers on the other side and usually the courts as well.

Why is the argument ignored? Because the opponents of the right to bear arms cannot refute it so they pretend it does not exist and instead get into the weeds on whether guns cause or increase crime. Although I believe private gun ownership deters and reduces crime, under the current lenient legal standard for judging the constitutionality of gun regulations—intermediate scrutiny—all the gun control forces need to do is cite a few tendentious studies, sometimes paid for by gun control proponents, and ask the court to defer to the legislature's alleged (non-existent) ability to make accurate “predictive judgments” about the laws they pass. That is why I decided it was crucial to add the government tyranny argument to all of my Second Amendment cases. See, e.g., People v. Wassell (p. 12, et seq). Moreover, I do so in a deliberately lurid manner so as to put the argument forward boldly and bluntly so that the nature of the argument cannot possibly be misunderstood and so that my opponents are compelled to respond. For example, I will generally cite R. J. Rummel's Death by Government and the best-known examples of democidal regimes such as Nazi Germany, the Soviet Union and Mao's China.

The obvious counter-argument to these examples is that our democracy makes such mass democide virtually impossible by placing constitutional constraints on officials, by dividing power and by allowing the people to make changes through elections. This turns out to be an extremely weak argument. First, the general absence of democide by the United States against its own citizens can be attributed at least in part to the existence of the right to bear arms and the best-armed civilian population on earth. To find out whether the right to bear arms is the decisive factor in deterring democide and other forms of tyranny, we would have to do an experiment and abolish that right and see what happens. As preposterous as this notion is, it is exactly what gun controllers have in mind although they rarely say so. Remember, progressivism has no limiting principle. See, Progressivism: A Primer. Nor do any gun control arguments suggest a limitation that allows room for some private gun ownership since they constantly allege that a gun in the home is more likely to kill a family member than a criminal.

The argument that the right to bear arms is obsolete in a democracy has another fatal flaw illustrated by a rhetorical question I asked the Second Circuit Court of Appeals on February 20, 2019: what happens if they cancel the elections? There is really no answer to this point other than the gun controllers' mere hope that this will never happen.

Thus, the gun controllers have no rational response to the argument that we need the right to bear arms to deter and defend against tyrannical government. Yet, to flesh out the argument, a contemporary example of a democracy quickly evolving into tyranny is extremely useful. Venezuela provides such an example which the progressive left will be hard-pressed to dismiss or explain away.

Venezuela has a complex political and economic history; however, the country has had national elections since 1958. Because of oil wealth and a relatively free economy, the economy performed relatively well compared to other South American countries. Under Chavez and Maduro, the country has drifted towards socialism, however, the seeds of this trend were established much earlier when the petroleum industry was nationalized in 1975. As Niño explains: “Sadly, Chávez used the same petro-state structure for his own tyrannical ends. He doubled down on the errors of the previous decades and brought the country to its knees through easy money, economic controls, land confiscation, and vote-buying.”⁴ As the economy has collapsed, and allegations of election-rigging have been made, civil unrest has increased, resulting in numerous street protests and demonstrations.

Unfortunately, at the same time these authoritarian socialist regimes have wrecked the economy, allegedly rigged elections, banned foreign media and cracked down on free speech and assembly, they were quietly stripping away the right to bear arms, never fully recognized in Venezuela anyway, that allows the people to resist tyranny and indeed, overthrow a tyrannical regime. Venezuela started creating a government gun monopoly in 1939, allowing citizens to have only 22s and shotguns and handguns only with a license.⁵ When the socialists took over, they further restricted private gun ownership as has been their pattern since Lenin first recommended "immediate execution for anyone caught in possession of a firearm." José Niño writes:

“In 2002, the Venezuelan government passed the first version of the Control of Arms, Munitions and Disarmament Law, reinforcing the state’s iron grip on firearms in Venezuela. A decade later, the law was modified to enhance the scope of gun control and gave the Venezuelan Armed Forces exclusive power to control, register, and potentially confiscate firearms. Venezuela implemented a ban on the sale of firearms and ammo in 2012.”

What does an authoritarian regime do when the economy collapses and desperate people without arms to protect themselves hit the streets to protest? They shoot them as they have done many times throughout history including during the Hungarian Revolution and at Tiananmen Square. Amnesty International has page after page of more recent examples of this tactic. The Venezuelan regime and allied paramilitary units have shot well over a hundred unarmed protesters in recent years and beaten and tortured thousands more. Extra-judicial killings exceed 5000.⁶ This is all done with impunity as they know the previously disarmed citizens are highly unlikely to shoot back and the populace lacks the means to form an organized and armed resistance.

This is all happening right now in our Hemisphere in a country with more similarities to the United States than one might think. Their language is shared by 40 million Americans and especially in our two largest states, Californian and Texas. Their primary religion, Catholicism, is shared by 20 percent of Americans. 60 percent of Venezuelans have European roots as do a similar percentage of Americans. Anyone who claims that what happened in Venezuela cannot happen here has an extremely heavy burden of proof.

⁴ See, José Niño, "The Pundits Still Don't Understand Venezuela," *Mises.org* (08/25/2018).

⁵ See, José Niño, "Gun Control Preceded the Tyranny in Venezuela," *fee.org* (Oct. 22, 2019).

⁶ "5,287 people killed during Venezuela security operations in 2018, UN reports," *PBS.org*, July 4, 2019.

This case study is important because the usual examples we use to illustrate the dangers of disarming a population seem too distant in time or too culturally or geographically remote to be persuasive. Venezuela is happening right now and not too far away geographically and culturally. It is a clear example of what can happen in a country without a right to bear arms. We Americans are spoiled. We have the right to bear arms and therefore take it for granted. We think, it can't happen here, unaware of why it can't and hasn't happened here: we are armed and can resist and that capability deters tyranny and makes active resistance unnecessary. An armed populace is therefore a promoter of peace. In country after country where civil unrest and genocide are seen, we almost always see either an unarmed or disarmed civil population.

The historical frequency of democratic regimes deteriorating into authoritarianism, rigging elections and ultimately shooting protesters, is fatal to the notion that procedural rights alone, without resort to arms, are sufficient to protect us from tyranny.

America, with some exceptions usually related to disarmed groups not considered to be citizens at the time, has avoided the systematic mass murder, civil unrest and political instability common in countries lacking a right to bear arms. The best kept secret in America is this: the Second Amendment works and it does so peacefully!

5. Numbers Don't Lie But Gun Grabbers Lie With Numbers

Introduction

We need to state our case better, sharper and more forcefully. We need to make the statistical arguments in simple terms. The statistics favor us, not them, as Ryan McMaken from the Mises Institute has shown, so why is there massive confusion about this? We just need to become better communicators.

For many years, advocates of government gun monopoly have buried us in reams of statistical studies that purport to show that law-abiding people should be stripped of their right to bear arms to stop criminals from using guns to harm law-abiding people. This chapter will take a panoramic tour through those studies to see what the numbers can tell us about whether the right to bear arms should be restricted. First, it needs to be understood that all the statistical “arguments” made by the gun grabbers are irrelevant and beside the point since they ignore the prime purpose of the Second Amendment: to protect us, not from criminals, but from the government itself! None of the studies attempts to measure whether the right has been successful in that regard so I will attempt to do so here. Fortunately, there are many statistics available that directly bear on the issue of whether the Second Amendment works.

The Statistics Show That the Right to Bear Arms Has Deterred Tyranny

First, since the purpose is to protect the republic itself, let's look at the numbers. The United States arguably is the world's oldest functioning constitutional republic. Throughout all that time, it has had a right to bear arms. During its 243 years of existence, numerous other democracies were overthrown or were the victims of attempted coups d'état. [See fas.org.] In the United States, there have been no coups or attempted coups. At the same time, elsewhere in the world, there have been ___ coups and _____ attempted coups including many in democratic countries. Thus, while the causal relationship between private gun ownership and coups can be debated, this much can be said here: the statistical evidence is consistent with the view that the right to bear arms can deter coups and promote political stability and can do so *peacefully*.

