Friends, Enemies, Firearms:

American Gun Rights and the Economy of Racial Harm

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A dissertation

submitted in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

University of Washington

2023

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Program Authorized to Offer Degree:

Political Science

University of Washington

Abstract

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Who is the legitimate subject of gun rights? Throughout American history this question has been answered with racial exclusions both formal and informal. This dissertation tracks the development of the idea of gun rights as a marker of full citizenship, a status that has been racially demarcated since colonial times. In three case studies I show how the American gun debate is saturated with ideas of racial threat, and how gun rights have been deployed to manage an ever-evolving economy of racial harm. I begin by charting the origins of the economy of racial harm in the American colonies, in which Native Americans and Blacks, figured as racialized Others, loom dangerously over the body politic, threatening both its *telos* and its survival. In response, the American colonies and the American state sought to prevent racial harm to whites through robust gun rights for white Americans and firearm

restrictions for non-whites. Next, I turn to a new era in the gun debate, in which gun control proponents in the 1960s, after losing the gun policy battle for most of the decade, advanced a new racial harm frame in which guns were a primary cause of Black oppression, as new data on gun violence in Black ghettos seemed to demonstrate. Although gun control advocates sought to transcend racial harm through rational government, gun control opponents, motivated by a desire to protect white sovereignty in the post-Civil Rights landscape, appropriated the language of racial harm to argue that gun control was the true cause of racial harm to Blacks. In place of gun control they pushed for harsher penalties for criminal gun use, a compromise that protected white gun rights at the expense of Black men's freedom. Finally, I examine the propagation of the gun rights movement's antiracist rhetorical frame from the 2010s to the present, which has become one of the most effective tools in the campaign to expand the right to carry firearms. This frame emphasizes Black Americans' historical exclusion from gun rights and disparate vulnerability to violence in poor, racially segregated neighborhoods, a racial harm frame oriented around Black criminality as much as Black vulnerability. White gun advocates have propagated this antiracist rhetoric, promoting the notion that a multiracial coalition of gun owners is united against a common enemy, the (racialized) criminal. However, members of minority groups have seized ownership of the antiracist frame to defend their right to protect themselves, not from everyday crime, but from white supremacist violence. Thus, the antiracist frame has destabilized not only the white monopoly on gun rights, by expanding notions of who counts as a legitimate subject of gun rights, but also the white monopoly on gun rights rhetoric. Yet the broadening of mainstream gun rights subjecthood is predicated on

adherence to traditionally white, male conceptions of individual sovereignty and legitimate violence, inflaming fantasies of white sovereignty at the continued cost of predominantly Black lives.

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Introduction

In 1857, United States Supreme Court Chief Justice Roger B. Taney declared that the American Founders could not have intended free Blacks to become United States citizens in part because doing so would give them the right "to keep and carry arms wherever they went."[1] In the Court's majority opinion in *Dred Scot v. Sandford*, Taney painted a vivid picture of the mayhem that would ensue should free Blacks gain citizenship, arguing that the Founders could not have intended such a disorderly and dangerous outcome. To prove his case, he proffered a list of shocking developments that would follow a ruling that might imply a right to Black citizenship, which in addition to gun rights also included freedom of speech, assembly, and movement. Taney's originalist argument rested on the logic that the Court could work backward from the implications of Black citizenship to determine the Founders' original intent, and as one could plainly see, the Founders could not have intended Blacks to gain such an extent of liberty that they could freely arm themselves and carry firearms publicly.

While Taney intended his account of this "parade of horribles"[2] to delegitimize the idea of Blacks as potential U.S. citizens, today his argument is popular among gun rights proponents for what it says about the centrality of gun rights to citizenship in the mid-nineteenth century. We can, they argue, deduce from Taney's admittedly distasteful

[1] Dred Scott v. Sandford, 60 U.S. 393 (1857).

[2] Taney's enumeration of the dire consequences of Black citizenship is commonly referred to as a "parade of horribles" by gun rights enthusiasts. The phrase also appears in the 2022 *Bruen* decision.

opinion that gun rights were at the time of *Dred Scott* commonly understood as guaranteed by citizenship.[3] Advocates of this view claim that regardless of the Founders' intentions, interpretations of the Second Amendment as protecting an individual right to possess and use firearms were in broad circulation more than a century before the gun rights movement was born. This use of Taney's argument has become so widely accepted among gun rights proponents as a historically accurate view of gun rights as a vital privilege of citizenship that it has now appeared in two landmark Supreme Court cases on gun rights, first as supporting evidence in amicus briefs for *District of Columbia v. Heller* (2008),[4] and then in the majority opinion of the Court's most recent gun rights case, *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022).[5] On June 23, 2022, the Supreme Court used Taney's logic in its decision to strike down New York State's century-old law requiring handgun license applicants to demonstrate "proper cause," or a special need for a handgun, to be considered for a concealed-carry license. The Court held that these types of discretionary gun licensing statutes, known as "may-issue" laws, violate the Second Amendment right to bear arms.

That a conservative-majority Supreme Court would expand gun rights by declaring discretionary gun licensing schemes unconstitutional is not in itself surprising, as it builds on the momentum of the right-wing gun rights movement, which gained new strength in

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[3] This argument was popularized by lawyer and gun rights advocate Stephen P. Halbrook in the early 1980s, and appeared in Stephen P Halbrook, "The Jurisprudence of the Second and Fourteenth Amendments," *George Mason University Law Review* 4 (1981); and U.S. Congress, Senate, Subcommittee on the Constitution of the Committee on the Judiciary, *The Right to Keep and Bear Arms: Report of the Subcommittee on the Constitution of the Committee on the Judiciary*, 97th Cong., 2nd Sess., 1982, 68.

[4] District of Columbia v. Heller, 554 U.S. 570 (2008).

[5] New York State Rifle & Pistol Association., Inc. v. Bruen, 597 U.S. ___ (2022).

the mid-2000s with the National Rifle Association's push for "stand your ground" self-defense laws. More surprising is the juxtaposition of Taney's Black citizenship argument with antiracist critiques of discretionary gun licensing schemes, which comprised the other half of the Court's two-pronged racial argument. The Court, in other words, embraced consideration of race to strike down New York's Sullivan Law, bucking decades of "colorblind" jurisprudence by conservatives, in which race-conscious policy intended to redress past racial harms, such as affirmative action or the Voting Rights Act of 1965, is rejected as unconstitutional. Through the vehicle of gun rights, conservative justices embraced "playing the race card" to argue that although discretionary licensing schemes are technically colorblind, because they can be used to discriminate based on race, they are unconstitutional.

This arrival at a stage in the gun debate in which conservatives denounce colorblind laws for their disparate racial impacts signals a tectonic shift in how Americans on the political right speak about the relationship between guns, race, and citizenship, and this dissertation offers an interpretation of how that shift has occurred. The project of triangulating the appropriate relationship between guns, race, and citizenship began with the first racial clash in American history—that between British colonists and the Indigenous peoples of North America—continued during slavery and Jim Crow, and then became rooted in national politics and policymaking during the Civil Rights Era. The contemporary iteration of the debate grows out of these past understandings of the rights to citizenship and firearms ownership but retriangulates their relationship to race in ways that make race simultaneously more prominent in gun discourse and less relevant to the

ability to exercise the right to bear arms. As I will show through analyses of these eras of gun rights contestation, political antagonism between citizens and non-citizens, in-groups and out-groups, and political parties provided the generative force behind conceptions of gun rights that took root in each era. Each of these antagonisms has contributed to the development of gun discourse and policy, and each has been thoroughly entangled with questions of race.

These antagonisms represent two distinct levels of conflict at play in the history of gun rights contestation, which roughly correspond to the categories of foreign affairs and domestic affairs. However, the foreign political antagonisms are not hostilities between states but conflicts between the American state (and its original colonies) and non-members near or within the American territory. The proximity of these non-member enemies and threats to the American state is precisely what made firearms such a central part of the antagonism between them: superior access to weapons of war and self-defense could mean the difference between gaining a new territory or being repelled by indigenous tribes, between maintaining white control over slaves or risking a slave rebellion. Guns were thus critical to American state expansion, as well as to the construction and reinforcement of racial categories that served as longstanding proxies for citizen and non-citizen, insider and outsider.

At the level of domestic affairs, gun rights contestation occurs in the political arena primarily between political left and right. The left/right political antagonism began in the 1960s during the Civil Rights Movement, and while the antagonism itself does not mark a racial divide, race is a prominent background condition that has guided policy toward

continued racial exclusion since the Civil Rights Act ended racial segregation. Thus, the threat from outsiders or non-members still drives the demand for, and worry over, gun rights, but the domestic political clash occurs among insiders who disagree about firearms policy and the scope of the right to bear arms.

Through the frameworks of foreign and domestic political antagonism, this dissertation explores the racial history of American gun discourse and firearms policymaking. It treats gun discourse and policymaking as a series of "racial projects" primarily, though not exclusively, aimed toward preserving existing racial hierarchies. Michael Omi and Howard Winant define a racial project as "simultaneously an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines. Racial projects connect what race means in a particular discursive practice and the ways in which both social structures and everyday experiences are racially organized, based upon that meaning."[6] Throughout American history citizenship laws and determinations of membership in and exclusion from the body politic have been racial projects. Racial categories and the significance of race have been interpreted to justify the exclusion of non-whites or non-Europeans from citizenship, and the threat the excluded groups posed to the political community also justified their exclusion from gun rights. Political and racial insiders interpreted excluded/racialized groups as existential threats, dangerous enemies of the American political community and its political, social, and economic goals. The antagonistic

[6] Michael Omi and Howard Winant, *Racial Formation in the United States* (Routledge, 2014), 56.

relationship between the political community and its outsiders has intertwined with racial meaning-making to produce gun regulations and gun discourse that have both drawn on and reinforced racial exclusions. Inclusion, on the other hand, brings with it both a share in popular sovereignty and an implicit right to use private violence against the excluded. Distinctions between legitimate and illegitimate gun users can therefore serve as distinctions between citizens and outsiders: gun rights are a marker of full inclusion in the body politic.[7]

I draw on political theorist Chantal Mouffe's work for my analytical frameworks, employing different elements of her political theory in each chapter, although I begin Chapter 1 with mere inspiration from Mouffe. I follow her lead in reconsidering Carl Schmitt's "friend-enemy distinction" as the basis of politics and use Schmitt's argument both to explain how gun rights historically have been bestowed upon "friends" and withheld from "enemies" and to show that the need for American gun rights has been predicated on the existence of enemies that must be repulsed, enemies that pose an existential threat to the American political project and the American people. In this chapter, I trace the development of notions of existential threat that animated American gun policy and politics from colonial times to the 1960s. Repurposing Schmitt's friend-enemy distinction to examine exclusions from gun ownership, I show how the discursive construction of a looming threat to the American project, including the safety of white,

[7] For a discussion of how legal citizenship and gun rights have been bestowed in tandem throughout American history, see Pratheepan Gulasekaram, "'The People' of the Second Amendment: Citizenship and the Right to Bear Arms," *New York University Law Review* 85 (2010); Pratheepan Gulasekaram, "Guns and Membership in the American Polity," *William and Mary Bill of Rights Journal* 21 (2012).

