

# *The Dark History of Gun Legislation (I)*

By Andrew McColl, 24<sup>th</sup> July 2012

## *Introduction: Understanding Conservative Ideology*

*There were no restrictions in the Mosaic law regarding the private ownership of weapons. Here we see a unique aspect of the Mosaic law. Citizens, tribes, cities and even strangers were allowed to possess weaponry that the king, as the nation's commander of God's holy army, was not allowed to own. This was another aspect of the decentralised political order under the Mosaic law...the Mosaic law was silent with regard to privately owned weapons. The general principle of the Mosaic law was analogous to the law in Eden: that which was not explicitly prohibited by law or a principle of the law was legal.<sup>1</sup>*

Political conservatives have been around in the West for many hundreds of years, going back at least to the Magna Carta. What has been their ideology? It has emphasised the need to protect individuals, the family and the Church from unjust incursions of government. Overall it has been one of caution, even suspicion in relation to government and what it has done to people.

The conservative begins with the individual, the family the church and sometimes God. The tyrant and the totalitarian begin with government, with the State.

Conservatives like Burke have understood the frailties of the human heart. Thus we believe in decentralisation, and the restraint of government (through such things as constitutions, parliaments and the rule of law), while tyrants believe in the expansion and often uncontrolled use of State power. *"The fascist conception of life,"* Mussolini wrote in *Fascism: Doctrines and Institutions*, *"stresses the importance of the State and accepts the individual only in so far as his interests coincide with the State."*<sup>2</sup> Mussolini put his finger on a fundamental difference of priority. This difference has great implications today.

But there is more. Conservatives are not afraid of the people, the grass-roots; tyrants are. Conservatives are not afraid of the people having rights and liberties, and exercising them. In fact, conservatives view rights and liberties as their birth-right and heritage in a free nation; things to be fought for, whereas tyrants view the suppression of people's rights and liberties as essential for the furtherance of their evil regimes.

Tyrants resist freedom of religion, of the press, of speech and of assembly. They always try to suppress these freedoms out of fear, and a desire to maintain power. In fact, tyrants are afraid of vigorous, independent, self-motivated people, for the tyrant's focus is total control. But political conservatives believe that vigour, confidence, independence and self-motivation make up the very warp and woof of a free and prosperous nation.

As a consequence conservatives historically, have opposed governments holding more power or privileges than the people. Government must be restrained. This was what motivated Stephen Langton (the Archbishop of Canterbury) to write and sign the Magna Carta, and to challenge King John to sign it too. Like John, Charles I believed that a king and his subjects were totally different,

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<sup>1</sup> Gary North, "Restoration and Dominion," 2012, p.27.

<sup>2</sup> Quoted in Di Lorenzo, T., "Fascialism: The New American System," Lew Rockwell website, 11/6/09.

and that he was above the people and the law. His attitude led to the English Revolution of the 1640's, and ultimately cost him his head.

If we consider ourselves to be political conservatives, we must understand the ideology of conservatism. We prepare for the future, by learning from the past.

Tyrants are always suspicious of armed, confident independent subjects. Charles II sought to disarm Protestants, and one of the early attempts of Britain to move against dissident Americans prior to the War of Independence, was when the British Governor of the Massachusetts Bay Colony, General Gage, sought to stop armed protest by confiscating American stores of arms in September 1774.<sup>3</sup>

The English Revolution of the 1640's, and the American Revolution which began in 1776, were conservative, defensive revolutions, resisting new and unpopular taxation. One of the reasons they were both successful, was that the revolutionaries were able to obtain similar or better firearms, than those they were fighting against. These two revolutions have much to teach us, as does our own home-grown revolution in Australia, commonly (but inaccurately) called the Rum Rebellion of 1808.

Confiscation of firearms was the normal procedure for twentieth century tyrants. Why? So that subsequent resistance to revolution would be difficult for the people to sustain. No firearms-no power to resist. The Turks confiscated the Armenians' firearms in 1915, before beginning their massacre of 1.5 million innocents, and Hitler through a selective gun registration process, prevented Jews from owning firearms. By 1936, Jews were defenceless.

In 1940, when England was threatened with invasion by Germany after the fall of France, millions of firearms were donated by Americans and shipped over to England because individuals in England possessed few firearms for self-protection in the case of invasion.

