



## **Senate Bill 1**

### **Criminal Law – Wearing, Carrying or Transporting Firearms - Restrictions**

#### **UNFAVORABLE**

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

It is impossible to address the problem of rampant crime without talking about the moral responsibility of the intended victim. Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back, immediately, then and there, where it happens. Crime is not rampant because we do not have enough prisons, because judges and prosecutors are too soft, because the police are hamstrung with absurd technicalities. The defect is there, in our character. We are a nation of cowards and shirkers."

- *A Nation of Cowards* by Jeffrey R. Snyder 1993

Laws do not control human behavior, they simply define unacceptable behavior. By limiting the citizens' means to self-defense SB 1 cedes the initiative to the lawless, it codifies the old bumper sticker "When guns are outlawed, only outlaws will have guns."

Senate Bill 1 is a breach of faith and trust in the law-abiding citizens by the legislators who were elected by those citizens. Trust is reciprocal, when the elected officials have neither faith nor trust in the citizens, how can those same citizens trust in return? Why should they?

We strongly urge an unfavorable report.

John H. Josselyn, Director  
2A Maryland

# A Nation of Cowards

by Jeffrey R. Snyder

**O**UR SOCIETY has reached a pinnacle of self-expression and respect for individuality rare or unmatched in history. Our entire popular culture -- from fashion magazines to the cinema -- positively screams the matchless worth of the individual, and glories in eccentricity, nonconformity, independent judgment, and self-determination. This enthusiasm is reflected in the prevalent notion that helping someone entails increasing that person's "self-esteem"; that if a person properly values himself, he will naturally be a happy, productive, and, in some inexplicable fashion, responsible member of society.

And yet, while people are encouraged to revel in their individuality and incalculable self-worth, the media and the law enforcement establishment continually advise us that, when confronted with the threat of lethal violence, we should not resist, but simply give the attacker what he wants. If the crime under consideration is rape, there is some notable waffling on this point, and the discussion quickly moves to how the woman can change her behavior to minimize the risk of rape, and the various ridiculous, non-lethal weapons she may acceptably carry, such as whistles, keys, mace or, that weapon which really sends shivers down a rapist's spine, the portable cellular phone.

Now how can this be? How can a person who values himself so highly calmly accept the indignity of a criminal assault? How can one who believes that the essence of his dignity lies in his self-determination passively accept the forcible deprivation of that self-determination? How can he, quietly, with great dignity and poise, simply hand over the goods?

The assumption, of course, is that there is no inconsistency. The advice not to resist a criminal assault and simply hand over the goods is founded on the notion that one's life is of incalculable value, and that no amount of property is worth it. Put aside, for a moment, the outrageousness of the suggestion that a criminal who proffers lethal violence should be treated as if he has instituted a new social contract "I will not hurt or kill you if you give me what I want." For years, feminists have labored to educate people that rape is not about sex, but about domination, degradation, and control. Evidently, someone needs to inform the law enforcement establishment and the media that kidnapping, robbery, carjacking, and assault are not about property.

Crime is not only a complete disavowal of the social contract, but also a commandeering of the victim's person and liberty. If the individual's dignity lies in the fact that he is a moral agent engaging in actions of his own will, in free exchange with others, then crime always violates the victim's dignity. It is, in fact, an act of enslavement. Your wallet, your purse, or your car may not be worth your life, but your dignity is; and if it is not worth fighting for, it can hardly be said to exist.

## **The Gift of Life**

Although difficult for modern man to fathom, it was once widely believed that life was a gift from God, that not to defend that life when offered violence was to hold God's gift in contempt, to be a coward and to breach one's duty to one's community. A sermon given in Philadelphia in 1747 unequivocally equated the failure to defend oneself with suicide:

*He that suffers his life to be taken from him by one that hath no authority for that purpose, when he might preserve it by defense, incurs the Guilt of Self Murder since God hath enjoined him to seek the continuance of his life, and Nature itself teaches every creature to defend itself.*

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

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## **Do you Feel Lucky?**

In 1991, when then-Attorney General Richard Thornburgh released the FBI's annual crime statistics, he noted that it is now more likely that a person will be the victim of a violent crime than that he will be in an auto accident. Despite this, most people readily believe that the existence of the police relieves them of the responsibility to take full measures to protect themselves. The police, however, are not personal bodyguards. Rather, they act as a general deterrent to crime, both by their presence and by apprehending criminals after the fact. As numerous courts have held, they have no legal obligation to protect anyone in particular. You cannot sue them for failing to prevent you from being the victim of a crime.