On the other hand, the evidence is also consistent with the hypothesis that a poorly armed citizenry tends to lead to political instability and violence. Logic explains why. In a poorly armed country, a military coup can quickly seize power without any concern about having to then subdue the people themselves. Examples of this are legion throughout history and currently. In most of the countries where there have been coups, private gun ownership is limited by law, by poverty or both. Thus, elements of the military who become dissatisfied with the regime are easily tempted to stage a coup, arrest the president, and seize the radio and television stations and airports with little fear of armed resistance from the citizenry. For example, the country with the most coups in recent history, Burkina Faso, is 194th in the world in civilian firearms per 100 persons with only 0.9 guns per 100 people. *Sources:* Wikipedia; WorldAtlas.com.

In the ample social science literature on coups, there appears to be no consideration of civilian gun ownership as a factor. Nor has this issue been discussed as an additional virtue of the right to bear arms. So let's consider the following data which lists all of the bona fide coups and attempted

coups in the recent history, as compiled by _____. The chart correlates coups with civilian gun ownership and shows a strong correlation between coups and low levels of civilian gun ownership.

Countries with the Six or More Coups/ Attempted Coups Since 1946⁷ Compared to the USA

Country	Coups since 1946	Per Capita Gun Ownership/100 Persons	Per Capita Gun Ownership/World Rank	Percentage of Households with a Firearm
United States	0	120.5	1	
Thailand	15	15.1	50	
Philippines	11	3.6	142	
Haiti	10	2.6	161	
Burkino Faso	10	0.9	194	
Turkey	9	16.5	45	
Loas	9	3.0	153	
Sudan	8	6.6	109	
Syria	8	8.2	99	
Argentina	8	7.4	104	
Bangladesh	8	0.4	212	
Brazil	8	8.3	97	
Venezuela	7	18.5	35	
Bolivia	7	2.0	174	
Afghanistan	6	12.5	63	
Pakistan	6	22.3	24	
Paraguay	6	16.7	40	
Benin	6	0.3	218	
Burundi	6	2.0	175	
Chad	6	1.0	191	
Ghana	6	8.0	100	
Honduras	6	14.1	55	
South Korea	6	0.2	224	

Thus, all available evidence suggests that a well-armed civilian population is a deterrent to coups and political instability, a point the gun control movement and the courts have completely ignored.

Another major purpose of the right to bear arms is self-defense against the government itself. The Romans asked “Who will guard the guardians themselves?” The best answer is to allow the people to continue to possess the means of self-defense in case the government purportedly created to protect their rights, abuses that power. The statistical evidence here is clear: while states

⁷ Source: Wikipedia.

have murdered over 150 million of their own citizens in modern times, the United States has avoided any such mass murder.

USA Versus the World

	USA	World
Guns per 100 persons	120	6. ⁸
Percentage of households with guns	43. ⁹	?
Attempted or successful Coups D'etat	0	200?????
20 th Century Democide (murder of citizens)	0	169,200,000
Civil Wars/Wars of Secession	1	300?????
Shooting protesters	Rare	Very common
Invasions	1 (1812?)	Too many to count
Concentration camps	Rare (Japanese Internment Camps during World War II)	Very Common and included death camps

Yet another purpose of the right to bear arms is to allow citizens to assist the armed forces in defending the country when necessary. Here again, the available statistical evidence is consistent with the efficiency of the right to bear arms in this regard. Leaving aside border incursions and skirmishes, the United States has only been invaded by a foreign land army one time, during the War of 1812. Even in that instance, civilian gun owners and the militia, made up of the able-bodied male population, played a role in defending the nation against the British Army. “The bulk of the soldiers, 458,000 out of the 528,000 who fought in the War of 1812, were militiamen,” exercising their right to bear arms. *Source:* Eugene Van Sickle Assistant Professor of American History University of North Georgia (BandyHeritageCenter.org). Professor Van Sickle writes:

⁸ Median.

⁹ *Source:*

“In hindsight it is easy to condemn the militia and be thankful that the United States has the professional armed forces it does today. Yet, that would not be true if not for the experiences and lessons learned in the War of 1812. Frankly stated, the U.S. had to rely on state militias because it did not have enough regular soldiers, nor did it have the time to train them. The professional army, if it could be called that, could not even defend the frontier against Native Americans, yet alone one of the most formidable militaries in the world. The problems frequently cited as negatives of relying on militiamen are also unfair to some extent. Pulling citizens away from their normal lives disrupted entire communities, and those disturbances filtered through to magnify the other problems that the war exposed in American society. In the end, the militia, comprising the vast majority of land-based forces in the War of 1812, performed well enough to defend America from military conquests and preserve the nation’s independence.”

20th Century Democide

U. S. S. R	1900-87	61,911,000
China (PRC)	1949-87	35,236,000
Germany	1933-45	20,946,000
China (KMT)	1928-49	10,075,000
Japan	1936-45	5,964,000
China (Mao Soviets)	1923-49	3,466,000
Cambodia	1975-79	2,035,000
Turkey	1909-18	1,883,000
Vietnam	1945-87	1,670,000
Poland (Soviet)	1945-48	1,585,000
Pakistan	1958-87	1,503,000
Yugoslavia	1944-87	1,072,000

During World War II, the Japanese did occupy two small islands off shore from Alaska, then a territory, *not a state*. Even this example is instructive here. The islands were sparsely populated, mainly by natives who presumably had few firearms. The Japanese *did not* invade the West Coast and test the well-armed civilian population. There is a well-known quote attributed to Japan’s Admiral Isoroku Yamamoto: "You cannot invade mainland United States. There would be a rifle behind each blade of grass." There is no evidence that he ever said it and the quote is probably bogus, however, the underlying point is quite valid. Given the natural protective effect of the Pacific Ocean, it would have been difficult for Japan to land a large number of troops onto the Mainland. Surely, tens of millions of armed civilians, many of whom with hunting, target shooting, military or police experience, would have been able to provide significant assistance to the regular army in repelling the invasion.

The same is true today with respect to the main military potential threats to the United States, Russia and China. As powerful as they are militarily, neither country has the means to land a large enough land army on our shores to overwhelm both the regular army and *tens of millions* of able-bodied and armed civilians. U. S. civilians own 393 million firearms. That is six times as many as the combined Chinese and Russian armies possess. *Source*: Wikipedia. Americans also own far more firearms than their own military and police forces combined. *Id.* All of the available evidence, including the lack of a foreign invasion of the Mainland United States for *204 years* is consistent with

and supportive of the proposition that a well-armed civilian population is a deterrent to foreign invasion. Clearly, the United States is the hardest country on earth to invade militarily, thanks in some part to the Second Amendment. The United States is also arguably the least likely country in the world to have a coup d'etat, a democide, or the mass shooting of protesters, due in some part to the presence of a well armed civilian population.

The Statistics Show that the Right to Bear Arms Deters Crime

UNDER CONSTRUCTION

A Refutation of the Main Statistical Arguments for Gun Control

- 1. GUNS IN THE HOME ARE MOST LIKELY TO BE USED AGAINST YOU.**
- 2. GUNS INCREASE SUICIDES**
- 3. INCLUDING SUICIDES AS GUN DEATHS**
- 4. STATES WITH WEAK GUN LAWS HAVE MORE VIOLENCE.**
- 5. COMPARING THE US WITH NON-COMPARABLE COUNTRIES.**
- 6. COMPARING STATES WITH NON-COMPARABLE STATES.**
- 7. POLICE SHOOTINGS ARE AN ARGUMENT FOR THE RIGHT TO BEAR ARMS**

USE MACRO STATISTICS TO SHOW THAT PEOPLE WANT TO LIVE IN THE COUNTRY WITH THE MOST GUNS AND THE STATES WITH THE MOST GUNS—WHICH PROVES THAT GUNS ARE NOT THE REAL

PROBLEM, CRIMINALS ARE. PEOPLE ARE SMART ENOUGH TO REALIZE THAT IF THEY STAY AWAY FROM CRIMINALS—WHO TEND TO LIVE IN NEIGHBORHOODS WITH FEW GUNS, AND ASSOCIATE WITH LAW-ABIDING PEOPLE, WHO ARMED TO THE TEETH—THEY WILL BE FINE.