Euro-American citizens, provided a justificatory framework for their right to own firearms and for the legal exclusion of racialized Others from that right.

In the second chapter, I follow Mouffe in applying the friend-enemy distinction to domestic American politics and take up the task of deconstructing the political antagonism that divides gun rights supporters from gun control advocates. I situate the origins of this antagonism in the 1960s congressional gun debate, when an ambitious gun control agenda primarily supported by legislators representing urban, liberal populations met fierce opposition from legislators in rural and conservative areas. I argue that the pro-regulation legislators, led by Senator Thomas Dodd (D-CT), constructed the issue of gun control along friend-enemy lines by defining opposition to the proposed regulations as illegitimate and a deviation from reasonable, rational discourse. I frame this antagonistic approach to political debate as a drive for consensus, not in the sense of true consensus-seeking negotiation, but rather as an unwillingness to imagine that reasonable people could disagree on the definition of the problem or on what should be done about it. Mouffe warns that consensus-oriented politics fails to offer true alternatives for the public's consideration and forecloses debate on questions of power, political arrangements, and other divisive matters. In Mouffe's words, by delegitimizing reasonable disagreement consensus-oriented politics erects "a frontier between what is negotiable in a liberal society and what is not negotiable." [8]

Gun control proponents insisted that reason demanded consensus around their policy proposals and attempted to "prove" the correctness of their position with empirical

[8] Chantal Mouffe, *The Return of the Political* (New York: Verso, 2005), 152.

evidence, a move that pushed the debate further away from questions of divisive matters and into the terrain of data. I argue that this new focus on data further hobbled negotiations in the gun debate, because it recentered the conflict on provable claims while contestation over values, meaning, and visions of the good life became even less welcome topics for consideration. Political antagonism thus stunted reasonable disagreement and in doing so created an impoverished gun discourse primarily attuned to statistics and the types of questions that can be answered with them. When in the late 1960s a new infusion of empirical data suggested that the problem of gun homicides was largely confined to Black communities, both sides of the gun debate followed this data toward new framings of the gun violence issue as a racial problem. The new orientation of the gun debate around racial harm to Blacks laid a discursive foundation for the development of the gun rights movement's antiracist frame decades later, a topic to which I turn in next chapter.

In Chapter 3, I excavate the meaning and utility of the recent proliferation of antiracist rhetoric by the gun rights movement. My analysis continues the theme of the friend-enemy distinction, drawing on Chantal Mouffe and Ernesto Laclau's work on hegemony and discourse theory to examine "gun rights subjectivity" or hegemonic ideas about which identity groups constitute the proper subjects of gun rights. The gun rights movement's recent embrace of antiracist rhetoric offers fertile ground for an examination of identity and meaning-making among movement organizations and individual members. It represents a jarring break from the longstanding logic linking gun rights to white men and gun crimes to Black men, as well as a rupture in the racialized friend-enemy distinction that had previously animated thinking about gun rights. I argue that although antiracist gun

rights rhetoric has frequently been motivated by desires to beat liberals at their own game—that is, calling out racism and deriding gun rights as harmful to minority groups—the assimilation of the language of racial equality into gun rights discourse has at least begun the process of dislodging the hegemonic understanding of gun rights as white men's rights.

The friend-enemy framing of gun rights offers a unique perspective on the development of ideas about race, citizenship, and gun rights because it illuminates the potential for the in-group/out-group distinction to morph over time and become oriented around a category other than race. The essential elements of the friend-enemy distinction need not be racialized, but can be reoriented around partisanship, a shared fear of crime, or a shared desire for a freedom characterized by government non-interference in Americans' private lives, including decisions about gun ownership and self-defense. Yet the friend-enemy distinction also suggests the impossibility of developing a fully inclusive conception of the proper subject of gun rights, precisely because the primary defense of gun ownership is the existence of a persistent enemy threat within American borders.

Chapter 1
Existential Threats

Introduction

The United States was founded through violence. Its territory was violently expropriated; its political order was established through violent revolution and maintained through violent exclusion; and its economy was built upon the violence of racial slavery. It is a country whose formative moments depended upon ordinary citizens' willingness to inflict violence on political outsiders to establish the nation, to build the American state, and to maintain tightly controlled boundaries around the political community.

Because of the country's inception in acts of violence committed by ordinary people, the primary tool of private violence, the firearm, has been a locus of political antagonism in the United States throughout its history. Since the colonial era the right to keep firearms has been a marker of democratic inclusion during wars both domestic and foreign, during slavery and after abolition, and during the Civil Rights Era. The right to possess firearms and the duty to bear arms in military service have demarcated the boundaries of legitimate citizenship, although the right and the duty have not always mapped neatly onto one another. Antagonism between the included and excluded preceded the need for firepower, but firearms became a crucial tool in maintaining the divide between insider and outsider, which although politically constructed was also fundamentally rooted in ascriptive or nationalistic distinctions between Us and Them. Each is a product of the political construction of existential threat.

Claiming a right to deadly weaponry presupposes the existence of an imminent or potential threat to life, especially when the goal is to justify disparate rights to the means of self-defense. Gun rights, however, have never accrued to the most vulnerable or most threatened members of American society, because the political assessment of risk also leans on politicized characterizations of the relative worth of different identity groups: which are trustworthy or threatening, and which are worth preserving or considered disposable. Although there have always been relative gradations of the worth of different racial, ethnic, and national groups in the United States, racial inclusion and exclusion have always been oriented around a binary opposition between the in-group and the most excluded out-group,[9] even though the boundaries of those groups shift over time. I argue that the opposition between the in-group and out-group, between Us and Them, reflects a distinction between friend and enemy, the kind of political differentiation political theorist Carl Schmitt argues is necessary to political unity within the *demos*. In the American gun rights debate "friends" are those whose gun rights deserve protection and "enemies" are those who should be barred from arms ownership because they pose a threat to life as we know it.

For most of U.S. history the friend-enemy distinction in gun politics has been a

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[9] In "The Racial Triangulation of Asian Americans," *Politics and Society* 27, no. 1 (1999), Claire Jean Kim offers a useful framework for understanding how a racial insider/outsider binary functions as a frame of reference for categorizing other races. She considers how Asian Americans have been triangulated in relation to the Black/white binary in the United States, arguing that races have been judged on at least two dimensions: superior/inferior and insider/foreigner. She locates Blacks as the most extremely "inferior," although they are also considered relative "insiders." Asians, by contrast, are positioned midway between white superiority and Black inferiority but at the extreme end of "foreign." The Black inferiority/white superiority binary is just one example of the way racial classifications are formed in relation to one another.

distinction between concrete groups of people: European settlers versus Native Americans, slaveholders versus slaves, or in the post-Civil Rights Era, simply whites versus Blacks. Non-whites and non-Europeans were excluded from gun ownership to preserve white dominance and prevent oppressed groups from rising up and contesting their position in the hierarchy, or violently overthrowing the established racial order. Friends and enemies were distinguishable by their race or ethnicity, conceived as categories of difference visible to the naked eye, a crucial element in a friend-enemy distinction within a single nation's borders, where friends and enemies share the same spaces and might otherwise be difficult to distinguish from one another. A friend-enemy distinction can bring clarity and comfort when the enemy is knowable and readily identifiable, and in a multicultural society ascriptive distinctions between insiders and outsiders are among the more straightforward criteria to separate insiders from outsiders.

Since the major civil rights gains of the 1960s, however, overt discrimination based on race or ethnicity has become politically untenable and socially unacceptable. As a result, gun rights discourse now demarcates more nebulous distinctions between friend and enemy, based not on ascriptive characteristics but on race-neutral standards such as the honest, law-abiding citizen versus the habitual lawbreaker, the thug, or the violent criminal. Yet as in the broader field of criminal justice racialized distinctions between Us and Them were merely repackaged in facially race-neutral terms rather than eliminated. Visible distinctions became amorphously attached to physical features, mannerisms, or styles of dress and comportment. The shift to the language of "colorblindness" in the political and legal discourse of the post-Civil Rights era obscured but did not eliminate the

racialized friend-enemy distinction, and the conservative-led criminalization of racial minorities and the racialization of crime that began after the enactment of the 1964 Civil Rights Act did critical work in taking the racialization of the enemy underground.[10]

The new friend-enemy distinction was colorblind, pitting "good guys" against criminals, domestic enemies who are both ubiquitous and ineradicable. Like a sovereign state's need to maintain an army in case its enemies become emergent threats, the gun rights movement argues that law-abiding citizens must remain well armed and prepared to defend themselves from the criminals in their midst. Yet criminals in this discursive frame are highly racialized, an outgrowth of the conservative crime-control agenda that developed during the 1960s as an effort to roll back to civil rights gains and reverse the "rights revolution," which dramatically expanded individual rights protections against state power, including rights to racial and gender equality and due process rights.

In the wake of the partisan realignment of the late 1960s, when white Southerners left the Democratic Party for the Republican Party, gun rights became an increasingly partisan issue, laying the groundwork for the movement's extreme rightward shift in the late 1970s. At that point the rightward-lurching Republican Party absorbed the new extremist gun rights rhetoric as a key component of its party platform.[11] Since then the construction of the friend-enemy distinction has been a political project of the right, while the left has pursued the problematization of gun possession *in toto*. While the political right

[10] Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," Studies in American Political Development 21, no. 2 (Fall 2007).

[11] Matthew J. Lacombe, *Firepower: How the NRA Turned Gun Owners into a Political Force* (Princeton: Princeton University Press, 2021).

orients the gun debate around a robust right for the law-abiding and harsh penalties for the "criminal class," the political left debates whether gun access should be protected at all. In other words, the friend-enemy distinction, once oriented around national threats, is now a deeply partisan project that resonates with conservative Americans and is rejected by the left as both racist and toxic to democracy.

As I will explore more deeply in Chapter 2, the partisan political clash over guns, crime, and racial progress comprises a secondary friend-enemy distinction, a purely political antagonism in which the right accuses the left of defanging the state, handicapping its ability to punish criminals and keep the public safe. In other words, conservative supporters of law-and-order policies and gun rights blame the left for the existential threat posed by criminality. The enemy is the left-leaning partisan who prefers policies that are soft on crime, who advocates robust rights for criminals and weak penalties for law-breaking, and who denies that individuals have a right to own and carry arms for self-defense. This enemy helped drive the rights revolution and has persisted in advocating social change as a remedy to rising crime, in stark contrast to the punitive model advanced by the right.[12]

In this chapter I examine archival legislative records to trace the evolution of the primary friend-enemy antagonism in the gun rights debate from its overtly racialized

[12] As many scholars have demonstrated, liberal politicians bought into the punitive model much more completely than the conservative movement (and the gun rights movement) have suggested, and the development of the carceral state as we know it had a great deal of bipartisan support. Nevertheless, the partisan divide remains central to the gun rights movement's framing of both the problem of crime and the demand for absolute gun rights. See Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); and Weaver, "Frontlash."

beginnings to its current, superficially race-neutral form. I argue that Carl Schmitt's friend-enemy distinction offers a productive framework for understanding the history of American gun rights, which illuminates both continuity and change between the earliest gun rights and restrictions and today's gun rights landscape. The struggle over gun rights also offers an opportunity to examine the central premises of Schmitt's conception of the political, because it hinges on distinctions between insiders and outsiders, rights-bearing subjects and rightless Others. Of course, at its most basic level the politics of gun rights is a struggle over a means to enact violence against menacing persons or peoples, be they threats to our personal safety, threats to the social order, or enemies of the state. When guns are framed as tools to quell such threats, decisions about who deserves gun rights are also declarations about who is considered an ally or an enemy. And debates about who qualifies as a legitimate subject of gun rights are therefore also debates about who counts as a legitimate rights-bearing subject.