Mao claimed that "power comes out of the barrel of a gun," and one of his first acts when taking over an area of China, was total firearm confiscation from the community.

When the Hutus murdered some 800,000 Tutsis in 1994 in Rwanda, you can guess who it was that had access to firearms, and it wasn't the Tutsis.

#### Conservatives and Guns:

The relationship of political conservatives with guns goes back a long time, to when firearms were first used in Europe. The conservative Oliver Cromwell stated in 1649, "*It will be found an unwise and unjust jealousy, to deprive a man of his natural liberty upon a supposition he may abuse it,*" while Machiavelli admitted of the Swiss that they were "the most free and most armed people" of Europe. George Washington claimed that

*Firearms stand next in importance to the Constitution itself. They are the American people's liberty teeth and keystone under independence... From the hour the Pilgrims landed to the present day, events, occurrences, and tendencies prove that to ensure peace, security, and happiness, the rifle and pistol are equally indispensable... The very atmosphere of firearms everywhere restrains evil interference – they deserve a place of honour with all that's good.*

Washington's compatriot, Patrick Henry, warned that "*the great object is that every man be armed. Everyone who is able may have a gun.*"

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<sup>3</sup> Source: Wikipedia.

## *The Dark History of Gun Legislation (II)*

By Andrew McColl, 31/7/2012

John Howard is a respected conservative in Australia. Most conservatives look back with fondness on his era of government in Australia. In welcoming President Bush to the Australian Parliament in 2003, Mr Howard indicated that one of the things that bring Australia and the U.S. together, “*is the belief that individuals are more important than the State.*”

Mr Howard’s ideological position was in stark contrast with that of Adolf Hitler. Hitler claimed that

*The individual should finally come to realise that his own ego is of no importance in comparison with the existence of his nation; that the position of the individual ego is conditioned solely by the interests of the nation as whole...that above all the unity of a nation’s spirit and will are worth far more than the freedom of the spirit and will of an individual.*<sup>4</sup>

But following the Port Arthur massacre of 1996, the legislation Mr Howard put through parliament significantly restricted private firearm ownership. In my view this represented a significant ideological contradiction, and a mistaken view of government. I believe it was an over-reaction to a single, most tragic shooting spree. It led to the confiscation and destruction of millions of firearms belonging to law-abiding individuals (at tax-payers’ expense), so that now individuals are prevented from purchasing firearms for self-defence.

The liberty of the individual and the restraint of government were exchanged for what? The liberty of government to greatly restrict law-abiding individuals. Hitler’s ideology triumphed in Australia, through an ostensibly conservative prime minister.

Why? It goes back partly to Mr Howard’s attitude towards guns. In his autobiography, he expressed his support for the anti-gun cause and his desire to introduce restrictive gun laws long before he became Prime Minister. In a television interview shortly before the tenth anniversary of the Port Arthur massacre, he reaffirmed his stance:

*I did not want Australia to go down the American path. There are some things about America I admire and there are some things I don't. And one of the things I don't admire about America is their... slavish love of guns. They're evil.*

He also said in 2002, *We will find any means we can to further restrict them because I hate guns...ordinary citizens should not have weapons..*

Mr Howard’s legislation seems to have been founded on these three assumptions:

- a) Guns are evil.
- b) Availability of guns for the general population must be heavily restricted through licences and permits, and subject to centralised, government control.
- c) Guns (generally) should only be used by police and government employees.

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<sup>4</sup> Hitler at Buckenburg, October 7, 1933; “The Speeches of Adolf Hitler,” 1929-1939, ed. by N.H Baynes, 1942. Quoted by Leonard Peikoff, “The Ominous Parallels,” 1982, p.3. found in Gary Demar, “Ruler of the Nations,” 1987, p.7.

These assumptions have very significant implications. Though the legislation ostensibly was for the protection of innocent people, it removed the ability of many people to actually protect themselves from criminals. Now, because of the black-market, criminals are able to procure more powerful and concealable firearms than law-abiding citizens. This places innocent people at a decided disadvantage in a crisis, and history shows us it places them at a distinct disadvantage in relation to government in a time of national crisis. The only thing being conserved here, is government power over innocent, law-abiding people.