People are Voting With Their Feet to Come to the United States

The sharp contrast between the assertions of the gun controllers as to the deleterious effect of weak gun laws and heavy civilian gun ownership and the popularity of the United States as a destination for people and investment is startling. When people move here or try to move here; when they visit here and when they invest their money here, they are doing so with the highest incentives to be accurate and use the best information available. These millions of people and investors and tourists evidently think that all the gun control studies and propaganda are bunk.

The statistics are clear. The United States leads in legal immigration, attempted legal immigration, illegal immigration, attempted illegal immigration. The United States is first in foreign investment and third in global tourism. The United States also leads the world in GDP and is one of the leaders in economic freedom. Evidently, having by far the most guns under civilian control is not inconsistent with being the most successful and popular country on the planet.

Of course, the evidence and arguments made throughout this book make the case that we are the most successful and popular country in large part *because of* our right to bear arms. For example, no one wants to live in a totalitarian police state. The right to bear arms is a strong deterrent to the installation of such a regime. It is true that, so far, the right to bear arms has not deterred the growth of an obnoxiously large progressive big government. Citizens will not start a revolution over Obamacare for example. However, for are signs that we are very close to the tipping point where people have had enough and any further significant advances by left-progressives in growing the state may trigger active resistance. Such resistance will likely involve the right to bear arms itself since both sides understand its profound significance. Both sides know that the people need to be disarmed if the left-progressive state is to continue its path toward building a totalitarian state. If the left continues its push without disarming the population, there will be resistance which will likely lead to armed conflict which the left would likely lose badly.¹⁰

As this book is being written, there is significant resistance to gun control in Virginia which had led to the creation of Second Amendment Sanctuary counties in which law enforcement officials promised not to enforce gun laws they believe violate the Second Amendment. Congressman Donald McEachin suggested that the Governor could call out the National Guard to enforce these laws.¹¹ That would create a Lexington Green-type confrontation where one inadvertent gunshot could unleash a full-scale regional conflict which could escalate further as reinforcements supporting both sides joined the conflict. There is at least a good chance that the

¹⁰ For one possible scenario of how such a conflict might play out, see the YouTube video: “Civil War 2 in America—Who Would Win? By John Mark. No endorsement of the author’s political views should be implied.

¹¹ <https://www.wsls.com/news/virginia/2019/12/13/virginia-national-guard-responds-to-gov-ralph-northams-comments-on-second-amendment-sanctuaries/>

people would win such a conflict. That potential, if known to both sides, is itself a peaceful deterrent to further government growth. On the other hand, delusional thinking such as expressed by left-wing Congressman Eric Swalwell as described by Snopes is very dangerous:

“In a tweet on 16 November (2018), Swalwell responded to a gun rights enthusiast who said the Democrats' proposal to confiscate or buy semi-automatic rifles would result in ‘war’ due to resistance from the gun owners, stating ‘it would be a short war’ because ‘the government has nukes.’”

Swalwell later insisted he was joking, however, there is no doubt his tweet expresses the view of many naïve leftists and academics who believe the notion that armed resistance against the most powerful government on earth could be successful is a fantasy. There is no space here to delve into this argument further except to say that many of the high-tech weapons in the possession of the Federal Government would be just as useless or more useless in an American Civil war than they have been in Vietnam and Afghanistan. The Feds would not nuke Americans. If they did, they would immediately lose the war and I would not put in print what I think would happen to anyone in the chain of command of that decision. I have expressed the view elsewhere that nukes are useless and obsolete weapons. Their most likely use in a Civil War would be to bring the Feds to the negotiating table if one was captured which is extremely likely. I have long held the view that the Federal Government would lose a Second Civil War and lose quickly and decisively.¹² What is dangerous is for the Feds and the left-progressives to think otherwise. Their delusion will encourage them to continue their advance against gun rights, private schools and home-schooling and religious institutions and many other potential triggers or tripwires of active resistance. You are on notice. Stop! A word to the wise should be sufficient.

[WORK IN ECONOMIC DATA AND FREEDOM--Heritage rank 12th---Cato rank 17th]

Ten States With the Strictest Gun Laws

Source: _____

GUN LAW STRENGTH (RANKED)	STATE	2018 GRADE	GUN DEATH RATE (RANKED)	GUN DEATH RATE (PER 100K)
1	California	A	44	7.8
2	New Jersey	A	45	5.3
3	Connecticut	A-	46	5.1

¹² The Civil War 2.0 video echoes and elaborates on many of my own thoughts on the subject.

GUN LAW STRENGTH (RANKED)	STATE	2018 GRADE	GUN DEATH RATE (RANKED)	GUN DEATH RATE (PER 100K)
4	Maryland	A-	29	12.3
5	Massachusetts	A-	49	3.7
6	New York	A-	48	3.7
7	Hawaii	A-	50	2.4
8	Illinois	B+	31	12.1
9	Rhode Island	B+	47	3.8
10	Washington	B+	38	11.1
11	Delaware	B	36	11.6
12	Pennsylvania	C+	26	12.4
13	Minnesota	C+	43	8.2
14	Oregon	C+	30	12.1
15	Colorado	C	24	13.4
16	Iowa	C	41	9.0
16	Michigan	C	37	11.2
18	Wisconsin	C-	39	10.5
19	Florida	C-	28	12.3
20	Nebraska	C-	42	8.3
21	Vermont	D+	34	11.8
22	Ohio	D	22	13.7
22	Virginia	D	32	11.9
24	North Carolina	D	23	13.6
25	Nevada	D	14	16.7
26	Indiana	D-	20	15.2
27	Tennessee	D-	11	18.4
28	Utah	D-	21	14.0
29	Oklahoma	F	13	17.2
30	Louisiana	F	4	21.6
30	New Mexico	F	10	18.5
30	South Carolina	F	12	17.6
33	New Hampshire	F	40	10.3
34	Georgia	F	19	15.4
34	Texas	F	27	12.4
36	Maine	F	35	11.6

GUN LAW STRENGTH (RANKED)	STATE	2018 GRADE	GUN DEATH RATE (RANKED)	GUN DEATH RATE (PER 100K)
37	Alabama	F	2	22.9
38	Montana	F	3	22.6
38	North Dakota	F	25	13.2
38	West Virginia	F	9	18.6
41	Arkansas	F	7	20.2
42	South Dakota	F	33	11.8
43	Kentucky	F	16	16.2
44	Alaska	F	1	24.5
45	Kansas	F	17	15.9
46	Arizona	F	18	15.7
47	Missouri	F	6	21.3
48	Idaho	F	15	16.4
48	Wyoming	F	8	18.7
50	Mississippi	F	5	21.5

STATE

COMPARING NET INMIGRATION WITH GUN CONTROL RANK

Source: _____

STATES WITH LARGEST IN-MIGRATION

1. Florida (19)
2. Arizona (46)
3. Texas (34)
4. North Carolina (24)
5. South Carolina (30)
6. Nevada (25)
7. Washington (10)
8. Colorado (15)
9. Georgia (34)
10. Tennessee (27)

STATES WITH LARGEST OUT-MIGRATION

1. New York (6)

2. California (1)
3. Illinois (8)
4. New Jersey (2)
5. Louisiana (30)
6. Massachusetts (5)
7. Maryland (4)
8. Connecticut (3)
9. Pennsylvania (12)
10. Michigan (16)

Analysis. The pattern here is clear. Generally speaking, people are voting with their feet and fleeing states with strict gun control laws and moving to states with less strict laws. The average gun control rank of out-migration states is 9.3. The average gun control rank of in-migration states is 26.4. These numbers suggest that the overall societal impact of the right to bear arms is positive since crime and safety are prime motivators of people seeking a better life elsewhere.