Insofar as the police deter by their presence, they are very, very good. Criminals take great pains not to commit a crime in front of them. Unfortunately, the corollary is that you can

pretty much bet your life (and you are) that they won't be there at the moment you actually need them.

Should you ever be the victim of an assault, a robbery, or a rape, you will find it very difficult to call the police while the act is in progress, even if you are carrying a portable cellular phone. Nevertheless, you might be interested to know how long it takes them to show up. Department of Justice statistics for 1991 show that, for all crimes of violence, Only 2 percent of calls are responded to within five minutes. The idea that protection is a service people can call to have delivered and expect to receive in a timely fashion is often mocked by gun owners, who love to recite the challenge, "call for a cop, call for an ambulance, and call for a pizza. See who shows up first."

Many people deal with the problem of crime by convincing themselves that they live, work, and travel only in special "crime-free" zones. Invariably, they react with shock and hurt surprise when they discover that criminals do not play by the rules and do not respect these imaginary boundaries. If, however, you understand that crime can occur anywhere at anytime, and if you understand that you can be maimed or mortally wounded in mere seconds, you may wish to consider whether you are willing to place the responsibility for safeguarding your life in the hands of others.

### **Power and Responsibility**

Is your life worth protecting? If so, whose responsibility is it to protect it? If you believe that it is the police's, not only are you wrong since the courts universally rule that they have no legal obligation to do so -- but you face some difficult moral quandaries. How can you rightfully ask another human being to risk his life to protect yours, when you will assume no responsibility yourself? Because that is his job and we pay him to do it? Because your life is of incalculable value, but his is only worth the \$30,000 salary we pay him? If you believe it reprehensible to possess the means and will to use lethal force to repel a criminal assault, how can you call upon another to do so for you?

Do you believe that you are forbidden to protect yourself because the police are better qualified to protect you, because they know what they are doing but you're a rank amateur? Put aside that this is equivalent to believing that only concert pianists may play the piano and only professional athletes may play sports. What exactly are these special qualities possessed only by the police and beyond the rest of us mere mortals?

One who values his life and takes seriously his responsibilities to his family and community will possess and cultivate the means of fighting back, and will retaliate when threatened with death or grievous injury to himself or a loved one. He will never be content to rely solely on others for his safety or to think he has done all that is possible by being aware of his surroundings and taking measures of avoidance. Let's not mince words: He will be armed, will be trained in the use of his weapon, and will defend himself when faced with lethal violence.

Fortunately, there is a weapon for preserving life and liberty that can be wielded effectively by almost anyone - the handgun. Small and light enough to be carried habitually, lethal, but unlike the knife or sword, not demanding great skill or strength, it truly is the "great equalizer." Requiring only hand-eye coordination and a modicum of ability to remain cool under pressure, it can be used effectively by the old and the weak against the young and the strong, by the one against the many.

The handgun is the only weapon that would give a lone female jogger a chance of prevailing against a gang of thugs intent on rape, a teacher a chance of protecting children at recess from a madman intent on massacring them, a family of tourists waiting at a mid-town subway station the means to protect themselves from a gang of teens armed with razors and knives.

But since we live in a society that by and large outlaws the carrying of arms, we are brought into the fray of the Great American Gun War. Gun control is one of the most prominent battlegrounds in our current culture wars. Yet it is unique in the half-heartedness with which our conservative leaders and pundits -- our "conservative elite" -- do battle, and have conceded the moral high ground to liberal gun control proponents. It is not a topic often written about or written about with any great fervor, by William F. Buckley or Patrick Buchanan. As drug czar, William Bennett advised President Bush to ban "assault weapons." George Will is on record as recommending the repeal of the Second Amendment, and Jack Kemp is on record as favoring a ban on the possession of semiautomatic "assault weapons." The battle for gun rights is one fought predominantly by the common man. The beliefs of both our liberal and conservative elites are in fact abetting the criminal rampage through our society.

### **Selling Crime Prevention**

By any rational measure, nearly all gun control proposals are hokum. The Brady Bill, for example, would not have prevented John Hinckley from obtaining a gun to shoot President Reagan; Hinckley purchased his weapon five months before that attack, and his medical records could not have served as a basis to deny his purchase of a gun, since medical records are not public documents filed with the police. Similarly, California's waiting period and background check did not stop Patrick Purdy from purchasing the "assault rifle" and handguns he used to massacre children during recess in a Stockton schoolyard; the felony conviction that would have provided the basis for stopping the sales did not exist, because Mr. Purdy's previous weapons violations were plea-bargained down from felonies to misdemeanors.