Schmitt's Friend-Enemy Distinction

I will begin this analysis with a reconstruction of Schmitt's theory of the friend-enemy distinction, but first I want to note that Schmitt's thesis is meant to apply to relations between states, not to conflicting groups within a state. Chantal Mouffe extends Schmitt's thinking to domestic politics, but Schmitt would not have approved of her use of the friend-enemy distinction in this way, because fostering domestic conflict undermines state power and the unity of the political community. I follow Mouffe in considering domestic politics and internal conflicts in terms of the friend-enemy distinction, both normatively, as I weigh the value of Mouffe's political vision, and descriptively, as I frame

the structure of American gun rights conflicts in terms of antagonistic politics.

In *The Concept of the Political*, Carl Schmitt argues that the basis of politics is a state's power to distinguish its friends from its enemies in the international sphere.[13] For Schmitt, the distinction between friend and enemy is critical to a people's collective self-definition and to its internal cohesion as a political body. Engaging in the process of distinguishing the political community from outsiders entails identifying the values, beliefs, and norms that the community holds dear as well as those it finds objectionable or threatening. Thus, the identification of the enemy is also a clarification of the political community's most cherished ideals, which reinvigorates patriotic fervor and a sense of national unity around a common identity, affirming the values that members of the political community would be willing to fight and die for. Fostering cohesion by stirring these sentiments in the population is essential to a decisive state, which may "demand from its own members the readiness to die and unhesitatingly to kill enemies."[14] A less unified political body might be unable or unwilling to defend itself from threats to its way of life.

By contrast, the liberal, pluralistic state cannot engage in this process of distinction, both because it is unwilling to draw sharp borders between the political body and the excluded, and because the political body itself contains a plurality of interests and identities. The liberal state, by remaining open to new members and identity groups, loses the opportunity for self-definition and unification that the friend-enemy distinction provides. This problem points to one of the fundamental clashes between the political

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[13] Carl Schmitt, *The Concept of the Political,* trans. George Schwab (Chicago: University of Chicago Press, 2007), 20, 26.

[14] Schmitt, *Concept of the Political*, 46.

theories of Schmitt and liberal democratic theorists such as John Rawls, Jürgen Habermas, William Connolly, and Seyla Benhabib, which is whether a plurality of conceptions of the good life can coexist within the boundaries of a single state. For Schmitt, the answer is clear: pluralism unravels unity by establishing domestic disagreements as the norm, including partisan conflict and clashes between identity groups, whereas a cohesive state requires a high degree of homogeneity and harmony among citizens. The strength of the state as the "all-embracing political unit" depends upon internal unity, which is weakened by antagonisms among citizens, conflicts between political parties, and the "lack of objectivity in political decisions" characteristic of party politics.[15] Schmitt therefore rejects antagonisms in the domestic realm that are characteristic of liberal democracy, preferring instead unity under an authoritative sovereign, whose decisions are seen as objectively legitimate.

Recognition of the existential threat posed by an enemy will rally citizens around their common identity because cohesion grows when facing the possibility of external conflict. This is why Schmitt disdains domestic antagonisms inherent to party politics, which he argues have "the effect of weakening the common identity vis-à-vis another state."[16] Although the idea of a domestic identity formed through external antagonisms is not the entirety of a state's self-conception, it comprises a significant part of Schmitt's conception of the state. Yet the friend-enemy distinction is not to be mistaken for encouragement of conflict or of war, the most extreme political action available to a state.

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[15] Schmitt, *Concept of the Political*, 32.
[16] Schmitt, *Concept of the Political*, 32.

Rather, war is to be an "exceptional case that has an especially decisive meaning which exposes the core of the matter. For only real combat reveals the most extreme consequence of the political grouping of friend and enemy, and from this most extreme possibility human life derives its specifically political tension."[17] The possibility of conflict is a potentiality that serves as a reminder to a state and its citizens to protect and nurture their way of life. It is a reminder not to become complacent about the meaning of one's society, because the existence of a potential threat to one's way of life is a mirror in which a society might view and truly see its own specific context, its own unique characteristics and meanings.

Enemies become such precisely because their way of life threatens to negate one's own, but, counterintuitively, Schmitt suggests that violence and war are somewhat constrained by the friend-enemy distinction because the conflict between states is relative and imbued with meaning only by the parties to the conflict. It has no "truth" beyond these parties' perceptions and judgments. Of friend-enemy conflicts, Schmitt writes:

> These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party. Only the actual participants can correctly recognize, understand, and judge the concrete situation and settle the extreme case of conflict. Each participant can judge whether the adversary intends to negate his opponent's way of life and must therefore be resisted or fought to preserve one's own form of existence.[18]

In other words, the friend-enemy distinction relativizes conflict between enemies because it is not tied to absolute truths, but only to the enemy's presence as "the other, the

[17] Schmitt, *Concept of the Political*, 35.
[18] Schmitt, *Concept of the Political*, 27.

stranger."[19] It is simply a distinction one state and its people make in relation to another state and its people. The antagonism is relative and therefore does not involve appeals to outside perspectives or independently verified ideas of what is right or good or true. As Schmitt writes, "An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity." Although enemy states recognize one another as enemies, this recognition is bounded by the relativity and contingency of the conflict. We thus see a requirement of recognition of the Other that serves to check any impulses toward annihilation.

Therefore, the friend-enemy distinction limits conflicts between enemies to the (potentially violent) settling of disputes, as opposed to total annihilation of the enemy. Although Schmitt would not argue that a state must recognize another state's way of life as equally valid, he suggests that it must recognize the fact that the people within the enemy state are equally human.[20] A state's enemies are equally justified in defending their way of life, despite the (relative) wrongness of their worldview. There is, of course, the possibility of an entire people being extinguished by the enemy, but Schmitt poses this existential threat as the cause for entering conflict, not as the desired end of the conflict. Rather, he chooses more moderated language to describe the outcome of conflict, such as "repulsed," "fought," and "preserved," signifying that a war between enemies will likely end short of complete annihilation. War is fought to suppress or contain the enemy to protect a people's way of life, not to eradicate the enemy entirely, and the relative hostilities fostered by the

[19] Schmitt, *Concept of the Political*, 27.
[20] Schmitt, *Concept of the Political*, 54.

friend-enemy distinction are less "intense and inhuman" than wars waged on behalf of absolutes, such as good and evil, or universals, such as humanity as a whole.[21]

The existential threat posed by an enemy can awaken a complacent people to the reality that their way of life is neither inevitable nor universally valued, and that it must be protected, defended, and continually reinvigorated if it is to survive. The identification of an enemy is the clearest, starkest way to alert a society to the fact that their way of life is special and must be tended to and possibly reconceived or strengthened to succeed in besting the enemy. Schmitt's theory is in part a warning against complacency on the domestic front. International conflicts frequently spur nations to rally around their commonalities, and to create a unified identity that might have existed only weakly before an external threat was identified.

Although Schmitt envisions a unified citizenry under the auspices of a powerful and decisive state, this unity does not preclude the possibility that the state might also turn a critical eye on its own citizens. One of the main functions of the state is to secure stability through identification of threats, which can be both external and internal, and the necessity of internal peace to the state "compels it in critical situations to decide also upon the domestic enemy."[22] Once internal enemies are identified, the state may expel them from its territory, exclude them from citizenship, or otherwise punish them. In extreme circumstances the conflict between the state and its domestic enemies might also signal the beginning of a civil war and perhaps the end of the state's political legitimacy.[23]

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[21] Schmitt, *Concept of the Political*, 36.
[22] Schmitt, *Concept of the Political*, 46.
[23] Schmitt, *Concept of the Political*, 47.

Schmitt's understanding of domestic enemies is a recipe for the suppression of political dissent and a potential argument in favor of smaller states with homogenous populations, states in which the *ethnos* matches the *demos*. On the other hand, liberalism tolerates if not encourages a heterogeneous assortment of identity groups, fostering dissent, fracturing political unity, and turning the state into nothing more than "a revocable service for individuals and their free associations."[24] The individual supersedes the community as the primary unit, and substantive meanings of life are relegated to the private sphere and to individual choice. Differences become apolitical, and conflicts must be justified on humanitarian grounds, yet when a state invokes the concept of humanity as a reason to wage war, it is typically a cover for "imperialist expansion."[25] These depoliticized conflicts will play out with a much greater risk of the dehumanization and annihilation of the Other, who now threatens the interests of humanity as a whole rather than those of a finite and concrete political community. It is dangerously easy to justify the conquering and/or elimination of people deemed enemies of humanity.[26] Where the relativized antagonism of the friend-enemy distinction creates boundaries around war-making, invoking universals erases those boundaries and opens the door for endless wars of "the most extreme inhumanity."[27]

Of course, Schmitt's view of the ideal state is anti-democratic and anti-pluralistic. By contrast, the government of diverse peoples in a democratic society requires a less decisive

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[24] Schmitt, *Concept of the Political*, 45.
[25] Schmitt, *Concept of the Political*, 54
[26] Schmitt, *Concept of the Political*, 54.
[27] Schmitt, *Concept of the Political*, 54.

form state if pluralism is to be respected. Pluralism and normalized domestic conflict are not Schmitt's preferences, however, and he decries both for weakening political unity and state power. On the other hand, Chantal Mouffe endorses a version of the friend-enemy distinction for the domestic sphere as a moderating framework for domestic conflict in pluralistic societies, which I will examine in Chapter 2. I argue that both frameworks are useful for understanding American gun rights politics, which continually spans both domestic and foreign interests, often bleeding from one sphere into the other and operating in both spheres simultaneously with purposes that are usually at odds with one another. The blurring of foreign and domestic threats is a reality inherent to settler colonial nations like the United States, as the friend and the enemy claim the same territory and coexist within its boundaries. While state policy might decisively declare the colonized people its enemy, the individual lives of colonizers reflect the greater complexity of living side by side with the Indigenous population, and this existence on the ground illustrates the reality that neither the colonizers nor the colonized are a monolith. In the following section I will elaborate on the settler colonial origins of American gun politics and the friend-enemy distinction that I argue has characterized that politics throughout the history of the republic.