Gun Control Advocates Have Totally Failed to Make a Valid Statistical Argument

We have already shown that gun control advocates have gravely misapprehended and misstated the actual purposes of the Second Amendment and have therefore failed to make proper arguments for gun control. A statistical formula that properly takes account of the true purposes of the Second Amendment would look something like this:

No gun control law would be justified unless there was firm evidence that the reduction in crime it would create [A] would be greater than the harm it would do to the right of the people to retain their right to sovereignty, deter government tyranny, deter mass murder by the government and deter political instability seen in many countries without a well-armed citizenry [B], PLUS the increased crime caused by the direct and indirect effects of reduced availability of firearms to law-abiding citizens [C]. Thus, it would need to be proven that $A > B + C$. No pro-gun control advocate has ever proven this or even conceived of it or tried to prove it. Further, there is no known methodology available to prove this. As Brian Doherty has written:

“Given the amazingly complicated set of causes and incentives feeding into any human decision—and every gun homicide is the result of a human decision—establishing that the change in background check laws that "led to" a reduction in gun homicides "caused" them (even in that one Connecticut case, much less concluding that such laws can be relied on to have that effect in other places and times) is likely beyond any final authoritative conclusion via the usual methods of the social sciences.” “5 Problems with the New Study 'Proving' that More Background Checks Lowered Connecticut's Gun Murder Rate by 40 Percent,” *Reason.com* (Jun. 24, 2015).

Assuming there is some scientific way to balance costs and benefits among individual human beings with separate lives whose lives cannot be added together or subtracted like so many pennies or apples, at a minimum, the proper test would have to somehow measure all of the harm caused by a gun control law against all of the benefits. This has not been done and probably cannot be done.

The opponents of the right to bear arms have totally failed to make a statistical case for their position.

6. Why We Are Losing in the Courts

We are losing in the courts and we need to understand why and what to do about it. By and large, judges are not on our side. Most are natural progressives. Law schools were long ago captured by the progressive-left. Since the Supreme Court has not issued a Second Amendment opinion since *McDonald*, the lower court judges think they can ignore the Second Amendment with impunity. They have absolutely no fear of trashing the Second Amendment. They think, what are you gonna do about it? Well, *what are you going to do about it?* The Constitution allows us to speak freely and petition the government for a redress of grievances. All lawful and peaceful options for waking judges out of their constitutional slumber need to be on the table including picketing courthouses and *impeaching* state and federal judges who, in spite of their oath of office, ignore the clear wording of the Second Amendment. Judges have made themselves immune from lawsuits, but they are not immune from criticism. This isn't Stalin's Soviet Union, yet.

How about putting up a billboard after a judge trashes the Second Amendment that says:

"[The] right of the people to keep and bear arms, shall not be infringed."

Hey, Judge Obtuse--

[insert photo here],

What is it about plain English that you don't understand?

7. Be an Educated Juror

“Nay, all the ordinary power is rather the people’s, who determine all controversies themselves by juries of twelve men. And hence it is that when a malefactor is asked at his arraignment, ‘How will you be tried?’ he answers always, according to law and custom, ‘By God and my country; not by God and the king, or the king’s deputy.’”

— John Milton

We need to understand the role that juries play in enforcing gun laws. Judges have wrongfully destroyed the original Sixth Amendment powers of trial juries to judge both the facts and the law. I always wonder what would happen if a juror asked the trial judge where they got the authority to change the Founders’ clear vision of a trial jury as a check on the power of the government and the power of the judge. Who will have the courage to do so?

It is worth exploring the history of the right to trial by jury in detail to understand how judges have tried to destroy it; to understand its roots in republican theory and to understand its very close relationship to the right to bear arms. Once the public understands these issues, trial juries can once again become the bulwark of American liberty as they were in colonial times.

The United States Constitution guarantees the right to trial by jury in both civil and criminal cases.¹³ Long after the Constitution was ratified, the courts declared that juries do not have the right to judge the law.¹⁴ This reversed the policy in England and Colonial America. By the sixteenth century, juries had virtually unlimited discretion in reaching a verdict:

[J]urors were responsible only to their own consciences. They were completely free to return a verdict of their pleasure in accordance with what they thought right. The evidence was not binding upon them; the judge’s charge was not binding; nothing was. The law did not concern itself with the question of how they reached their verdict If a jury, moved by whim, mercy, sympathy, or pig-headedness, refused to convict against all law and evidence, the prisoner was freed, and that was that.¹⁵

Legal historian Leonard W. Levy explained the law of England at the time:

Allowing a court to imprison a juror for contempt on the ground that he had voted for an acquittal against the court’s instructions on the law of the case subverted the functions of the jury. Indeed, the jury became a useless institution . . . if the judge controlled its understanding of the meaning of the law, which it was obligated to decide for itself. The jury could discharge its functions . . . only if it was exempt from the judge’s power to fine and jail its members. By such

¹³ CITES.

¹⁴ Biskupic, “In Jury Rooms, A Form of Civil Protest Grows,” *Washington Post* (Feb. 8, 1999), p. A01.

¹⁵ Leonard W. Levy, *The Palladium of Justice: Origins of Trial by Jury* (Chicago: Ivan R. Dee, 1999), pp. 45-46.

reasoning, the King's Bench emancipated juries, allowing them ever after to return verdicts based on their grasp of the law as well as of the facts.¹⁶

The early colonists considered themselves Englishmen protected by the common law of England. When Peter Zenger, a New York printer, was charged with criminal libel for criticizing the royal governor, Zenger wished to argue at his trial that his remarks were true. The court instructed the jury that truth was no defense. Defense counsel Andrew Hamilton, however, urged the jury to reach their own conclusions about this legal issue. They did so, acquitted Zenger, and struck a blow for free speech that was critical to the struggle for independence a few decades later.¹⁷

To understand the plausibility of the argument that the ratifiers of the Constitution held an expansive view of the rights of trial jurors, it is necessary only to examine the context of the enactment of the Constitution and Bill of Rights. The colonists were heavily influenced by a series of pamphlets known as *Cato's Letters*, which circulated throughout the colonies in the decades preceding the Revolution. The political philosophy of the colonists can be glimpsed in the following excerpts from *Cato's Letters*:

All men are born free; Liberty is a gift which they receive from God himself; nor can they alienate the same by consent, though possibly they may forfeit it by crimes. . . . The right of the magistrate arises only from the right of private men to defend themselves, to repel injuries, and to punish those who commit them: that right being conveyed by the society to their public representative, he can execute the same no further than the benefit and security of that society requires he should. When he exceeds his commission, his acts are as extrajudicial as are those of any private officer usurping an unlawful authority; that is, they are void; and every man is answerable for the wrong which he does. A power to do good can never become a warrant for doing evil.¹⁸

Only the checks put upon magistrates make nations free; and only the want of such checks makes them slaves. They are free, where their magistrates are confined within certain bounds set them by the people. . . . And they are slaves, where the magistrates choose their own rules, and follow their lust and humours . . . those nations only who bridle their governors do not wear chains.¹⁹

These passages can be read to sanction the right of juries to nullify actions of judges, prosecutors, or even legislatures which exceed their "commissions."