In the mid-sixties there was a public service advertising campaign targeted at car owners about the prevention of car theft. The purpose of the ad was to urge car owners not to leave their keys in their cars. The message was, "Don't help a good boy go bad. The implication was that, by leaving his keys in his car, the normal, law-abiding car owner was contributing to the delinquency of minors who, if they just weren't tempted beyond their limits, would be "good." Now, in those

days people still had a fair sense of just who was responsible for whose behavior. The ad succeeded in enraging a goodly portion of the populace and was soon dropped.

Nearly all of the gun control measures offered by Handgun Control, Inc. (HCI) and its ilk employ the same philosophy. They are founded on the belief that America's law-abiding gun owners are the source of the problem. With their unholy desire for firearms, they are creating a society awash in a sea of guns, thereby helping good boys go bad, and helping bad boys be badder. This laying of moral blame for violent crime at the feet of the law-abiding, and the implicit absolution of violent criminals for their misdeeds, naturally infuriates honest gun owners.

The files of HCI and other gun control organizations are filled with proposals to limit the availability of semiautomatic and other firearms to law-abiding citizens, and barren of proposals for apprehending and punishing violent criminals. It is ludicrous to expect that the proposals of HCI, or any gun control laws, will significantly curb crime. According to Department of Justice and Bureau of Alcohol, Tobacco and Firearms (ATF) statistics, fully 90 percent of violent crimes are committed without a handgun, and 93 percent of the guns obtained by violent criminals are not obtained through the lawful purchase and sale transactions that are the object of most gun control legislation. Furthermore, the number of violent criminals is minute in comparison to the number of firearms in America -- estimated by the ATF at about 200 million, approximately one-third of which are handguns. With so abundant a supply, there will always be enough guns available for those who wish to use them for nefarious ends, no matter how complete the legal prohibitions against them, or how draconian the punishment for their acquisition or use. No, the gun control proposals of HCI and other organizations are not seriously intended as crime control. Something else is at work here.

### **The Tyranny of the Elite**

Gun control is a moral crusade against a benighted, barbaric citizenry. This is demonstrated not only by the ineffectualness of gun control in preventing crime, and by the fact that it focuses on restricting the behavior of the law-abiding rather than apprehending and punishing the guilty, but also by the execration that gun control proponents heap on gun owners and their evil instrumentality, the NRA. Gun owners are routinely portrayed as uneducated, paranoid rednecks fascinated by and prone to violence, i.e., exactly the type of person who Opposes the liberal agenda and whose moral and social "re-education" is the object of liberal social policies. Typical of such bigotry is New York Governor Mario Cuomo's famous characterization of gun-owners as hunters who drink beer, don't vote, and lie to their wives about where they were all weekend. Similar vituperation is rained upon the NRA, characterized by Sen. Edward Kennedy as the "pusher's best friend," lampooned in political cartoons as standing for the right of children to carry firearms to school and, in general, portrayed as standing for an individual's God-given right to blow people away at will.

The stereotype is, of course, false. As criminologist and constitutional lawyer Don B. Kates, Jr. and former HCI contributor Dr. Patricia Harris have pointed out, "studies consistently show that, on the average, gun owners are better educated and have more prestigious jobs than non-owners.... Later studies show that gun owners are \*less\* likely than non-owners to approve of police brutality, violence against dissenters, etc."

Conservatives must understand that the antipathy many liberals have for gun owners arises in good measure from their statist utopianism. This habit of mind has nowhere been better explored than in *The Republic*. There, Plato argues that the perfectly just society is one in which an unarmed people exhibit virtue by minding their own business in the performance of their assigned functions, while the government of philosopher-kings, above the law and protected by armed guardians unquestioning in their loyalty to the state, engineers, implements, and fine-tunes the creation of that society, aided and abetted by myths that both hide and justify their totalitarian manipulation.

### **The Unarmed Life**

When columnist Carl Rowan preaches gun control and uses a gun to defend his home, when Maryland Gov. William Donald Schaefer seeks legislation year after year to ban semi-automatic "assault weapons" whose only purpose, we are told, is to kill people, while he is at the same time escorted by state police armed with large-capacity 9mm semi-automatic pistols, it is not simple hypocrisy. It is the workings of that habit of mind possessed by all superior beings who have taken upon themselves the terrible burden of civilizing the masses and who understand, like our Congress, that laws are for other people. The liberal elite know that they are philosopher-kings. They know that the people simply cannot be trusted; that they are incapable of just and fair self-government; that left to their own devices, their society will be racist, sexist, homophobic, and inequitable -- and the liberal elite know how to fix things. They are going to help us live the good and just life, even if they have to lie to us and force us to do it. And they detest those who stand in their way.