Settler Colonial Imperatives

The distinctiveness of American gun politics is a product of its settler colonial history, which first necessitated both an armed populace and multi-pronged efforts to keep a nearby enemy disarmed. Unlike "classic" colonialism, in which the colonizers seek to extract both labor and resources from the target country and thus to monopolize its

population and natural resources, settler colonialism is characterized by a relationship between colonizer and colonized that is typically not considered one of attachment or need. On the contrary, settler colonialism is generally conceived as operating on a logic of population replacement, wherein the Indigenous population of the desired territory is not only unnecessary to colonial aims but also an obstruction to thorough settlement and settler sovereignty.[28] Patrick Wolfe explains that in settler colonialism "invasion is a structure, not an event," which follows a logic of elimination and replacement.[29]

Lorenzo Veracini employs a biological metaphor to explain the different relationships between colonizer and colonized that the two types of colonialism produce. He likens the difference between classic colonialism and settler colonialism to that between viruses and bacteria. Classic colonialism operates like viruses, which are not living entities and thus require a living host for their survival. On the other hand, settler colonialism can be considered bacterial in nature, consisting of living organisms that can flourish with or without close contact with other living organisms.[30] Veracini pursues his biological metaphor in greater depth than I will recount here, but his account is aptly represented by the following two observations. First, viruses "*attach* to a host cell and then *penetrate* it. They do not have, however, their own metabolism and require a host cell to replicate. Similarly, colonizers need colonized peoples."[31] In other words, the colonized people are

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[28] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006).

[29] Wolfe, "Settler Colonialism," 388.

[30] Lorenzo Veracini, "Understanding Colonialism and Settler Colonialism as Distinct Formations," *Interventions* 16, no. 5 (2014), 617.

[31] Veracini, "Understanding Colonialism," 618.

essential to the classic colonial project. They must continue to exist because the colonial project requires the laboring bodies. By contrast, "bacteria *attach* to surfaces and form aggregations… Bacteria do not need living cells to reproduce… Likewise, settler collectives attach to the land but generally do not need indigenous 'Others' for their reproduction and operation."[32] In sum, classic colonialism entails the colonizer attaching to the colonized population, whereas settler colonialism entails the colonizer attaching to the land, reproducing, and spreading to crowd out or extinguish the other populations.

The latter condition characterizes the colonization of North America and forms the foundation of the American democratic experiment. It also generates the earliest friend-enemy distinctions in this nation's history, both between settlers and Indigenous tribes and between the British, French, Spanish, and Dutch colonizers whose competition for territory often invited violent conflict. Nevertheless, the ability to found and expand European settlements in North America necessitated the political construction of Indigenous inhabitants of the Americas as enemies that threatened the settlers' promised land: an existential threat emblematic of the friend-enemy distinction. Some of the British colonies' first gun regulations proceeded from this distinction, but others had the more pedestrian goal of preventing violence and tragedy among the colonists.

The earliest gun regulations in the British American colonies proceeded from two distinct aims, public safety and colonial security. The domestic aim was to promote public safety by restricting gun use universally, an approach that recognized the inherent dangerousness of firearms even in the hands of generally good people. Regulations in this

[32] Veracini, "Understanding Colonialism," 623.

vein typically included time restrictions, such as laws prohibiting firing guns after dark or on Sundays, and location restrictions, such as prohibitions on firing guns near roads and in or near towns.[33] Preventing accidental and passion-driven acts of violence was a paramount concern in the colonies, and laws intended to avert the conditions that could lead to tragedy were commonplace and continued to be adopted by states and municipalities into the early 1900s.[34]

The national security goal was to prevent gun possession by dangerous classes of people, which in the early 1600s primarily meant Indigenous people. This policy goal generated prohibitions on selling or giving guns or ammunition to Native Americans, a crime punishable by death in some colonies.[35] Colonial governments attempted to prevent Native Americans from acquiring arms both to prevent violence against British settlers and to guard European territorial claims. Protecting human life and protecting territory were deeply intertwined goals from the first establishment of British colonies throughout the European settlement of the frontier, because settler presence in a territory was the only safeguard against tribal attempts to reclaim the land. Additionally, able-bodied male colonists were the first and last line of defense against attack both by tribes and by competing empires, as there were no standing armies or dedicated security personnel. In most colonies this was reflected in a multitude of legal regulations governing militias and

[33] Robert J. Spitzer, "Gun Law History in the United States and Second Amendment Rights," *Law and Contemporary Problems* 80, no. 2 (2017), 72-73.

[34] Spitzer, "Gun Law History," 73.

[35] Spitzer, "Gun Law History," 57-58; Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge: Harvard University Press, 1996), 140.

mandating service and arms ownership among able-bodied free men.[36]

Government reliance on segments of the civilian population for defense against Indigenous tribes was a practice that continued from colonial times throughout the settlement of the frontier. In the absence of standing armies, colonial governments had to rely on universal militia service and arms ownership for the citizens they deemed capable of bearing arms and participating in community defense, and then after the nation's founding the United States government continued to rely upon civilian settlers to claim and defend territory on its behalf. Yet while colonial governments passed laws mandating militia service for their sometimes-unwilling male populations,[37] after achieving independence from Britain the U.S. government avoided the problem of a lack of civilian interest in bearing arms for national defense not by mandating service but by incentivizing settler participation with the promise of individual land holdings. However, the government's strategy of harnessing private interest for public goals would introduce inconsistencies into the friend-enemy distinction, as settlers would be best served by expediency above all else, which at times meant Indigenous people were friends rather than foes.

Political scientist Paul Frymer demonstrates that the federal and state governments

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[36] Kevin Sweeney, "Firearms, Militias, and the Second Amendment," in *The Second Amendment on Trial: Critical Essays on District of Columbia v. Heller*, ed. Saul Cornell and Nathan Kozuskanich (Amherst: University of Massachusetts Press: 2013); Mark Frassetto, "The Duty to Bear Arms: Historical Militia Law, Fire Prevention Law, and the Modern Second Amendment," in *New Histories of Gun Rights and Regulation: Essays on the Place of Guns in American Law and Society*, eds. Jacob Charles, Joseph Blocher, and Darrell Miller (Oxford: Oxford University Press, Forthcoming); Saul Cornell, "The Right to Keep and Carry Arms in Anglo-American Law: Preserving Liberty and Keeping the Peace," *Law and Contemporary Problems* 80 (2017).

[37] Sweeney, "Firearms, Militias, and the Second Amendment," 311.

promoted territorial expansion through land policy that turned well-armed veterans, new European immigrants, and other colonists into a *de facto* frontier army, whose motivation to settle the frontier was secured by government promises of land titles.[38] This innovative use of land policy created a willing and widely dispersed civilian defense force to carry out the expropriation of Native American lands and expansion of the American empire, motivated primarily by the promise of individual gain rather than by a sense of obligation or national duty.[39] Without a strong military or robust bureaucracy, the national government was weak and unable to accomplish many of its goals on its own, including the systematic expansion of its territorial claims westward.[40] But with a combination of bold claims to ownership of vast swaths of territory and the strategic employment of land policy such as homesteader laws, the national government deployed settlers to defend American territorial claims without any formal status as soldiers or agents of the state, an arrangement that amply compensated for the weakness of the American state.[41]

Through these policies the U.S. government was able to minimize its participation in the violent expropriation of Native American land through direct military action, instead relying on its legislative powers to build a buffer of enterprising settlers-cum-citizen-soldiers between settled territory and contested lands still held by Indigenous tribes. In defending their property and their lives, these settlers also defended the burgeoning American empire, illustrating a successful symbiosis of private and public interests that

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[38] Paul Frymer, *Building an American Empire: The Era of Territorial and Political Expansion* (Princeton: Princeton University Press, 2017), 60.

[39] Frymer, *Building an American Empire*, 10-11.

[40] Frymer, *Building an American Empire*, 12.

[41] Frymer, *Building an American Empire*, 12.

relieved the U.S. government of what would have been a massive investment of money and personnel to seize and defend territory. Although the government was able to avoid straining its limited military and financial resources with its piecemeal approach,[42] relying so extensively on private action encouraged among settlers a degree of individual sovereignty that would also make them more difficult to govern. By harnessing private interests in pursuit of state-building, the U.S. both condoned and facilitated white violence against Native Americans but did so under cover of individual property rights and self-protection. Settler violence against Indigenous people was therefore both private violence and public, and the state's monopoly on the legitimate use of violence was a fiction attached to its power to make credible territorial claims and incentivize armed citizens' movement onto those territories.

While the government tasked civilian settlers with defending and even expanding U.S. territory on the frontier, it often sought to curtail further expansions and unnecessary violence—yet part of the agreement was an understanding that the settlers must to some degree be allowed to manage their own interactions with tribes. In fact, when the government attempted to rein in the settlers and to decrease acts of violence against tribes, settlers often disregarded the pleas for constraint, choosing for themselves whether to fight and/or attempt to expand their settlements into Native American country. Settlers on the frontier acted both as unofficial state agents and as sovereign individuals, and the logics of the two roles did not always align. For example, the government sought to dictate the movement of settlers into new territory and to prevent excess settler violence in the name

[42] Frymer, *Building an American Empire*, 12-13.

of keeping the peace with tribes. But in legitimizing the private actions of settlers and squatters in far-flung territories the government could not hope to control them to the extent it desired. The result was frequent disobedience of the government's settlement plans, including illegally entering unincorporated territory and committing unrestrained violence against Native Americans.[43]

The dependence of the British colonies and then the U.S. government upon average citizens to carry out their imperial aims also inevitably meant a lack of perfect coherence in constructing the Indigenous tribes as political enemies, both because different situations gave rise to different needs and opportunities and because the government's official tribal relations policies would not always align with the individualistic incentives of the settlers on the front line. At times colonists violated prohibitions on arms sales to Native Americans simply because the practice was profitable for them, and colonies formed alliances with tribes when it was in both parties' interests to gain strength over competing settlers and hostile tribes.[44] Similarly, as discussed above, during their expansion into the frontier settlers frequently exceeded their mandate when they thought doing so would further their own goals. However, despite a somewhat decentralized process of constructing the Indigenous population as enemies, settler desires and state imperatives ultimately arrived at the same conclusion: the tribes posed a threat to European domination of North America and were thus enemies. When the tribes facilitated American territorial gains the settlers could encourage peaceful relations, but if the tribes resisted, they were to be treated as a

[43] Frymer, *Building an American Empire*, 35.
[44] Spitzer, "Gun Law History," 58.

threat to settler existence, imperial aspirations, and civilization itself.