Suspicious of government power, even the power of republican government, the citizenry would

¹⁶ *Id.* at 61–62.

¹⁷ Todd Barnet, "New York Considers Jury Nullification: Informing the Jury of its Common Law Right to Decide Both Facts and Law," *New York State Bar Journal* 65 (1993), p. 44.

¹⁸ John Trenchard and Thomas Gordon, *Cato's Letters*, in *The English Libertarian Heritage*, ed. D.L. Jacobson (Indianapolis, Ind.: Bobbs-Merrill, 1965), pp. 108–9. See also Bernard Bailyn, *The Origins of American Politics* (New York: Random House, 1969), pp. 35–44, 54; and Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967), pp. 35–37, 43–45.

¹⁹ Trenchard and Gordon, *Cato's Letters*, pp. 256–57.

eventually insist on the Second Amendment, which guaranteed that “the right of the people to keep and bear arms shall not be infringed.” The right to bear arms and the right to trial by jury have each been described as “the palladium of liberty.” The Second Amendment is widely misunderstood, and has been given a self-serving, *post hoc* interpretation by judges, who have said that while the amendment states that “the right of the people to keep and bear arms, shall not be infringed,” it really means that the right of the people to keep and bear arms *shall* be infringed.

In reality, the purpose of the right to bear arms was to allow citizens to defend themselves against governmental tyranny. Madison stated this explicitly in Federalist No. 46:

Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, *with the people on their side*, would be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in any country, does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed *a militia amounting to near half a million of citizens with arms in their hands*, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence. It may well be doubted, whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Those who are best acquainted with the last successful resistance of this country against the British arms, will be most inclined to deny the possibility of it.²⁰

Refuting in one sentence the prevailing myth that the Second Amendment did not create a personal right to bear arms, Madison goes on to note “the advantage of being armed, which the Americans possess over the people of almost every other nation.”

Given the fact that the framers were so suspicious of the federal government that they anticipated the people having to fight a shooting war against it, it is easy to accept the notion that the framers gave jurors substantial decision-making power. After all, the colonists had been warned by “Cato”:

Alas! Power encroaches daily upon Liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth, and striking at mankind root and branch, makes the world a slaughterhouse; and will certainly go on to destroy, till it is either destroyed itself, or, which is most likely, has left nothing else to destroy.²¹

The key concept in understanding the political thought of the founders was popular sovereignty. The founders were *republicans*. They held a view of government, championed by John Locke, Algernon Sidney, Richard Overton,²² and “Cato,” founded on the idea that individuals had natural rights, including

²⁰ James Madison, *The Federalist Papers*, no. 46, ed. Jacob E. Cohen (Middletown, Conn.: Wesleyan University Press, 1961), p. 321, emphasis mine.

²¹ Trenchard and Gordon, *Cato's Letters*, p. 196.

²² For a discussion of Richard Overton and the Levelers, see Peter Kurrild-Klitgaard, “Self-Ownership and Consent: The Contractarian Liberalism of Richard Overton,” *Journal of Libertarian Studies* 15, no. 1 (Fall 2000), pp. 43–96.

the natural right of self- defense. The government, in this view, was the agent of the individual; its purpose was to secure the individual's inalienable natural rights to life, liberty, and property—*not* to instill virtue, redistribute wealth, stimulate the economy, or protect people from themselves. The government had strictly limited powers—only those delegated to it by the people. Finally, and most critically, if those were exceeded or abused, they were subject to revocation by the people. The ultimate right to rule — which is inalienable — resides with the people. Thomas Jefferson was merely expressing the common view of the subject when he wrote the *Declaration of Independence*:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

It is no accident that one of the causes of revolution listed in the Declaration was the King's "history of repeated injuries and usurpations," including "depriving us in many cases, of the benefits of Trial by Jury." The right to bear arms, the right of juries to nullify the law, and the right of revolution all have the same root: the inalienable right of the people to control the government when they believe it has become destructive of their liberties. It is no surprise to learn that Jefferson championed all three rights explicitly.

The Ninth and Tenth Amendments also express republican philosophy:

- IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Naturally, these amendments have been cited as a possible source for the right of jury nullification.²³ However, modern judges ask not if the Ninth and Tenth Amendments reserve a right to the people, but, contrary to these amendments, they ask if the Constitution "enumerated" such a right at all.²⁴

What the Constitution meant by the right to trial by jury may easily be seen in the context of what trial by jury meant immediately before the Constitution was ratified. John Adams, our second president, and before that chief justice of Massachusetts, wrote in 1771:

Juries are taken, by lot or by suffrage, from the mass of the people, and no man can be condemned of life or limb or property or reputation without the concurrence of the voice of the people. . . . Whenever a general verdict is found, it assuredly determines both the fact and the law. It was never yet disputed or

²³ Barnet, "New York Considers Jury Nullification," p. 44 n. 11.

²⁴ See *Hawaii v Hatori*, Court of Appeals of Hawaii, Nov. 17, 1999.

doubted that a general verdict, given under the direction of the court in point of law, was a legal determination of the issue. Therefore, the jury have a power of deciding an issue upon a general verdict. And, if they have, is it not an absurdity to suppose that the law would oblige them to find a verdict according to the direction of the court, against their own opinion, judgment, and conscience? . . . Should the melancholy case arise that the judges should give their opinions to the jury against . . . fundamental principles, is a juror obliged to give his verdict generally, according to this direction, or even to find the fact specially, and submit the law to the court? Every man, of any feeling or conscience, will answer, “No.” It is not only his right, but his duty, in that case, to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.²⁵

Theophilus Parsons, also a chief justice of Massachusetts, wrote in 1788:

The people themselves have it in their power effectually to resist usurpation, without being driven to an appeal to arms.²⁶ An act of usurpation is not obligatory; it is not law; and any man may be justified in his resistance. Let him be considered as a criminal by the general government; yet only his fellow-citizens can convict him. They are his jury, and, if they pronounce him innocent, not all the powers of congress can hurt him; and innocent they certainly will pronounce him if the supposed law he resisted was an act of usurpation.²⁷

Thomas Jefferson, in his *Notes on the State of Virginia*, written between 1781 and 1782, described the division of labor between juries and judges:

These magistrates have jurisdiction both criminal and civil. If the question before them be a question of law only, they decide on it themselves: but if it be of fact, or of fact and law combined, it must be referred to a jury. In the latter case, of a combination of law and fact, it is usual for the jurors to decide the fact, and to refer the law arising on it to the decision of the judges. But this division of the subject lies with their discretion only. *And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertakes to decide both law and fact.* If they be mistaken, a decision against right, which is casual only, is less dangerous to the state, and less afflicting to the loser, than one which makes part of a regular and uniform system. In truth, it is better to toss up cross and pile²⁸ in a cause, than to refer it to a judge whose mind is warped by any motive whatever, in that particular case. But the common sense

²⁵ John Adams, *The Works of John Adams, Second President of the United States*, quoted in *Sparf v United States*, 156 US 51, 143–44.

²⁶ Note that Parsons puts both the right to trial by jury and the right to bear arms in the category of means of resisting usurpation.

²⁷ Quoted in *Sparf v United States*, p. 144.

²⁸ “Cross and pile” is game of chance.

of twelve honest men gives still a better chance of just decision, than the hazard of cross and pile.²⁹

Initially, the Constitution protected only the right to trial by jury in criminal cases. However, contrary to the popular image of universal approval, the document, when it was presented to the public in 1787, engendered great opposition from what we now call the Anti-Federalists. In addition to their belief that life under the Articles of Confederation was not all that bad, the Anti-Federalists' main objection was that the new Constitution lacked sufficient guarantees of individual rights. What would prevent this powerful new government from turning tyrannical, an event which Benjamin Franklin predicted on the floor of the Constitutional Convention?