*One does not have to be in favour of death camps or wars of conquest to be a tyrant. The only requirement is that one has to believe in the primacy of the state over individual rights.<sup>5</sup>*

We are now suffering the consequences to this fundamentally ill-conceived legislation.

Mass shootings have taken place around the world. What did these tragedies have in common? People are generally precluded there from possessing firearms. Think of Port Arthur, Virginia Tech, the Columbine massacres, Dunblane in Scotland, Hoddle St in Melbourne, Strathfield in Sydney, the latest in Norway, and now the theatre shooting in Colorado, where guns were banned from being taken inside. Criminals intent on murder target these places deliberately. Why? There won't be armed people there to stop them.

*On a bright sunny day in October of 1991, Suzanna Gratia went to lunch with her parents at Luby's restaurant in Killeen, Texas. In order to be in compliance with an unconstitutional law that forbade the possession of a concealed weapon, Ms. Gratia compromised and left her .38 calibre pistol in her vehicle. Suddenly, a madman, George Hennard, drove his truck into the cafeteria, got out of the truck and opened fire on those inside.*

*Ms. Gratia and her father, Al, turned over a table to use as cover. Ms. Gratia stated she reached for her purse to retrieve her .38, but then realized she had left it in her car.*

*Believing the madman was going to shoot everyone, Al Gratia, exhibited uncommon courage in rushing the killer. Hennard shot him in the chest, an obvious mortal wound. Ms. Gratia spotted a window, broken by another patron trying to escape, told her mother to follow her and then made her escape. Her mother decided she could not leave her wounded husband, sat on the floor and cradled his head in her arms. Hennard would return to where Mrs. Gratia sat and shoot her in the head. The couple had just celebrated their 47<sup>th</sup> wedding anniversary.<sup>6</sup>*

Furthermore, the futility of a registration process for firearms is shown by the fact that "more than 93 percent of firearms used in homicides in 2006-2007 [in Australia] were unlicensed and unregistered."<sup>7</sup>

Despite Mr Howard's protestations, this is the political fact:

*The human race divides politically into those who want people to be controlled and those who have no such desire. Robert A. Heinlein (1907-1988)*

We can therefore conclude that gun laws represent an ideological contradiction in a free society, and a practical invitation for armed criminal behaviour. Without change, the fruit of these laws will be a bitter one.

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<sup>5</sup> Walter Williams, "Liberals, Progressives and Socialists," Lew Rockwell's website, 8/8/2012

<sup>6</sup> Mike Gaddy, "The Bitter Fruits of Compromise," Lew Rockwell website, 12/1/2009.

<sup>7</sup> Jack Dearden and Warwick Jones, Australian Institute of Criminology, 2008, quoted in "Australian Shooter," December 2010, p.58.

## *The Dark History of Gun Legislation (III)*

By Andrew McColl, 7/8/2012

*The Judeo-Christian and constitutionally mandated relationship between government power and individual liberty is not balance. It is bias – a bias in favour of liberty. All presumptions should favour the natural rights of individuals, not the delegated and seized powers of the government. Individual liberty, not government power, is the default position because persons are immortal and created in God's image, and governments are temporary and based on force.<sup>8</sup>*

Southern Brisbane and the Gold Coast area have suffered a spate of armed hold-ups this year. The typical scenario is that criminals enter a shop, threaten and hold up the attendant with a gun, a knife or a syringe, demanding money. In one April robbery, a man was bound in a chair, beaten repeatedly around the head and had a cord tied around his neck, and he was threatened with strangulation.

There have also been a number of break and enter crimes, where thieves have entered shops at night and stolen electronic goods. Recently, fourteen youths were caught on video forcing their way into a shop.

This is all bad, but it gets worse. Last year, an angry tenant entered a Brisbane real estate agency, began arguing with a female staff member about his rent, and then produced a pistol and killed her, before turning the gun on himself. In April, two people were shot and wounded by a gunman, in a shopping centre at Robina.

What are owners of retail outlets supposed to do? Naturally, they would want to protect their staff and innocent passers-by from violence and death. Many would want to buy and have fire-arms on hand in case of a threat.

But they can't. In Queensland, although 600,000 firearms are owned by members of the community,<sup>9</sup> we are expressly forbidden by law from purchasing firearms for the purpose of self-defence.