The relationship between colonizer and colonized was governed by three different logics, with the most advantageous path to settler domination always the primary deciding factor among the approaches. The first approach was legal-economic, rooted in recognition of Native Americans' natural property rights, and entailed attempting the legal purchase of desired Indigenous lands, efforts that were often successful. However, the transfer of land titles required a baseline of peaceful relations between colonists and tribes, and friendliness and diplomacy were often pushed to the brink by colonial land acquisition efforts, as tribes were often reluctant to relinquish their territory. When they resisted pressure to sell, colonists discarded their economic approach in favor of a framework of interstate conflict, which implicitly recognized tribes as sovereign peoples, against whom the settlers had a right to make war. Thus, when the peaceful transfer of land was impossible, war-making tactics were employed to force the transfer of territory, if possible, or eliminate the natives from the land. Recognition of tribal sovereignty had been more clear-cut before American independence, however. and by the late 1700s the U.S. government was less inclined to respect Indigenous sovereignty, even for instrumental reasons. Next, the government moved to the third approach: criminal justice. Whereas before the government sought to negotiate with tribes as rival states, it now began to claim legal jurisdiction in Indigenous territories when crimes were committed against settlers, which is reflected in treaties enacted between 1789 and the 1930s.[45] Contrary to explicit

[45] Heidi Kiiwetinepinesiik Stark, "Criminal Empire: The Making of the Savage in a Lawless Land," *Theory and Event* 19, no. 4 (2016), n.p.

assertions of tribal sovereignty prior to this period, the U.S. now responded to Indigenous resistance to American expansion as criminal acts rather than acts of war, which justified both breaking treaty obligations and arresting, imprisoning, and putting Native Americans transgressors to death.[46]

The maneuvering between the logics of legal-economic transactions, interstate conflict, and criminal justice in relations with Indigenous tribes highlights the especially fraught nature of the friend-enemy distinction in a settler colonial context. The imperatives of empire continually authorized new constructions of Indigenous peoples as enemies, quickly shifting from recognition of tribes as sovereign competitors for rights to the land to ostensibly universal justifications for Euro-American dominance, in constructions that conflated political concerns with religious and cultural commitments. The eventual result was that the possibility for bounded conflicts between sovereign peoples was nullified through the depoliticization of colonial-Indigenous relations. The peoples once considered external to the British and American empires were absorbed by the settler colonial regime, turning external enemies into internal threats that could be quashed through legal and bureaucratic means. Justifications for expropriation of Indigenous lands and the extermination of Indigenous lives hinged on the construction of tribes as enemy peoples, politically, religiously, and culturally.

Schmitt's friend-enemy distinction encourages the conflation of political concerns with religious and cultural commitments, because Schmitt's ideal state melds these realms together under the banner of the strong and decisive state. Despite the necessity of

[46] Stark, "Criminal Empire," n.p.

fostering settler sovereignty and the weakness of the British colonies and the fledgling U.S. government, they successfully united their citizens under a banner of white political sovereignty, Christian ascendancy, and Western cultural supremacy, constructing Indigenous people as their negative opposite in each of these respects.

Demonization

The slippage in the friend-enemy distinction in settler colonial relations with Indigenous tribes evokes Schmitt's warning that blurred lines between sovereign friends and enemies will lead to dehumanizing logics that could fuel unbounded wars justified by appeals to universal values. Such was the case with Euro-American constructions of Native Americans as enemies not only of the colonies but of civilization, progress, Christian virtue, and liberal individualism. Because Indigenous people were constructed as threats to civil society and a peaceful social order, settler violence against them possessed an aura of universal political virtue. The settler colonial goals of population replacement and total absorption of Indigenous territories, especially amid shifting strategies of settler-tribe relations, demanded the political construction of Indigenous people as a multi-faceted threat to citizens, the state, and the religious and cultural beliefs that continued to breathe life into the goal of conquest even during settler setbacks and losses.

European settlers employed several different ideologies as justification for killing Native Americans and dispossessing them of their lands: liberal individualism; paternalism and the accompanying infantilization of Native Americans; belief in the evolutionary

progress of humankind; and belief in the inherently violent nature of Native Americans.[47] The rationalizations were multiple and at times contradictory, but all attempted to follow a clear, if overly elaborate, civilizational logic, in which threats of violence justified violence and primitiveness justified paternalistic force. Gentler constructions of Indigenous people as "noble savages" justified European dominance as much as demonizing logics did. Of note in this formulation, settlers saw liberal values—not just Christianity—as a rational justification for their violent methods of seizing Native American land, especially in the face of scattered critiques of their use of violence. Settlers expropriated Native American lands in the name of civilizing the noble savage, whose attachment and adaptation to the wilderness proved their infantile status and their inability to become self-governing individuals, as liberal democracy requires of men.[48] Toward this end, they often imagined themselves in a fatherly role, "adopting" Native Americans, depicting them as uncivilized children in need of protection and guidance, and used this rationale to justify further dispossession of Indigenous lands which its childlike inhabitants were incapable of managing. Thus, the conception of Indigenous people as childlike, godless, and unevolved justified similar ends as their construction as enemies: settler domination and Indigenous subordination.

Both visions of the Euro-American role hinged on a settler monopoly on the tools of violence, and in both cases the construction of Indigenous people as subversive threats to civilization and Western values justified employing uncivilized methods to subdue them.

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[47] Michael Rogin, *Ronald Reagan the Movie: and Other Episodes in Political Demonology* (Berkeley: University of California Press, 1988), 135-50.

[48] Rogin, *Ronald Reagan the Movie*, 139, 162-63.

The tools of violence therefore accrued to the forces representing liberal individualism, Christian virtue, and Western civilization. In the eyes of European settlers, creating a civilized and well-ordered society demanded the annihilation of chaos, and thus settling the North American continent and establishing effective governance required repressing, if not eliminating, the chaotic forces of savagery. The savage as a violent threat demanded a brutal and violent response, and the savage as an ignorant and backward child demanded settler dominion over the land and its populations. Settler command over who had access to the most effective weaponry was central to these frameworks.

According to Rogin this marked the beginning of the countersubversive tradition, which took root in American politics and has become deeply woven into right-wing political ideology. The countersubversive tradition operates as a Schmittian friend-enemy distinction, as it "defines itself against alien threats to the American way of life and sanctions violent and exclusionary responses to them."[49] The ruling group or class seeks to neutralize threats to its dominance either by absorbing or annihilating its challengers, though the complete disappearance of the threatening group is contradictorily an undesirable end, for the ongoing existence of the Other is necessary to the self-definition of the normative American.[50] Constructing Indigenous people as the negative opposite of Euro-Americans not only authorized settler domination and violence, but also served as a crucial process of American identity formation. In the United States the enemy has always been close at hand, and so the dominant group's exclusionary efforts have consistently

[49] Rogin, *Ronald Reagan the Movie*, 45.
[50] Rogin, *Ronald Reagan the Movie*, 279-80.

been constitutive of its identity. This is a practice of "constitutive exclusion," in which excluded groups are imbued with negative qualities from which the political body seeks to cleanse itself. The political body then defines itself as the positive opposite of those flawed or menacing characteristics.

Yet the excluded comprise an essential element of the political body, because its practices of inclusion depend upon the continued existence of excluded groups, otherwise inclusion is rendered meaningless. Additionally, the excluded groups must continue to exist to serve as a repository for the undesirable qualities against which the political body defines itself, because they serve as living symbols of who we are not, why we are superior, and why citizenship is special and exclusive. According to Sina Kramer, "Rather than a simple or absolute exclusion, constitutive exclusion describes the phenomenon of internal exclusion, or those exclusions that occur within a philosophical system or a political body. Constitutive exclusions occur when a system of thought or a political body defines itself by excluding some difference which is intolerable to it."[51]

Furthermore, the constructed opposite embodied by Native Americans represents universally human qualities from which the European settlers hoped to disassociate themselves.[52] Because the Other serves as a "repository for the disowned, negative" self, a visceral impulse to destroy it is complicated by a need to preserve it and its reputation for depravity or fearsomeness. A show of mastery over the other also demonstrates a mastery over the negative traits the dominant group fears in itself, and this mastery proves the

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[51] Sina Kramer, *Excluded Within: The (Un)intelligibility of Radical Political Actors* (New York, NY: Oxford University Press, 2017), 5.

[52] Rogin, *Ronald Reagan the Movie*, 284.

dominant group's superiority not just over the other but also over forces of evil, vice, and chaos. By demonizing and controlling its foes, dominant American society can represent justice, order, and goodness, and assign its most feared qualities to the other—which inside US borders has most frequently meant people of color, though the communist scares of the twentieth century also epitomized this practice of Othering. These demonizing constructions of the other provide justifications for disciplining, punishing, excluding, and committing both public and private violence against the enemy Other.

Michael Rogin's analysis of the American tradition of "political demonology" helps to unpack the dehumanizing potential of the friend-enemy distinction and shows that claims to sovereign power always have the potential to generate demonizing depictions of the Other as justifications for their repression. Rogin provides a useful counter to Schmitt, for whom the sovereign's identification of an enemy is a clear and decisive moment because the threat the enemy poses to Us and our way of life is factual. Conflicts between nations are inevitable because each will have its own values and commitments that the others might reject or abhor—it is a vision of pluralism in the international sphere but homogeneity and unity at home—and the role of the sovereign is therefore to detect the threat and implement a proportionate response to quell it. But Schmitt's musings constitute a brutish ideal theory that elides the possibilities of imperialistic designs and challenges to sovereign legitimacy. It is not a requisite premise of international conflict that a state must demonize its enemy, but it is nevertheless a frequent occurrence and always a latent possibility, as Rogin shows. Schmitt's vision elides the reality that sovereign assertions by a decisive state need not hew to any logic other than that which justifies the

sovereign's assertions.

Rogin recognizes in the friend-enemy distinction the inherent danger of demonizing the Other by way of justifying acts that civilized regimes would otherwise consider inhumane This problem is an omnipresent possibility in the international realm, which is Schmitt's focus, but is especially salient in conditions of settler colonialism, slavery, class or racial caste systems, and otherwise divided nations in which the dominant political class is intertwined with its designated enemies. The confrontation between European settlers and Native Americans in the late sixteenth and early seventeenth centuries began this American countersubversive tradition: the dominant political forces (white, male, and Christian) tradition-oriented groups quashed threats to the political and social order that privileged them both by submerging "separate identities within an ideal America" and, contradictorily, by reinforcing divisions between identity groups in order to guard against "boundary collapse."[53] Out-groups are figured as foreign and dangerous, and their existence becomes a necessary basis for the self-definition of the in-group. Rogin writes:

> The alien comes to birth as the American's dark double, the imaginary twin who sustains his (or her) brother's identity. Taken inside, the subversive would obliterate the American; driven outside, the subversive becomes an alien who serves as repository for the disowned, negative American self. The alien preserves American identity against fears of boundary collapse and thereby allows the countersubversive, now split from the subversive, to mirror his foe. Countersubversive politics—in its Manichaean division of the world; its war on local and partial loyalties; its attachment to secret, hierarchical orders; its invasiveness and fear of boundary invasion; its fascination with violence; and its desire to subordinate political variety to a dominant authority—imitates the subversion it attacks.[54]

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[53] Rogin, *Ronald Reagan the Movie*, 279-80.
[54] Rogin, *Ronald Reagan the Movie*, 284.

Countersubversive politics is fundamentally at odds with pluralism, as it relegates difference and diversity to the realm of the alien Other and then both defines itself against the Other and justifies employing the violence that it attributes to the Other to vanquish the threat. Uncivilized war-making tactics can only be justified by the extraordinary inhumanity of the enemy, who can only be neutralized through extraordinary and inhumane measures.

The demonology used to uphold the American racial order involves denying the humanity of people of color, while venerating certain of their characteristics and vilifying others. Rather than representing real and valid human lives, cultures, and interests, which would be both mundane and terrifying to the dominant interests in the United States, people of color come to represent exaggerated human characteristics, some of which deserve the normative American's respect and some of which must be repulsed at all costs. The demonological construction of the noble savage, for example, emphasizes the "noble" Native American's childlike innocence, stoicism, and oneness with the land that European settlers in the New World found worthy of respect. On the other hand, it also essentializes the underdeveloped, uncivilized "savagery" to justify a drive to brutally tame the Native Americans along with the wilderness of which they were so much a part. We see similar forces at work today in the white American impulse to appropriate African American culture while also depicting African Americans themselves as inherently violent, criminal, and inferior. Some elements of the Other deserve preservation, while the rest merit annihilation.