A bitter struggle between the Federalists and Anti-Federalists ensued in various state conventions called to consider the new Constitution. The Constitution was barely ratified in several states; the vote in New York, for instance, was 30 to 27 in favor. Many other states insisted that the price of their ratification was that a Bill of Rights be added. The Bill of Rights became the price the Federalists had to pay to get the Constitution approved. Thus, the Bill of Rights is best understood as the practical expression of the philosophy of individual natural rights that dominated American political thought in the eighteenth century. The right to trial by jury owes much to the Anti-Federalists:

The Anti-Federalists insisted that the Constitution should explicitly recognize the traditional procedural rights: to be safe from general search and seizure, to be indicted by grand jury, to *trial by jury*, to confront witnesses, and to be protected against cruel and unusual punishments. The most important of these was the trial by jury, and one of the most widely uttered objections against the Constitution was that it did not provide for (and thus effectively abolished) trial by jury in civil cases.³⁰

After the Constitution was ratified, most judges and lawyers continued to hold that juries had the power to judge the law. In 1794, the first Chief Judge, John Jay, instructed a jury in a civil case as follows:

[O]n questions of fact, it is the province of the jury, on questions of law, it is the province of the court to decide. But it must be recognized that by the same law, which recognizes this reasonable distribution of jurisdiction, you have nevertheless a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy. On this, and on every other occasion, we have no doubt, you [the jury] will pay that respect, which is due to the opinion of the court: For, as on the one hand, it is presumed, that juries are the best judges of facts it is, on the other hand, presumable, that the courts are the best judge of the law. But still both objects are lawfully, within your power of decision.³¹

Alexander Hamilton, one of the great lawyers of that era, argued:

²⁹ Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (Chapel Hill: University of North Carolina Press, 1955), p. 130 (emphasis added).

³⁰ Herbert J. Storing, *What the Anti-Federalists Were For* (Chicago: University of Chicago Press, 1981), p. 64.

³¹ *State v Brialson*, 3 Dall. 1, 4.

[I]n the general system of powers in our system of jurisprudence, the cognizance of law belongs to the court, of fact to the jury; that as often as they are not blended, the power of the court is absolute and exclusive. . . . That in criminal cases, the law and fact being always blended, the jury, for reasons of a political and peculiar nature . . . is entrusted with the power of deciding both law and fact.³²

In the nineteenth century, Lysander Spooner was the foremost exponent of the right of juries to decide issues of law. Spooner, who wrote *An Essay on Trial by Jury* in 1852, is one of the most interesting characters in the history of American law. He was a lawyer, constitutional scholar, abolitionist, entrepreneur, legal theorist, and political radical. Spooner summarized the case for jury discretion as follows:

The object of this trial “by the country,” or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or “the country,” judge and determine their own liberties against the government instead of the government’s judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government, if they are not allowed to determine what those liberties are? Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise.³³

Spoooner cogently counters the main philosophical objection to jury discretion: that juries do not have the right to ignore or nullify laws enacted by democratically elected authorities. To Spooner, the jury is merely one of five “tribunals” created by the Constitution. In order for a citizen to be deprived of liberty, all five tribunals—the House of Representatives, the Senate, the executive, judiciary, and the jury—must agree. All five entities “represent the people”; thus, it is absurd to say that juries which exercise legal discretion are not “representing the people.”³⁴ Judges may be selected *democratically*, but jurors are the *demos*.

Spoooner saw “criminal intent” as the hallmark of crime, believing that no one can have criminal intent to commit an act which is “intrinsically innocent, though forbidden by the government.” That is, Spooner, like Jefferson, Locke, “Cato,” and the majority of the founders, believed in natural law, which prohibits only intrinsically evil acts, such as murder, assault, and robbery. In Spooner’s words, “The safety of society, which is the only object of the criminal law, requires only that those acts which are understood by mankind at large to be intrinsically criminal, should be punished as crimes.”³⁵ According to Spooner, a state which can criminalize virtually any behavior is a tyranny, and juries may rightfully acquit persons who are charged with such offenses:

³² Alexander Hamilton, *The Works of Alexander Hamilton*, quoted in *Sparf v United States*, 156 US 51, 175.

³³ Lysander Spooner, *An Essay on Trial by Jury* (Boston: John P. Jewett, 1852), p. 6.

³⁴ Spooner, *An Essay on Trial by Jury*, pp. 11–12.

³⁵ Spooner, *An Essay on Trial by Jury*, p. 186.

[N]o man can be convicted unless the jury find, not only that the statute is law—that it does not infringe the rights and liberties of the people—but also that it was so clearly law, so clearly consistent with the rights and liberties of the people, as that the individual himself, who transgressed it, knew to be so, and therefore had no moral excuse for transgressing it.³⁶

Spooner saw jury nullification of majoritarian laws not as a flaw of nullification but as its main purpose, as “the crowning merit of the trial by jury.”³⁷ It is best to let Spooner, not one to mince words, speak for himself:

It is this power of vetoing all partial and oppressive legislation, and of restricting the government to the maintenance of such laws as the whole, or substantially the whole, people are agreed in, that makes the trial by jury “the palladium of liberty.” Without this power it would never have deserved that name. *The will, or the pretended will, of the majority, is the last lurking place of tyranny of the present day.* The dogma, that certain individuals and families have a divine appointment to govern the rest of mankind, is fast giving place to the one that the larger number have a right to govern the smaller; a dogma which may, or may not, be less oppressive in its practical operation, but which certainly is no less false or tyrannical in principle, than the one it is so rapidly supplanting. Obviously there is nothing in the nature of majorities, that insures justice at their hands. . . . The relative numbers of the opposing parties have nothing to do with the question of right. And no more tyrannical principle was ever avowed, than that the will of the majority ought to have the force of law, without regard to its justice; or, what is the same thing, that the will of the majority ought always to be presumed to be in accordance with justice. *Such a doctrine is only another form of the doctrine that might makes right.*³⁸

Spooner’s case for jury nullification rested ultimately on the distinction between republican and democratic government. (These terms should not be confused with the “Democratic” and “Republican” political parties, neither of which is republican and both of which are democratic.) Republican government, which is what the founders thought they were creating, is small and limited to a short list of functions derived from the individual’s natural right of self-defense, such as courts, police, and national defense. In a republican government, officials are elected by majorities, but the principle of majority rule does not sanction the violation of individual rights or the expansion of government powers beyond those defined by republican theory. Starting with an essentially minimal state *republic*, we have, in 225 years, metamorphosed into a *democracy*, a very different form of government. The predominant belief today, whether of citizens or legislators, judges or law professors, is that, with few exceptions, what the majority says goes. If officials elected by the majority want to ban guns, tell farmers how much wheat they can grow each year, or regulate the color people can paint their houses, they

³⁶ Spooner, *An Essay on Trial by Jury*, p. 206 (emphasis added).

³⁷ Spooner, *An Essay on Trial by Jury*, p. 206.

³⁸ Spooner, *An Essay on Trial by Jury*, p. 181. Spooner also wrote an essay called *Vices are Not Crimes*, so it is fair to say that gambling, to Spooner, is an example of the type of criminal statute that a jury could well nullify. Since state governments and the church both operate gambling enterprises, it is difficult to argue that gambling is intrinsically evil.

should be free to do so.

In a true republic, such as that the founders attempted to create, jury nullification would be welcome and considered necessary, as it was for a time. In a democracy, it cannot be tolerated. Thus, the New York Court of Appeals in 1863 and the U.S. Supreme Court in 1895 rejected the doctrine. Given the radical implications of Spooner's view of the constitutional right to trial by jury, it is no surprise that judges, part of the very government whose powers would be reined in by that doctrine, rejected it.

