

A proper AK-47 is a machine gun requiring a federal permit.

A civil right we have as long as we do not exercise it is not a civil right at all but the fantasy of a right. The gun lobby cannot win the right it wants in court, secured by government. The courts have delivered a devastating defeat to the core doctrine. The gun lobby has to have its fantasy of a right by defeating legislation. It defeats legislation with demagoguery. The strategy makes for much cynical, small-minded, obstructionist politics.

As part of its strategy, the NRA has of necessity to attack viciously any hint of a deviation ever so small from the political ideology and the agenda. Any crack in the fallacious constitutional facade and the whole fallacious constitutional edifice will come crashing down.

There is a precedent for where the childish political fantasy leads. When Adolph Hitler want a constitutional amendment (*das Ermachtigungsgetz*, March 33, 1933) that would empower him to rule decree, he brought this "armed citizen guerrillas," called "Stormtroopers," into the legislative chambers with him to ensure the vote. There is more than one slippery slope to worry about. *The greatest political danger is a government that does not understand what it means to be a government.* The rule of law, the state's internal sovereignty and the state's monopoly on violence all mean the same thing.

The gun rights militants worry about government run amok. The concern about "government run amok" is the political cynicism that opposes the twentieth century social contract. Meanwhile, the rest of us can worry about "armed citizen guerrillas" run amok.

A very important part of understanding the challenge is understanding that the gun lobby's most reliable asset, the one the NRA calls the "rabidly antigun *Washington Post*" prints this anarchic, insurrectionist doctrine uncritically and in relative abundance.

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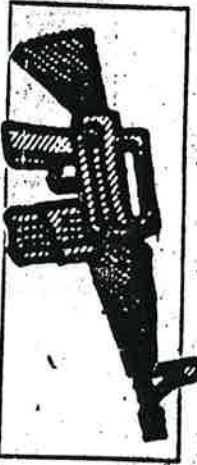
The Founders and the AK-47

The hostility provoked by the National Rifle Association's ad "... The Right of the People to Keep and Bear Arms..." which pictured a bloodied student surrounded by helmeted Chinese soldiers—points up the public's misconceptions regarding the importance of the U.S. Constitution's Second Amendment. Readers who chided The Post for even accepting the ad [Free for All, July 1] are avoiding public discussion of a controversial but vital issue.

Notwithstanding The Post's editorial gibe [June 23] that the ad simply needlessly implied that "you can never tell about governments," this is precisely what the Framers of the American Constitution believed. Detailed and sophisticated public discussions were led by Alexander Hamilton and James Madison in 1787-88 on the inclinations of all governments to keep expanding their prerogatives, both by sudden arrogations of power and by gradually chipping away at democratic processes at the expense of civil liberties (The Federalist Papers, Nos. 12, 19, 28, 39, 46 and 48). European history

Taking Exception

revealed countless betrayals of citizens by their rulers. The Founding Fathers concluded that such travesties of government were made possible by undemocratic structures and also by the failure of those regimes to "trust the people with arms" (Federalist, No. 46). Our constitutional Framers were proud to be different from "almost every other nation" in approving of their already armed population (Federalist, No. 46). Actual shooting revolutions were what the Framers wanted to avoid at all costs. The "devastation and carnage" (Federalist,



No. 19) endured by other peoples convinced them that the best way to prevent such disasters in America was not to trust wholly to paper guarantees, but also to rely upon the fact that Americans would continue to keep privately owned firearms. Such arms would act as a quiet but tangible deterrent upon government criminality and despotism and function as a "barrier" (Federalist, No. 46) against governmental acts that might provoke armed rebellion. It was such subtle political considerations—not frontier conditions, hunting pleasures or the Indian threat—that concerned the Framers when they premised the entire American republican form of government upon the understanding contained in the Second Amendment, that the people would always be armed:

"A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms shall not be infringed."

The private individual right to own and use arms was thereby guaranteed. "Militia" in colonial parlance did not refer to men in uniform but meant every male in the community capable of carrying arms (as noted by contemporary scholar Don Higginbotham), Hamilton himself spoke of "the whole nation" or "the population at large" as the militia (Federalist, No. 28). "Arms" in this context were those weapons suitable for use in a one-to-one encounter. Indeed, a proposal to limit the language of the amendment to

cover only public defense was soundly defeated in the very first session of the U.S. Senate in September 1789.

A disarmed population is forced to resort to the most desperate measures. The storming of the Bastille, which ushered in the 1789 French Revolution, was motivated by the desire to obtain the gunpowder stored there. Cobblestones and uprooted trees were the implements of frustrated French revolutionaries in the early 1830s, as vividly described in "Les Misérables." Likewise in 1989 Beijing, the Chinese students having



found nonviolence futile, tore up the sidewalks and trees for ammunition and barricades. The point is not that the demonstrators should have confronted the army with weapons but that if all Chinese citizens kept arms, their rulers would hardly have dared to massacre the demonstrators, to say nothing of the continuing purges and executions taking place now.

Once a population is disarmed, any calamity is possible. The contrived Ukrainian "Harvest of Sorrow" famine of 1932-33 was preceded by the confiscation of civilian-owned rifles. Strict registration requirements, introduced in 1926, provided convenient lists of rifle owners and streamlined seizures by the police.

Constitutional principles accommodate modern technology. If the right to private ownership of firearms is limited to the colonists' muskets, by the same logic, free-

dom of speech does not cover radio, movies and TV, but is confined to the unamplified, untransmitted voice. The private keeping of hand-held personal firearms is within the constitutional design for a counter to government run amok, as when the military and police use such firearms against their fellow nationals. As the Tiananmen Square tragedy showed so graphically, AK-47s fall into that category of weapons, and that is why they are protected by the Second Amendment.

Twentieth-century military machines are far from invincible when outflanked by armed citizen guerrillas. Tanks and even high-tech military hardware were unavailing to the U.S. forces in Vietnam and the Russians in Afghanistan.

The price of liberty? Certainly firearms come into the hands of children, disturbed people and criminals. Needless deaths and injuries do result. Even so, the number of gun-related deaths in the United States including Stockton, Calif.-type mayhem is approximately 20,000 annually, which includes 10,000 suicides. Compare that with the millions of deaths (including untold numbers of children) in the Ukraine and the carnage of youngsters in China. If we do not understand and cherish the Second Amendment, it can happen here.

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