These contradictory responses to subversive threats—that is, differences that

present a challenge to the dominant political and social order—exhibit the sort of anxiety that has motivated demonology throughout American history, resulting in a political tradition based in part on a backlash to primitivism and chaos embodied in the minds of European Americans by peoples of color. This political tradition "defines itself against alien threats to the American way of life and sanctions violent and exclusionary responses to them."[55] Its inception in North America represented an attempt to heed divine command to tame the wilderness and to deal with the people who formed an integral part of that wilderness. The settlers believed that Native Americans' thorough adaptation to this chaotic, godless wilderness indicted them in Satan's machinations, generating a fear that the settlers might also succumb to Satan's influence and lose "all self-restraint, all reverence for authority, all sexual and racial integrity."[56]

Slavery: Dependence and Domination

While settler-Indigenous relations began with an international framework and external enemy relation and shifted to a domestic/internal framework over time, American racial slavery produced first an internal friend-enemy distinction which morphed into an external one after slavery's abolition. In both cases there was slippage between external and internal antagonism in the early decades of the friend-enemy distinction, however, reflecting the ongoing challenge of living in close proximity to an enemy that could not be eradicated entirely. The institution of slavery featured the peculiar difficulty of white

[55] Rogin, *Ronald Reagan the Movie*, 45.

[56] Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier*, 1600-1860 (Middletown, Conn: Wesleyan University Press, 1973), 64.

reliance on slaves for their economic survival, which complicated the friend-enemy distinction with a tense mixture of dependency, loathing, and fear. The Southern economy and the lives of slaveholders were built upon slave labor, yet the system of racial slavery also posed an existential threat to the white population that made Black arms carrying a terrifying proposition.

This relationship of uneasy dependence produced a cautiously flexible approach to regulating Black arms possession that often gave discretion to slaveholders to arm their slaves for hunting or protection when they deemed it necessary.[57] Similarly, slaves were sometimes armed by the colonies and thrown into battle against Indigenous tribes when white men were in short supply.[58] Some colonial laws prohibited slaves from carrying weapons unless accompanied by a white man or hunting anywhere but their master's property, but nowhere in the colonies was Black firearm carrying prohibited entirely.[59] Rather, colonial governments and slaveholders had discretion to furnish slaves with weapons if they deemed it beneficial, though it was always necessary to demonstrate that a white man maintained ultimate control over the weapon and its carrier.

However, after the U.S. slave population swelled from the hundred thousands to the millions between the late eighteenth and early nineteenth centuries,[60] fear of slave uprisings began to override the desire to allow slaveholders to delegate firearm-related

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[57] Spitzer, "Gun Law History," 79.

[58] John W. Shy, "A New Look at Colonial Militia," *The William and Mary Quarterly* 20, no. 2 (1963), 181.

[59] Mark Frassetto, "Firearms and Weapons Legislation Up to the Early 20th Century," (2013), 83-84.

[60] J.D. Hacker, "From '20. and Odd' to 10 Million: The Growth of the Slave Population in the United States," *Slavery and Abolition* 41, no. 4 (2020).

tasks to their slaves. The practice of allowing Black arms carrying was uniformly quashed across the Southern states, whether slave or free.[61] Additionally, while early colonial militias often included slaves when the need for manpower was great enough, increasing reliance on militias to perform slave patrols necessitated all-white militias and further justified disarming Blacks.

During the Civil War Black freedom in the South was expanded in politically calculated stages, first by the Confiscation Acts of 1861 and 1862, which gave the Union the right to confiscate rebel property, including their slaves, followed by the preliminary and final Emancipation Proclamations issued in 1862 and 1863, respectively. Each step toward the emancipation of slaves was intended as leverage to pressure rebel states into forgoing their secession plans. The threat of emancipation therefore proceeded from Union strategizing rather than from a desire to free slaves, capitalizing on the objectification of Blacks as property and the South's strong drive to maintain slavery. To the great disappointment of many Black abolitionists, the government's primary motivation was to quell the rebellion with what it took to be a powerful bargaining chip, not to end slavery or grant citizenship to Blacks.[62]

The Black rights to serve in the military and to arm themselves in self-defense hinged on their status as free people and as citizens then enabled the government to begin recruiting them to serve in the Union army and navy. After the Union's victory and the beginning of the Reconstruction Era, however, Southern states passed racially oppressive

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[61] Frassetto, "Firearms and Weapons Legislation," 84-87.

[62] C. Peter Ripley, ed. *The Black Abolitionist Papers: The British Isles, 1830-1865* (Chapel Hill: University of North Carolina Press, 1985), 64.

laws known as the Black Codes, which rolled back many rights gains, including the right to keep and carry firearms.[63] Additionally, white militias were empowered by state legislatures to disarm Blacks, which hampered efforts to secure Black rights and stabilize the South during Reconstruction.[64] Indeed, the Ku Klux Klan was founded during this period with the intention of enforcing the Black Codes and terrorizing and disarming Blacks.[65] The result was that Blacks were "intimidated into political impotence."[66]

As with settler-Indigenous relations, the push and pull between imperatives to expand or restrict Black firearms access occurred across multiple levels of governance and politics in accordance with the most powerful interests in each time and place. Always, the interests of white citizens provided the impetus to arm or disarm their Black and Indigenous cohabitants. Not only was the gun a trophy marking one's inclusion in the polity, but it was also for white America a means to wrest greater control of the nation by alternately arming/allying and disarming/oppressing racial outsiders.

Rarely was permissiveness toward arms carrying among Black or Indigenous people intended to increase their power, improve their status, or render them more equal. Rather, racial outsiders with guns were harnessed as means toward white state-building and political dominance: they were useful adjuncts to white interests when they could be safely

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[63] Robert J. Cottrol and Raymond T. Diamond, "The Second Amendment: Toward an Afro-Americanist Reconsideration," *Georgetown Law Journal* (1991), 344-46; Nicholas Johnson, *Negroes and the Gun: The Black Tradition of Arms* (Amherst, NY: Prometheus, 2014), 78; Adam Winkler, *Gunfight: The Battle Over the Right to Bear Arms in America* (New York: W. W. Norton & Company, 2011), 135-36.

[64] Cottrol and Diamond, "Afro-Americanist Reconsideration," 345-46.

[65] Winkler, *Gunfight*, 135-36.

[66] Raymond G. Kessler, "Gun Control and Political Power," *Law and Policy* 5, no. 3 (1983), 391.

utilized this way. However, many Black abolitionists advocated the right to armed self-defense decades prior to the Civil War,[67] and after the war's end Northern Republicans knew that for Blacks to survive, let alone become full citizens, they would need the ability to protect themselves from racial violence.

Civil Rights and Crime Control

The next time Black gun rights became a salient issue was during the Civil Rights Movement, when the Black Panthers in California opted for a strategy of armed self-protection against police brutality and private racial violence. At the time openly carrying firearms was legal in California, and the Black Panther Party knew the law well and frequently recited it publicly as evidence of the justness of their approach. The Panthers' militance and outspokenness stoked white fears and quickly earned them enemies, and they endured harassment, illegal arrests, and weapons confiscation by California police.[68] Less than a year after the Panthers began their militant self-defense campaign, they were disarmed. In 1967, in response to white fear of the Black Panthers and the specter of armed Blacks in general, the California legislature passed the Mulford Act, which banned the public carrying of firearms without a license, whether open or concealed.

The act's passage epitomized the fear and vilification of Blacks as criminals that had been ushered in by civil rights opponents in the early 1960s. Rhetoric linking criminality to Blackness intensified in the wake of conservative legislative defeats on the Civil Rights Act

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[67] C. Peter Ripley, ed. *The Black Abolitionist Papers: The United States, 1830-1846* (Chapel Hill: University of North Carolina Press, 1991), 49-52.

[68] Kessler, "Gun Control," 392.

of 1964 and Voting Rights Act of 1965, and furthered the construction of racial protest as lawlessness that was underway in Congress. Although it meshed with the conservative racial agenda of the moment, California's Mulford Act was an unusual addition to this agenda and would prove a rare win for gun control efforts at a time when conservatives generally rallied against firearm restrictions. In contrast to the Mulford Act, the federal effort to address gun violence faced growing opposition from gun rights proponents, an effort that had been spearheaded in 1962 as part of a plan to reduce juvenile delinquency and had gained increasing urgency with the assassination of President John F. Kennedy in 1963. After five years of consideration, the resulting gun legislation, the Gun Control Act of 1968, had been significantly weakened by the efforts of the National Rifle Association, which rallied its members and other shooting sports organizations against the bill through appeals to uniquely American gun traditions and rights.[69] It was during this push that the NRA solidified its Second Amendment framing of gun rights. The organization also commenced its strategy of advocating a combination of loose gun regulations and harsh penalties for gun crimes:[70] the message that regulation was tantamount to punishment of law-abiding citizens was deeply intertwined with arguments for increasingly harsh penalties for lawbreakers. This approach was, according to the NRA and its allies and supporters, the only way to fight crime while also protecting vital American freedoms.

This era of gun politics deserves closer scrutiny than it has heretofore received, because its connection to the criminalization of racial protest and the development of the

[69] Lacombe, *Firepower*, 138-41.
[70] Lacombe, *Firepower*, 138.

racialized carceral state are overlooked in the existing literature. It is possible to argue that there is nothing remarkable about its omission from analyses of crime politics, because firearms could be construed as secondary to larger issues of crime control. Gun control was part of a total package of measures intended to curb the growth of crime during the period when the federal government began to define crime not only as an urgent problem, but also as a policy concern for the federal government. On the other hand, such a view misses the significant contributions made by gun rights organizations in the thrust toward punitive federal crime policy that began in the 1960s and the growth of mass incarceration that followed.

After the consolidation of these rights gains, conservatives, the political losers in the battle over civil rights, enacted a new agenda centered on crime control in an effort to regain both racial and political dominance. Political scientist Vesla Weaver argues that rather than viewing the conservative response as a backlash, it should be seen as a "frontlash," in which the party whose agenda has suffered a serious loss regroups and forges new pathways to achieve its ends. Instead of a backward-looking program of seeking to limit or overturn rights gains, conservatives pushed forward by defining a new problem around which to accomplish its aims.[71] They succeeded by "manipulating the issue space and altering the dimension of the conflict," both by framing rising crime as a central policy concern and by discursively linking civil rights activism to crime.[72]

In the remainder of this chapter, I show that 1960s gun politics was deeply

[71] Weaver, "Frontlash."
[72] Weaver, "Frontlash," 236-37.

intertwined with the conservative-led program to roll back civil rights gains through crime policy. I argue that the gun control efforts of this era were a central force in the development of more aggressive policing and criminal sentencing policies, and that gun control became another tool for law-and-order crime control. I further argue that the Johnson administration's wars on poverty and crime mark a critical juncture in the development of gun politics and policy, and that the administration's efforts to link guns to the root causes of crime, race riots, and the problems plaguing the urban underclass fueled the now ubiquitous pairing of highly punitive gun crime sentences with expansive gun rights for the "law-abiding."