Recently, a judge in Illinois called nullification "vacuous and intellectually bankrupt," and "pernicious."³⁹ This charge, leveled against a doctrine accepted by the two greatest legal minds of the revolutionary period—Thomas Jefferson and Alexander Hamilton—shows how far we have strayed from our republican roots. Judge Steigman, clearly no republican, complained that jurors are "unelected and unaccountable to a constituency." Though jurors are not elected, they are the people who do the electing. They are therefore the *electorate*; they are the *constituents*. Judge Steigman's comments inadvertently reveal the elitism that lies at the core of anti-nullification sentiment, an elitism alluded to by Justice Gray in *Sparf v United States*.

The rule against discussing penalties before the jury is another example of judicial elitism. Criminal trial lawyers have heard this instruction given so many times that they hardly give it a passing thought. Upon reflection, however, the principle seems absurd. The jury is not allowed to consider the consequence of its actions, even though when responsible people make serious decisions in everyday life, they invariably consider the consequences. Democratically chosen judges refuse to tell the jury, *the people*, what is a matter of public record, the sentences that legislators chosen by the people have in store for those the people find guilty of crimes. The hidden assumption is that the people are largely ignorant of what their legislators are doing, and that, if they ever found out, they would recoil in horror and acquit otherwise guilty persons. This jury charge is a Freudian slip, an inadvertent confession by judges of a lack of trust in those who hired them.

Jurors, though not entirely free of general biases and prejudice, are generally free of axes to grind and oxen to gore with respect to the *specific* parties, lawyers, and issues before the court. Jurors have personal biases and prejudices, but so do judges. Judges, however, unlike jurors, frequently *do* have biases about the specific parties, lawyers, and issues before them. Further, judicial bias is not ameliorated by the presence of eleven other, quite different people. Thus, both judges and juries are biased; however, the institution of the jury makes juries *less likely* than judges to let personal bias taint their decisions.

Judge Steigman's comments also inadvertently reveal one of the highest virtues of jurors as compared to government officials. Jurors did not seek the job; judges, prosecutors, and legislators did. They sought their positions of power by seeking the support of the various parties, factions, and special interests which exercise influence over the political process. Once in office, those officials are, therefore, naturally inclined to favor certain points of view, ideologies, factions, and special constituencies. Thus, while judges, for example, have a superior knowledge of the law, that knowledge, in and of itself, does *not* guarantee that they will *not* issue legal instructions at trial, or ratify the same on appeal, which reflect their own personal, political, or philosophical biases or hidden agendas.

If I were a judge, my republican political and philosophical views would have an impact on my legal rulings. I also know that no one who held firm to Jeffersonian republican views could presently be elected to public office in Buffalo, New York. But does it not also follow that judges who hold contrary views—views approved of by the majority of the minority of citizens who actively participate in the political process—are going to issue legal rulings and instructions that reflect those views and philosophies? It follows, then, that modern judges generally hold views favorable to majoritarian democracy, hostile to classic small-government republicanism, and favorable to the

³⁹ *People v Smith*, Illinois Appellate Ct, No. 4-97-0079 (May 4, 1998), Judge Steigman, concurring.

type of gradual expansion of government power that they have ratified for the last one hundred years. Thus, judges largely responsive to majoritarian concerns have been gradually whittling away the rights of juries, whose anti-democratic unanimity principle is the ultimate guardian of minority and individual rights. That is why we need a revolution in the theory and practice of jury nullification.

The founders were extraordinarily well-schooled in history and political philosophy. Jefferson, for example, read the classics—Homer, Plato, Cicero, and Virgil—in the original Greek and Latin.⁴⁰ Jefferson and his colleagues understood what we, even after witnessing the slaughterhouse of the twentieth century, have yet to learn: that history shows that government officials abuse their power for their own interests and that, to avoid the endless tyrannies of the past, they had to construct a political system which *diffused power*—not only among branches and levels of government, but between the government and the people. The right of juries to decide the law and the right to bear arms were manifestations of this insight. Both rights are being eviscerated, however, since the framers left the “judicial power” solely in the hands of the government. The republican founders’ ingenious diffusal of power has been defused.

Let’s be blunt here about trial jury nullification. It used to be a constitutional right. That right was stripped away by judicial fiat. The progressive modern state does not want to share legal power with juries and have taken drastic steps to ensure that juries do not exercise the discretion the Founders thought they had granted to them in the Sixth Amendment and it is important that you exercise caution in this regard so as not to run afoul of the “law.” For example, it is important to tell the truth when questioned if you are called for jury duty lest you be prosecuted for perjury.

On the other hand, the courts themselves admit that nullification is a “power” of juries in the sense that no power on earth I am aware of can overturn a verdict of not guilty and while you may be told you “must” convict if you find guilt beyond a reasonable doubt, there is no legal recourse that I know if you fail to do so.

Now let’s talk about *grand juries* which have, at the present time anyway, more power, authority and discretion than trial juries do. Here’s where the real potential resides. Once a citizen is indicted for the imaginary crime of possessing a gun protected by the Second Amendment, he is in a very bad place. In violation of the Sixth Amendment, trial juries are bullied into following the judges’ instructions about silly and unjust laws. The accused will usually plead guilty to avoid going into debt paying for a good defense lawyer. No, the time to stop the gun monopolists is *before* indictment, at the grand jury. Here’s the dirty little secret that none of the DAs and judges want you to know: *the grand jury in New York State does not have to indict even if there is sufficient evidence of an imaginary gun crime!*⁴¹ Even in Federal Court, the grand jury is not told they “must” indict if there is sufficient evidence, but that they “should” indict, which, in the plain meaning of that term, means they do not have to indict. The Federal jury instructions also state:

“The grand jury is an independent body and does not belong to any branch of the government. As members of the grand jury, you, in a very real sense, stand between the government and the person being investigated by the government.”⁴²

Judge Scalia elaborated on grand jury independence in *United States v. Williams*, 504 U. S. 36 (1992):

⁴⁰ Willard Sterne Randall, *Thomas Jefferson: A Life* (New York: Harper- Collins 1994), pp. 3, 16, and 26.

⁴¹ [List of laws in other states.]

⁴² Benchbook for U.S. District Court Judges (Federal Judicial Center March 2013, 6th Ed.), p. 10.

“[T]he grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. . . .The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. . . . [I]n its day to day functioning, the grand jury generally operates without the interference of a presiding judge. . . . It swears in its own witnesses, Fed. Rule Crim. Proc. 6(c), and deliberates in total secrecy, see *United States v. Sells Engineering, Inc.*, 463 U. S., at 424-425. . . . Recognizing this tradition of independence, we have said that the Fifth Amendment's "constitutional guarantee *presupposes* an investigative body `acting independently of either prosecuting attorney *or judge*'. . . ." *Id.*, at 16 (emphasis added) (quoting *Stirone, supra*, at 218).⁴³

What all this means in my view is that the grand jury is *not* under the control of the government and cannot be compelled by the government to reach any particular decision on whether to indict an individual.

Did you learn any of this in government school? No, then it's time to take the government to school! We need to educate the public about their ancient grand jury rights that predate even the Constitution. We can do so with house signs and fliers and with social media and by speaking at community meetings and also by word of mouth.

In Upstate New York, after Andrew Cuomo passed a bill in the middle of the night banning many kinds of rifles, many citizens posted signs that said, "Repeal the Safe Act." This was a total waste of time and money as it fell on deaf ears in the uber-progressive, New York City-dominated state legislature. What these citizens fail to realize is they themselves could effectively repeal the SAFE Act by refusing to indict or convict their fellow citizens of this imaginary and unconstitutional crime. These house signs should have read, "Protect the Second Amendment with Grand Jury Nullification!"

⁴³ I am indebted to Second Amendment and jury rights activist, Dave Mongiello, for calling my attention to this case.