The private ownership of firearms is a rebuke to this utopian zeal. To own firearms is to affirm that freedom and liberty are not gifts from the state. It is to reserve final judgment about whether the state is encroaching on freedom and liberty, to stand ready to defend that freedom with more than mere words, and to stand outside the state's totalitarian reach.

### **The Florida Experience**

The elitist distrust of the people underlying the gun control movement is illustrated beautifully in HCI's campaign against a new concealed-carry law in Florida. Prior to 1987, the Florida law permitting the issuance of concealed-carry permits was administered at the county level. The law was vague, and, as a result, was subject to conflicting interpretation and political manipulation. Permits were issued principally to security personnel and the privileged few with political connections. Permits were valid only within the county of issuance.

In 1987, however, Florida enacted a uniform concealed-carry law which mandates that county authorities issue a permit to anyone who satisfies certain objective criteria. The law requires that a permit be issued to any applicant who is a resident, at least twenty-one years of age, has no criminal record, no record of alcohol or drug abuse, no history of mental illness, and provides evidence of having satisfactorily completed a firearms safety course offered by the NRA or other competent instructor. The applicant must provide a set of fingerprints, after which the authorities make a background check. The permit must be issued or denied within ninety days, is valid throughout the state, and must be renewed every three years, which provides authorities a regular means of reevaluating whether the permit holder still qualifies.

Passage of this legislation was vehemently opposed by HCI and the media. The law, they said, would lead to citizens shooting each other over everyday disputes involving fender benders, impolite behavior, and other slights to their dignity. Terms like "Florida, the Gunshine State" and "Dodge City East" were coined to suggest that the state, and those seeking passage of the law, were encouraging individuals to act as judge, jury, and executioner in a "Death Wish" society.

No HCI campaign more clearly demonstrates the elitist beliefs underlying the campaign to eradicate gun ownership. Given the qualifications required of permit holders, HCI and the media can only believe that common law-abiding citizens are seething cauldrons of homicidal rage, ready to kill to avenge any slight to their dignity, eager to seek out and summarily execute the lawless. Only lack of immediate access to a gun restrains them and prevents the blood from flowing in the streets. They are so mentally and morally deficient that they would mistake a permit to carry a weapon in self-defense as a state-sanctioned license to kill at will. Did the dire predictions come true? Despite the fact that Miami and Dade County have severe problems with the drug trade, the homicide rate fell in Florida following enactment of this law, as it did in Oregon following enactment of similar legislation there. There are, in addition, several documented cases of new permit holders successfully using their weapons to defend themselves. Information from the Florida Department of State shows that, from the beginning of the program in 1987 through June 1993, 160,823 permits have been issued, and only 530, or about 0.33 percent of the applicants, have been denied a permit for failure to satisfy the criteria, indicating that the law is benefitting those whom it was intended to benefit -- the law abiding. Only 16 permits, less than 1/100th of 1 percent, have been revoked due to the post-issuance commission of a crime involving a firearm.

The Florida legislation has been used as a model for legislation adopted by Oregon, Idaho, Montana, and Mississippi. There are, in addition, seven other states (Maine, North and South Dakota, Utah, Washington, West Virginia and, with the exception of cities with a population in excess of 1 million, Pennsylvania) which provide that concealed-carry permits must be issued to law-abiding citizens who satisfy various objective criteria. Finally, no permit is required at all in Vermont. Altogether, then, there are thirteen states in which law-abiding citizens who wish to carry arms to defend themselves may do so. While no one appears to have compiled the statistics from



all of these jurisdictions, there is certainly an ample data base for those seeking the truth about the trustworthiness of law-abiding citizens who carry firearms.

Other evidence also suggests that armed citizens are very responsible in using guns to defend themselves. Florida State University criminologist Gary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The "error rate" for the police, however, was 11 percent, over five times as high.