Battles over gun regulations have consistently spurred gun rights advocates to sharpen their arguments against gun control and promote new issue frames around which to rally support. The NRA has long been a leader in this area: when they are on the defensive they produce persuasive new issue frames and succeed in rallying vigorous support for their preferred characterizations of gun rights and the causes and solutions to the problem of violent crime. The political and social environment of the 1960s was fertile ground for gun rights groups to advertise their preferred issue frames and to bring their insider understandings of guns and crime into the mainstream. Importantly, I am not arguing that the NRA advanced an entirely new discursive frame during this era, because the ideas they brought into mainstream political debate and into the legislative environment had long been part of their promotional strategy to encourage gun ownership among ordinary Americans. Rather, I claim that under pressure to respond effectively to proposed gun restrictions, the NRA and its allies sought to reframe the issues of gun rights

and crime in the legislative setting to shift the debate from guns to criminality for the foreseeable future. In doing so they both aided and benefitted from the rising law-and-order paradigm that strategically attacked civil rights gains through its new focus on crime.[73]

Defense and Diplomacy

Two misconceptions cloud contemporary understandings of the National Rifle Association's relationship to Congress prior to its radicalization in the 1970s: first, that the NRA supported major legislative efforts to enact gun control, and second, that it lacked a clear partisan affiliation. Although these views contain kernels of truth, they overlook the nature of the organization's legislative strategy and its natural alignment with key conservative positions on crime policy. Understanding the nuances of the NRA's legislative history is essential to developing a clear picture of how and why its goals became bound up with the conservative law-and-order agenda in the 1960s.

The NRA's cooperation with legislators and endorsement of key gun control bills between the 1930s and 1970s must be viewed in the context of its institutional mission to maintain its own relevance and to be the authoritative representative of the interests of the hunters and sportsmen of America. Toward those ends, the NRA consistently fought to block gun regulations to the maximum extent possible while balancing the demands of member approval, public credibility, and maintaining reasonably good standing with legislators. The importance of federal funding for NRA programs prevented the

[73] Weaver, "Frontlash," 236-37.

organization's leadership from staunchly opposing legislative action on gun control during this era, an incentive that also kept them committed to cordial relationships with legislators on both sides of the aisle.[74]

The NRA's efforts to exert its influence in shaping gun regulations sometimes ended in legislation that its members would find disappointing. However, to publicly demonstrate the organization's importance to the legislative process and to signal to legislators its ongoing good faith efforts to cooperate, the NRA typically offered its endorsement of popular gun bills even if it had failed to dilute them to an acceptable weakness. Nevertheless, the organization and its allies have consistently opposed new gun regulations and have successfully curtailed the scope of every major piece of gun control legislation to have received a committee hearing in the United States Congress. During debates for the first proposed federal gun regulations in 1934, Karl Frederick, president of the NRA, appeared in opposition to the legislation, arguing that "the useful results which can be accomplished by firearms legislation are extremely limited."[75] Milton Reckord, executive vice president of the NRA, testifying that same year on a different set of gun control bills explained the NRA's position: "We have referred to these bills. I know that we have said that we were opposed to them, we thought they should be defeated, they were—I think we have probably used the term that they were 'bad legislation' and, if enacted, it would be a bad law."[76] The NRA's opposition to these bills was firm, yet the organization managed only

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[74] Lacombe, *Firepower*, 157.

[75] U.S. Congress, House of Representatives, Committee on Ways and Means, *National Firearms Act*, 73rd Cong., 2nd Sess., 1934, 50.

[76] U.S. Congress, Senate, Committee on Commerce, *To Regulate Commerce in Firearms. Hearings Before a Subcommittee of the Committee on Commerce*, 73rd Cong., 2nd Sess., 1934, 10.

to weaken, not to halt their passage.

A two-decade lull in gun legislation followed the gun control push of the 1930s, but when firearms once again landed on the federal legislative agenda in the 1960s, the NRA and other gun organizations vigorously defended gun rights and successfully fended off most gun control efforts despite strong popular support for gun regulations. The NRA's forceful opposition to gun control during this era damaged its standing in both the federal government and public opinion. After Senator Robert F. Kennedy (D-NY) derided the NRA's opposition to a gun bill under consideration in the Senate, it responded with a statement in its flagship magazine, *American Rifleman*, defending its position as a long-time supporter of good gun laws. Kennedy had declared, "it is a terrible indictment of the National Rifle Association that they haven't supported any legislation to try and control the misuse of rifles and pistols in this country."[77] In its indignant rejoinder, titled, "Where the NRA Stands on Gun Legislation," the NRA touted its record of supporting reasonable gun regulations including the Uniform Firearms Act of 1930, model legislation intended for adoption by states, the National Firearms Act of 1934, and the Federal Firearms Act of 1938. The article goes on to explain that while the organization has always been committed to "workable, enforceable" gun laws, the gun bills of the 1960s had quickly escalated from reasonable to drastic, and the NRA could not offer its support the bills as they stood.[78]

Kennedy's frustration with the NRA was unusual only in that it was expressed publicly. Legislators pursuing gun control agendas since the 1930s had seen the

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[77] Alan C. Webber, "Where the NRA Stands on Gun Legislation." *The American Rifleman*, 1968.

[78] Webber, "Where the NRA Stands."

organization more as a thorn in their side than as the helpful resource and partner the NRA made itself out to be. During the 1934 debates on the National Firearms Act, the U.S. Assistant Attorney General remarked with irritation that communications sent out by the NRA "in effect asking the members to bombard this committee with objections" were "not in accordance with the facts of the case."[79] Discussion about how the NRA misrepresented federal gun legislation to its members occurred in nearly every congressional gun hearing during the 1960s, as well, repeatedly earning the ire of gun control leader Senator Thomas Dodd during this period.

NRA support of California's 1967 Mulford Act has also led many authors to argue that the NRA was once in favor of gun control, despite the organization's otherwise unwavering efforts to prevent the enactment of gun regulation.[80] California's Mulford Act, however, was an unstoppable piece of legislation. The bill, as both a public response to Black arms carrying and a decisive strike against gun freedoms, was an outlier during this period of contestation over gun rights, but the legislation and the story of its passage highlight the key drivers of pro- and anti-gun-control sentiment nationwide during the 1960s.

The NRA could not have mounted a successful defense against the legislation, because it so effectively played on widespread white fear of Black uprisings, which in

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[79] U.S. Congress, House, Committee, *National Firearms Act*, 99-100.

[80] Steven Rosenfeld, "The NRA Once Supported Gun Control." *Salon.com*, January 14, 2013; Thaddeus Morgan, "The NRA Supported Gun Control When the Black Panthers Had the Weapons." *History.com*, March 22, 2018; Arica Coleman, "When the NRA Supported Gun Control." *Time.com*, July 29, 2016; David B. Kopel, "The Great Gun Control War of the Twentieth Century-and Its Lessons for Gun Laws Today," *Fordham Urban Law Journal* 39 (2011).

California was especially acute in the wake of the 1965 Watts riots in Los Angeles and the ongoing, frenzied news coverage of the Black Panthers' armed protests, recruitment events, and "copwatching" patrols. The tipping point for the bill was a dramatic armed protest of the proposed gun regulations by the Black Panthers at the California capitol building in Sacramento on May 2, 1967. The afternoon edition of the *Sacramento Bee* declared "CAPITOL IS INVADED" and featured photos of armed, black-uniformed Panthers crowded in the halls of the capitol.[81] Legislative support for the Mulford Act quickly congealed, and Governor Ronald Reagan signed it into law less than three months after the capitol protest.

The loss for gun rights was more than offset by the win for racial disempowerment; losing on the question of racial threat would ultimately have been more damaging for pro-gun agendas than one law to regulate public arms carrying would be, especially because the Black Panthers drew such a clear line between Black power and the importance of armed self-defense. Quelling the risk of armed Black insurgence necessitated disarmament, as any reasonable person could see. Invoking norms of democratic reason, Ronald Reagan told reporters after the Black Panthers "invaded" the capitol: guns are a "ridiculous way to solve problems that have to be solved among people of good will." As it had done since the early twentieth century, the NRA strategically offered its endorsement of the Mulford Act to maintain its reputation in the eyes of the public and politicians.

The NRA's strategy prior to the 1960s was to oppose new gun regulations early, propose less burdensome alternatives, and then ultimately offer support of the final compromise. The organization's response to gun control proposals in the 1960s evolved in

[81] "Capitol is Invaded." *Sacramento Bee*, May 2, 1967.

tandem with growing legislative support for gun rights, and now instead of merely seeking to weaken the proposed regulations, it sought to push gun regulations away from a crime-prevention framework and toward a paradigm of punishment. The differences in approaches were facilitated by the federal government's leap from regulating guns in the 1930s by way of the tax code to its ownership of responsibility for crime control, which had previously been primarily a function of state governments.

During the volatile 1960s, gun rights faced new challenges because of rising crime, protests against racial inequality and police brutality, race riots in cities such as Newark and Los Angeles, as well as the liberal dedication to addressing the root causes of crime and unrest. The NRA and other gun and shooting sports organizations found themselves defending gun ownership amidst increasing public and legislative support for curbing gun sales and ownership, and as I will discuss in more detail in Chapter 3, because efforts to paint guns as a cause of crime were ascendant during this era, the NRA focused most of its legislative efforts on attempting to dissociate guns, as objects, from crime. Its long-held preference for gun legislation focusing on criminal punishment would prove a perfect fit with the law-and-order doctrine advanced by conservative legislators during the era. Proponents of that view were pitted against advocates of the root causes approach to crime that was a centerpiece of Lyndon B. Johnson's Great Society program.

The root causes approach sought to eliminate the social conditions that bred crime, with a focus on a sociological understanding of the causes of alienation or disaffection that led citizens toward law-breaking. The approach is well articulated by Dr. Joel Fort, special adviser to the President's Committee on Juvenile Delinquency and Youth Crime. In addition

to ending the illicit drug trade that traps people in a state of addiction and despair, Fort argued, "We need also to attack the long-term breeding grounds of addiction and crime in general, to put an end to slums and residential segregation, poverty, racial discrimination, and the feelings of hopelessness among many of our citizens."[82] Liberals were stalwart in their support for this approach to reducing crime and racial unrest for much of the 1960s, with a central focus on the degradations caused by poverty and lack of opportunity. Easy access to firearms, increasingly associated with youth crime, joined the list of root causes of crime in the early 1960s.

In 1963 firearms were the focus of the fourteenth installment of the Senate hearings on the causes of juvenile delinquency, an agenda that had kicked off in the mid-1950s.[83] Part 14 of the hearings focused on the subject of mail-order firearms, which had been linked to an increasing number of murders committed by "the 'irresponsibles,' the youths and young adults who feel more secure in approaching life's problems when they have a gun or other lethal weapon secured on their persons."[84] Of note, the series of hearings on mail-order guns occurred prior to the assassination of John F. Kennedy in November 1963 and were well attended by representatives from shooting sports and gun collectors organizations, all of whom voiced their opposition to gun regulations.

Some more liberal members of Congress would take issue with the view of guns as a

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[82] U.S. Congress, Senate, Committee on the Judiciary, *Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, Part 12: Narcotic and Dangerous Drug Abuse in the State of California*, 87th Cong., 2nd Sess., 1962, 3035.