We have friends that live on a 4,000 acre farm in western Queensland. Dad's involved in carting grain, and can be away from home for weeks at a time. His wife's at home with four children under twelve. Her husband has guns at home, but she doesn't have a gun licence.

If strangers were to arrive at her home and she considered them a threat, what options does she have? She'd be breaking to law to open the gun-safe and take out a gun for self-protection, but it would take police about 90 minutes to get to her home in an emergency, should she be able to call.

*It's no surprise to learn that blanket prohibition policy often comes with unintended consequences. It is no different with firearms than it is with drugs or as the Americans found with ... the prohibition of alcohol...*

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<sup>8</sup> Andrew Napolitano, "Where is the Outrage?" Lew Rockwell's website, 7/6/2012.

<sup>9</sup> The Qld Police Commissioner, quoted in "Queensland Police Minister vows crackdown on illegal guns after shootings," "The Australian," 19/4/2012.

*...Restrictions on gun ownership in Australia, enacted in 1996 have not brought organised crime to heel. Rather it has added a new string to its bow and made it more lethal than ever before.<sup>10</sup>*

Are guns themselves the problem? They never have been. Why? Widespread firearm ownership doesn't equate to more criminal activity. It means that in a crisis, innocent people can protect themselves. Switzerland has a militia of 400,000, but a very low incidence of gun related violence.

*...there is another side to the gun story, and University of Houston Professor Larry Bell relates it:*

*"Law-abiding citizens in America used guns in self-defence 2.5 million times in 1993 (about 6,825 times per day), and actually shot and killed two and a half times as many criminals as police did (1,527 to 606)..."<sup>11</sup>*

Conservatives historically have been suspicious about expansions of government power, which restrict individual freedoms. The twentieth century, when we witnessed government's abuse of power around the world far beyond anything in the past, bore out those suspicions. In relation to the use of guns,

*...all the mass murders in the last 20 years in America, including Columbine and Virginia Tech, have occurred in Gun Free Zones.<sup>12</sup>*

But,

*some of the safest neighborhoods in the nation [the US] are those that have the highest per capita gun ownership such as Kennesaw, Georgia where gun ownership is a city requirement. Just like a well-armed and trained nation is the best way avoid invasion, so is a well-armed and trained homeowner the best way to prevent a home invasion.<sup>13</sup>*

Conservatives historically have believed people should be able to protect themselves from criminals, whether in the form of individuals, or operating as an arm of government. To presume that a community is any safer when its firearms are removed, is to assume that violent crime is a mechanical, non-person problem. The fact is that criminals love gun control – it makes it easier for them to commit crime. When any law indirectly gives criminals more power in the community than law-abiding people, it means that government has become *contemptuous of the innocent*, an intolerable situation in a free society.

*The people who had been forced to give their guns up [in the Australian buy-back] were never a threat to social order. Meanwhile prohibition has created yet another branch of profit for those who use guns without conscience or hindrance.<sup>14</sup>*

### Conclusion:

The fact is that preventing law abiding people from having firearms doesn't make any society

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<sup>10</sup> Jack the Insider, "The Australian," "Lawmakers, Guns and Money," 13/1/2012.

<sup>11</sup> Pat Buchanan, "America is an Armed Camp," Lew Rockwell website, 4/4/2012.

<sup>12</sup> David Leyonhjelm, "Disarming the Good Guys will not prevent Massacres," 'Sporting Shooter Shooting News,' 18/12/2012.

<sup>13</sup> Dave Jolly, "AZ Politicians to Provide Shotguns to Residents in High-crime Areas," 'Godfather Politics,' 30/3/2013.

<sup>14</sup> See Jack the Insider, above.

safer. To think this has been beneficial for the Australian community or anyone else is to ignore the facts about firearms.

Now, political conservatives can lead the way out of this gun-law debacle. Laws preventing law-abiding people from owning firearms for self-protection must be removed, before innocent people perish. When it's your wife or daughter in the house with her children and strangers come unannounced, what options should she have?

*A gun in the hand is better than a cop on the phone.* And if our government ever tramples on the rights of innocent people (and every nation has suffered this in history), what options should we have to respond?

The final question in relation to the public's access to firearms, is this:

*Do conservatives really believe in the liberty of the individual and the rights of innocent people to protect themselves from criminals and unjust governments, or not?*