It is simply not possible to square the numbers above and the experience of Florida with the notions that honest, law-abiding gun owners are borderline psychopaths itching for an excuse to shoot someone, vigilantes eager to seek out and summarily execute the lawless, or incompetent fools incapable of determining when it is proper to use lethal force in defense of their lives. Nor upon reflection should these results seem surprising. Rape, robbery, and attempted murder are not typically actions rife with ambiguity or subtlety, requiring special powers of observation and great book-learning to discern. When a man pulls a knife on a woman and says, "You're coming with me," her judgment that a crime is being committed is not likely to be in error. There is little chance that she is going to shoot the wrong person. It is the police, because they are rarely at the scene of the crime when it occurs, who are more likely to find themselves in circumstances where guilt and innocence are not so clear-cut, and in which the probability for mistakes is higher.

## **Arms and Liberty**

Classical republican philosophy has long recognized the critical relationship between personal liberty and the possession of arms by a people ready and willing to use them. Political theorists as dissimilar as Niccolo Machiavelli, Sir Thomas More, James Harrington, Algernon Sidney, John Locke, and Jean-Jacques Rousseau all shared the view that the possession of arms is vital for resisting tyranny, and that to be disarmed by one's government is tantamount to being enslaved by it. The possession of arms by the people is the ultimate warrant that government governs only with the consent of the governed. As Kates has shown, the Second Amendment is as much a product of this political philosophy as it is of the American experience in the Revolutionary War. Yet our conservative elite has abandoned this aspect of republican theory. Although our conservative pundits recognize and embrace gun owners as allies in other arenas, their battle for gun rights is desultory. The problem here is not a statist utopianism, although goodness knows that liberals are not alone in the confidence they have in the state's ability to solve society's problems. Rather, the problem seems to lie in certain cultural traits shared by our conservative and liberal elites.

One such trait is an abounding faith in the power of the word. The failure of our conservative elite to defend the second Amendment stems in great measure from an overestimation of the power of the rights set forth in the First Amendment, and a general undervaluation of action. Implicit in calls for the repeal of the Second Amendment is the assumption that our First Amendment rights are sufficient to preserve our liberty. The belief is that liberty can be preserved as long as men freely speak their minds; that there is no tyranny or abuse that can survive being exposed in the press; and that the truth need only be disclosed for the culprits to be shamed. The people will act, and the truth shall set us, and keep us, free.

History is not kind to this belief, tending rather to support the view of Hobbes, Machiavelli, and other republican theorists that only people willing and able to defend themselves can preserve their liberties. While it may be tempting and comforting to believe that the existence of mass electronic communication has forever altered the balance of power between the state and its subjects, the belief has certainly not been tested by time, and what little history there is in the age of mass communication is not especially encouraging. The camera, radio, and press are mere tools and, like guns, can be used for good or ill. Hitler, after all, was a masterful orator, used radio to very good effect, and is well known to have pioneered and exploited the propaganda opportunities afforded by film. And then, of course, there were the Brownshirts, who knew very well how to quell dissent among intellectuals.

### **Polite Society**

In addition to being enamored of the power of words, our conservative elite shares with liberals the notion that an armed society is just not civilized or progressive, that massive gun ownership is a blot on our civilization. This association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time.

Should you read English literature from the sixteenth through nineteenth centuries, you will discover numerous references to the fact that a gentleman, especially when out at night or traveling, armed himself with a sword or a pistol against the chance of encountering a highwayman or other such predator. This does not appear to have shocked the ladies accompanying him. True, for the most part there were no police in those days, but we have already addressed the notion that the presence of the police absolves people of the responsibility to look after their safety, and in any event the existence of the police cannot be said to have reduced crime to negligible levels.

It is by no means obvious why it is "civilized" to permit oneself to fall easy prey to criminal violence, and to permit criminals to continue unobstructed in their evil ways. While it may be that a society in which crime is so rare that no one ever needs to carry a weapon is "civilized," a society that stigmatizes the carrying of weapons by the law-abiding -- because it distrusts its citizens more than it fears rapists, robbers, and murderers -- certainly cannot claim this distinction. Perhaps the notion that defending oneself with lethal force is not civilized arises from the view that violence is always wrong, or the view that each human being is of such intrinsic worth that it is wrong to

kill anyone under any circumstances. The necessary implication of these propositions, however, is that life is not worth defending. Far from being "civilized," the beliefs that counterviolence and killing are always wrong are an invitation to the spread of barbarism. Such beliefs announce loudly and clearly that those who do not respect the lives and property of others will rule over those who do.

In truth, one who believes it wrong to arm himself against criminal violence shows contempt of God's gift of life (or, in modern parlance, does not properly value himself), does not live up to his responsibilities to his family and community, and proclaims himself mentally and morally deficient, because he does not trust himself to behave responsibly. In truth, a state that deprives its law-abiding citizens of the means to effectively defend themselves is not civilized but barbarous becoming an accomplice of murderers, rapists, and thugs and revealing its totalitarian nature by its tacit admission that the disorganized, random havoc created by criminals is far less a threat than are men and women who believe themselves free and independent, and act accordingly.