8. We Need to Form New Alliances

We need to make new alliances. Politics is about coalitions. Who are our allies? That I have to ask makes the point. We appear to have none except the gutless GOP, which will sell you down the river in a heartbeat to win an election. The strongest allies we have are the libertarians who believe the right to bear arms is a natural right. You don't have to agree with them on everything to work with them on this issue. Notice they have made some progress rolling back the war on drugs while the gun people are in retreat in the war on guns.

Guns and drugs. Hmmm. Two types of private property Americans had the right to possess until the progressives came along. Then, guns became yet another progressive scapegoat for the failure of the war on drugs and the senseless and endless violence it unleashed. I strongly suggest that gun people wake up and realize that guns and drugs are essentially the same issue, *private property*, and none of the government's damn business. The day both movements join forces is the day both will win. [CITE ARTICLE ON GUNS AND DRUGS.]

Why isn't the Me-Too Movement an ally? Guns are the great equalizer that women needed throughout history to protect themselves against assault. The government gun monopolists want disarmed women to call 911 after they have been attacked so they can describe the crime to a crime historian and undergo an intrusive medical examination or autopsy! I have heard such a 911 call myself. It's chilling. Women are our natural allies as are *the elderly*, *the disabled* and *the working poor* who live in high-crime areas and need protection against street crime and burglaries. Finally, *Native Americans* are potential allies for reasons I have already made clear as is *anyone whose ancestors were slaves* who were obviously deprived of their own right to bear arms. It's a tragedy that we have not reached out to these tens of millions of potential allies.

9. Be Prepared to Resist Tyranny

Finally, we must be prepared to engage in lawful resistance to tyranny if that becomes necessary. We have seen that when totalitarian regimes start knocking on doors and rounding people up in the middle of the night to take them off to a concentration camp, it's too late to resist. As with the American Revolution, a decision that there will be active resistance has to be made well before things get desperate and hopeless. I have elsewhere listed various signposts and tripwires of tyranny which warn us of worse things to come: mass arrests without probable cause; any crackdown on free speech or the press or public assembly; martial law; prohibition of private schools or homeschooling; house-to-house searches or routine checkpoints; and, of course, the mass confiscation of firearms in violation of the Second Amendment. When these unconstitutional moves are made, the government is telling you it will no longer follow the law and you will know what to do.

Conclusion

If we wake up, understand the nature of what we are up against and start to employ better strategies, we won't face the situation in which the Founders Fathers found themselves in 1775.

We need to reframe the issues, identify the adversary and his failed ideologies and how he uses guns and gun owners as scapegoats for his own failed policies. We need to turn the tables and take the initiative and make the other side play defense for a change. I predict they won't be any good at it.

We need to expose the progressive government gun monopolists for what they are: people whose policies always fail but who refuse to take responsibility for those failures but instead are in an endless search for scapegoats such as guns and gun owners. It's that simple.

We need to expose the leftist government gun monopolists for what they are: power hungry but confused. They were telling us for the last four years that the police are the *bad guys* who shoot unarmed black men because they are racists. *Now* they tell us that the police are the *good guys* who are going to use their guns to take ours away, *killing us if necessary*. They tell us that the militias in the South were used primarily to keep the slaves under control but neglect to point out that throughout history, the inability to own weapons for protection has been the hallmark of slavery. James Burgh wrote in 1774: "The possession of arms is the distinction between a freeman and a slave."⁴⁴ The left wants all of us to be slaves.

For years, the left complained—except when Obama was President—about all the illegal wars the federal government fought and all the atrocities the federal government committed in those wars, but now they want that very same *military-industrial complex* to have all the guns!

We need to expose the government gun monopolists for what they are. They don't *hate* guns and they don't hate gun violence. They *love* guns and they *love* government gun violence as that is their solution to every human problem. They love guns so much they want to be the only ones who have any. Again, a left-progressive is a person who has this fantastic dream of creating heaven on earth by threatening people with government guns if they don't comply with their utopian schemes. The difference between left-progressives and us is this. They want to use guns *aggressively*, to make peaceful people do things they don't want to do. We wish to use them only *defensively*, to stop government from turning into a police state or engaging in mass murder.

The gun controllers are not against "gun violence." Rather, they want all the guns to be controlled by an organization that has the most powerful weapons and guns in human history. They trust that this organization will use its power justly and lawfully. Yet, at this very moment, that organization, the federal government of the United States is waging an illegal and destructive war in Yemen of all places, a country most Americans could not spot on a map of the world. They are aligned with the most repressive regime on earth, Saudi Arabia. In recent decades, presidents of *both parties* have illegally invaded or intervened in several countries, including Iraq, Libya and Syria, causing mass destruction, bloodshed and continuing chaos. Can we really rely on these gentle souls to whom the political left wants to bestow *their right to bear our arms*, not to turn all that firepower *on us* in times of civil unrest and whenever they feel it's necessary to preserve the left's highest worldly value, *power*?

You might say that just because the Feds have invaded and caused mass destruction and death in many foreign lands does not mean they would ever do so in the homeland. It is true that so far, the Feds only war against strangers in distant lands but I submit that as the country grows, and

⁴⁴ 2 J. BURGH, POLITICAL DISQUISITIONS: OR, AN ENQUIRY INTO PUBLIC ERRORS, DEFECTS, AND ABUSES (London 1774), p. 390.

the diversity of its population increases, and the Federal Government and its armed agents get more and more distant and more dissimilar to us, the risk of violence against citizens increases. Remember Wounded Knee!

Governments have frequently resorted to using foreign armies or recent immigrants against citizens. King George did this in the Revolutionary War and Lincoln did this in the Civil War. Many countries have used this tactic throughout history. Moreover, the Army now accepts non-citizens into the army and may even accept illegal aliens into the army in the very near future. During the Revolutionary War and the Civil War, brother fought against brother. There is no guarantee that as the citizenry is disarmed and the federal government grows ever stronger and turbulent times arise, that the government won't use violence against us. *All history argues for the opposite possibility.* Believe me, in the future, if you hear that loud knock on the door in the middle of the night, it will not be Andy of Mayberry but a total stranger who will say that he was just following orders. With your weapons confiscated, feel free to throw your pocket Constitution at him.

The Founding Fathers, living in a tiny and largely homogeneous nation, feared the power of the relatively weak federal government they had just created. They would be terrified of the many times larger, more distant and more powerful federal government that runs every aspect of our lives today and seems to grow more powerful with each passing year.

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Flier

You have been lied to about the Second Amendment's right to bear arms.

People lie because they want to take something from you that does not belong to them.

These liars want to steal you right to bear arms you need to protect your right to life, liberty and property from criminals and criminal governments.

America was founded because the British Tyrant-King ordered his troops to seize our forefathers' arms at Lexington and Concord and they resisted, using their right to bear arms and they then created the freest and greatest nation in world history.

In dozens of other countries, tyrants far worse than King George disarmed the people before creating totalitarian regimes that murdered millions of people and started many foreign wars.

Today, in countries all over the world, people are deprived of basic rights such as the right of free speech and free assembly because they were first stripped of the right that guarantees all the others, the right to bear arms. In countries without the right to bear arms, if you protest against the government, you can and will be shot dead in the streets as happened during the Hungarian Revolution in 1956, in Tiananmen Square in 1989 and currently in socialist Venezuela, a regime that in its early days was the subject of praise from many American celebrities.

The movement to steal your right bear arms is led by the same kind of leftist crazies who are shooting protesters in Venezuela and who have used violence in this country to deprive Americans of the right to free speech.

The best-kept secret in America today is this: The Second Amendment works! With the help of the right to bear arms, Americans threw off a foreign tryant and established what is considered to be the oldest functioning constitutional democracy in the world. An armed populace is a check on government power, and, without the need to fire a shot, creates political stability and deters civil unrest, coups and foreign invasions.