While gun control proponents and other advocates of a kinder, gentler society incessantly decry our "armed society," in truth we do not live in an armed society. We live in a society in which violent criminals and agents of the state habitually carry weapons, and in which many law-abiding citizens own firearms but do not go about armed. Department of Justice statistics indicate that 87 percent of all violent crimes occur outside the home. Essentially, although tens of millions own firearms, we are an unarmed society.

### **Take Back the Night**

Clearly the police and the courts are not providing a significant brake on criminal activity. While liberals call for more poverty, education, and drug treatment programs, conservatives take a more direct tack. George Will advocates a massive increase in the number of police and a shift toward "community-based policing." Meanwhile, the NRA and many conservative leaders call for laws that would require violent criminals serve at least 85 percent of their sentences and would place repeat offenders permanently behind bars.

Our society suffers greatly from the beliefs that only official action is legitimate and that the state is the source of our earthly salvation. Both liberal and conservative prescriptions for violent crime suffer from the "not in my job description" school of thought regarding the responsibilities of the law-abiding citizen, and from an overestimation of the ability of the state to provide society's moral moorings. As long as law-abiding citizens assume no personal responsibility for combatting crime, liberal and conservative programs will fail to contain it.

Judging by the numerous articles about concealed-carry in gun magazines, the growing number of products advertised for such purpose, and the increase in the number of concealed-carry applications in states with mandatory-issuance laws, more and more people, including growing numbers of women, are carrying firearms for self-defense. Since there are still many states in which the issuance of permits is discretionary and in which law enforcement officials routinely

deny applications, many people have been put to the hard choice between protecting their lives or respecting the law. Some of these people have learned the hard way, by being the victim of a crime, or by seeing a friend or loved one raped, robbed, or murdered, that violent crime can happen to anyone, anywhere at anytime, and that crime is not about sex or property but life, liberty, and dignity.

The laws proscribing concealed-carry of firearms by honest, law-abiding citizens breed nothing but disrespect for the law. As the Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust. Laws disarming honest citizens proclaim that the government is the master, not the servant, of the people. A federal law along the lines of the Florida statute -- overriding all contradictory state and local laws and acknowledging that the carrying of firearms by law-abiding citizens is a privilege and immunity of citizenship -- is needed to correct the outrageous conduct of state and local officials operating under discretionary licensing systems.

What we certainly do not need is more gun control. Those who call for the repeal of the Second Amendment so that we can really begin controlling firearms betray a serious misunderstanding of the Bill of Rights. The Bill of Rights does not grant rights to the people, such that its repeal would legitimately confer upon government the powers otherwise proscribed. The Bill of Rights is the list of the fundamental, inalienable rights, endowed in man by his Creator, that define what it means to be a free and independent people, the rights which must exist to ensure that government governs only with the consent of the people.

At one time this was even understood by the Supreme Court. In *United States v. Cruikshank* (1876), the first case in which the Court had an opportunity to interpret the Second Amendment, it stated that the right confirmed by the Second Amendment "is not a right granted by the constitution. Neither is it in any manner dependent upon that instrument for its existence." The repeal of the Second Amendment would no more render the outlawing of firearms legitimate than the repeal of the due process clause of the Fifth Amendment would authorize the government to imprison and kill people at will. A government that abrogates any of the Bill of Rights, with or without majoritarian approval, forever acts illegitimately, becomes tyrannical, and loses the moral right to govern.

This is the uncompromising understanding reflected in the warning that America's gun owners will not go gently into that good, utopian night: "You can have my gun when you pry it from my cold, dead hands." While liberals take this statement as evidence of the retrograde, violent nature of gun owners, we gun owners hope that liberals hold equally strong sentiments about their printing presses, word processors, and television cameras. The Republic depends upon fervent devotion to all our fundamental rights.

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This is the article that changed George Will's mind on firearms ownership & the Second Amendment. He drew national attention to it in his November 15, 1993 Newsweek editorial. Where Will previously called for the repeal of the Second Amendment, he now recognizes that access to effective defense is indeed a right (& responsibility). Jeff Chan obtained reprint permission for the Internet for Jeffrey Snyder's "A Nation of Cowards". It may be reproduced freely, including forwarding copies to politicians, provided that it is not distributed for profit and subscription information is included.

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