[83] U.S. Congress, Senate, Committee on the Judiciary, *Hearings Before the Subcommittee to Investigate Juvenile Delinquency, Part 14: Interstate Traffic in Mail-Order Firearms*, 88th Cong., 1st Sess., 1963.

[84] Senator Thomas J. Dodd, in his introduction to the hearings for U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3185.

cause of crime, such as Senators Warren Magnuson (D-WA) and Howard Cannon (D-NV) and Representative Cecil King (D-CA), all of whom supported tightly drawn legislation prohibiting minors from gun purchases and regulating interstate traffic in firearms. However, they fought vigorously to prevent any more sweeping regulations that might penalize law-abiding gun owners. In a statement submitted during hearings on the interstate shipment of firearms Representative King espoused a view long pushed by the NRA, writing:

> I have endeavored to stress the necessity of penalizing the man behind the gun, rather than the gun itself… Inanimate objects, such as firearms, knives, axes, or clubs, do not and cannot cause crime. They do not and cannot supply the motive or impulse. The causes of crime must be sought elsewhere—in greed, hatred, jealousy, and general moral depravity—and the remedy, if any there be, is more likely to be found in morals and education, in improved police methods of detection, and in the more prompt and certain imposition of punishment.[85]

In general, however, liberal Democrats overwhelmingly supported comprehensive gun control legislation throughout the sustained period of negotiations on gun bills between 1963 and 1968. Curbing the ready availability of dangerous weapons was widely viewed on the left as an essential component to driving down rates of violent crime.

Senator Thomas J. Dodd (D-CT), who sat on the Senate Committee on the Judiciary and served as chairman of the Subcommittee to Investigate Juvenile Delinquency, sponsored numerous of gun control bills during this period, including the one that would eventually become the Gun Control Act of 1968. Dodd and his allies espoused a view that there was a "threat to law and order" posed by "undesirable elements of our society" who

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[85] U.S. Congress, Senate, Committee on Commerce, *Interstate Shipment of Firearms: Hearing Before the Committee on Commerce*, 88th Cong., 1st and 2nd Sess., 1963, 47.

should not have access to firearms. Importantly, at this political moment those "undesirable elements" lacked a distinct racial character.[86] In his opening remarks, Dodd sought to distinguish between rightful gun owners and the criminals he intended to target:

> The ownership of firearms most certainly places a certain moral burden, however, on the owner. Therefore, the term "undesirable" would only include those persons who are not able to bear their moral responsibility. Even in early America when arms were a natural part and a necessary part of a man's property, mental defectives, felons, and chronic drunkards were not encouraged to carry firearms.[87]

Although the hearings eventually covered the topic of racial and ethnic gang violence, white perpetrators, generally signified by a lack of racial identification by the speaker, are evenly represented in hearing testimony and submitted evidence. At this stage the debates on guns and crime were race-neutral, but rising racial unrest would soon create an opening for anti-civil rights politicians and gun advocates to reframe Blacks as the existential threat, the enemy that makes white armament necessary. Pro-gun legislators and lobbying groups would work in tandem to link crime to Black protest and refocus gun regulations on punishing the "criminals" responsible for the breakdown of the social fabric.

Franklin Orth, who served as executive vice president of the NRA throughout the 1960s, represented the organization's position in 1962 as one of cooperation with the government to enact reasonable legislation that gets to the heart of the problem: criminals, not the instruments they use. He states: "In brief, we hold that the violent crimes with which we are all concerned are acts of individuals. They are not inherent in any instrument used—including firearms. Deterrent legislation must provide punishment for these acts,

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[86] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3185.
[87] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3185.

and to be effective those punishments must be firmly applied."[88] He goes on to invoke imagery of legions of wholesome recreational gun owners as a stark contrast to a small population of criminals at whom gun laws should be aimed:

> Obviously a small minority of our citizens are criminals. Our law enforcement agencies find their problems caused by a relatively small number of persons. As far as firearms are concerned, I am certain it must be conceded that our half-million NRA members who enjoy shooting as a wholesome sport, plus the millions who go into our hunting fields each year, vastly outnumber the thugs at whom our criminal code is aimed. We insist that our laws be directed at the acts of those who cause the problem, not at those who do not.
>
> When restrictive regulations are concerned primarily with the instrument used by both they affect far more law abiding persons than lawless ones.[89]

Orth goes on to criticize the lack of enforcement of existing firearms laws, arguing that if punishment were meted out beyond minimum sentences, the catch-and-release cycle of repeat offenders would end, and the primary perpetrators of violent crime would be kept off the streets. Finally, he advocates "increased and mandatory sentences where armed force has been used in commission of a crime" and recommends "solving our greatest social problems" rather than restricting gun ownership as the most effective deterrent to crime.[90]

The types of gun laws the NRA has backed would be better characterized as criminal laws rather than gun regulations. Speaking against some of the provisions of the National Firearms Act of 1934, NRA executive vice president Milton Reckord condemns the bill under consideration, H.R. 9066, which would have imposed taxes on gun manufacturers, importers, and dealers, taxed the sale of multiple types of firearms, and regulated both

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[88] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3483.
[89] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3483.
[90] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3484.

imports and interstate transport of firearms. In that bill's place he advocated four other bills that targeted neither the firearms industry nor the firearms purchaser. Rather, each would have enhanced penalties for the criminal use of firearms, or as Reckord explained, they would "strike directly at the criminal without the round-about method of trying to get the criminal through the honest citizen."[91] In response to Reckord's statement, the chairman of the House Ways and Means Committee framed the NRA's position as "dealing with a criminal fleeing from the scene of a crime," while the Department of Justice would greatly prefer to try "to prevent the commission of the crime" by controlling the use of firearms in the first place.[92]

Conservative Alliance

The record of roll call votes on gun control bills during the 1960s suggests broad support across partisan and ideological lines, with the Gun Control Act of 1968 facing consistent opposition from many legislators but ultimately passing both houses of Congress with wide margins. However, the histories of this bill and its predecessors tell a markedly more divisive story. Gun control was placed on the congressional agenda by liberal Connecticut senator, Thomas Dodd (D-CT), when he served as chairman of the Subcommittee to Investigate Juvenile Delinquency. Gun regulations met swift opposition from the NRA and conservative senators but were opposed most fiercely by a rather consistent coalition of rural Republicans and Southern Democrats. For example, the final House vote on the 1968 Gun Control Act broke largely along urban-rural and regional lines,

[91] U.S. Congress, House, Committee, *National Firearms Act*, 112.
[92] U.S. Congress, House, Committee, *National Firearms Act*, 114.

with 90 percent of urban representatives supporting the bill, and a significant bloc of Southern Democrats and Republicans from sparsely populated western states such as Montana, Wyoming, Utah, and Idaho opposing it.[93]

The period following the 1977 "Revolt at Cincinnati," an incident in which more extremist NRA leaders broke with the old tradition of cooperation with the federal government and radicalized the organization, is typically cited as the beginning of the era of the NRA's Republican partisan affiliation.[94] Before the "revolt," Lacombe writes, "Gun control was not a cleavage issue dividing Democrats and Republicans … so the NRA lacked a clear home in the party system."[95] However, while Lacombe's claim is true, it also fails to locate the NRA's political and popular messaging in its clear ideological home among conservatives prior to the partisan realignment of the 1960s-70s, during which Southern Democrats rapidly moved to the Republican Party, leading for the first time to clear ideological alignment of Republicans with conservatism and Democrats with liberalism. This is an important precursor to the NRA's radical shift in the late 1970s, without which the close relationship between the NRA and the Republican Party would have been unlikely to form.

Also overlooked in Lacombe's account, the racial politics of the 1960s shaped conservative responses to the gun control agenda in profound ways, ultimately

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[93] Data gathered from "Gun Controls Extended to Long Guns, Ammunition," in *CQ Almanac 1968* (Washington, DC: Congressional Quarterly, 1969); Jeffrey B. Lewis, Keith Poole, Howard Rosenthal, Adam Boche, Aaron Ruskin, and Luke Sonnet, *Voteview: Congressional Roll-Call Votes Database* (2022).

[94] Lacombe, *Firepower*, 12-17.

[95] Lacombe, *Firepower*, 12.

contributing to the criminalization of civil rights protest and playing a major role in establishing criminal penalties that would result in the disproportionate incarceration of Blacks for decades to come. A granular examination of legislative actions on gun policy provides an important view of where the push for gun criminalization originated and how it succeeded in scuttling comprehensive efforts toward curbing indiscriminate firearms sales and preventing gun crimes. Crucially, the National Rifle Association set the anti-regulation agenda early on with its input on the 1963 Senate juvenile delinquency hearings, in which it advocated jettisoning restrictions on gun sales and opting for harsher sentences for gun-related crimes, including the possession of a firearm while committing a violent crime or other felony, regardless of whether the gun was used in the commission of the crime. So-called enhanced penalties for gun possession had been the NRA's legislative bread and butter since it aided in the drafting of the Uniform Firearms Act of 1930 (UFA).

Section 2 of the UFA, titled "Committing Crime When Armed," provides that "If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this act."[96] That is, persons convicted of attempted or completed crimes of violence might also be subject to separate and additional punishment for having been armed with a pistol at the time of the crime. Enhanced penalties for firearms possession were not universally accepted as fair or beneficial by legislators of the era, however, and members of Congress would debate their merits with NRA leaders for the next few decades.

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[96] National Conference of Commissioners on Uniform State Laws, *Uniform Firearms Act*, 1930.

The NRA outlined a more punitive plan in a 1934 *American Rifleman* editorial, which included prohibiting the purchase or possession of any weapons by narcotics addicts or individuals convicted of a crime of violence; enhanced penalties for armed vagrancy and stricter enforcement of existing vagrancy laws; and "mandatory and heavy additional penalties" for the commission or attempted commission of a violent crime while armed. "No gun registration law is needed to accomplish what the proponents of gun registration claim they want to accomplish," the NRA concluded.[97] Mandatory minimum sentences would become a fixture in the NRA's legislative recommendations and would become an increasingly popular policy approach among other hunting and shooting organizations. The NRA again advocated mandatory sentences in the 1951 hearings on crime in the District of Columbia;[98] and, this time joined by other shooting sports groups, the 1963 hearings on the interstate shipment of firearms.[99] By 1965 nearly every representative of firearms interests, from collectors to dealers, manufacturers, sport shooters, and hunters, specifically endorsed some version of mandatory sentencing for gun-related crimes.[100] This was the moment and the issue on which the interests of the firearms industry, broadly conceived, and anti-civil rights legislators would converge.

By 1965 conservative opponents of civil rights had succeeded in linking Black protest to crime, and the fight against civil rights gains through crime policy was underway.

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[97] Quoted in U.S. Congress, Senate, Committee, *To Regulate Commerce in Firearms*, 82.

[98] U.S. Congress, House of Representatives, Committee on the District of Columbia, *To Provide for the More Effective Prevention, Detection, and Punishment of Crime in the District of Columbia*, 82nd Cong., 1st Sess., 1951.

[99] U.S. Congress, Senate, Committee, *Interstate Shipment of Firearms*.

[100] U.S. Congress, House of Representatives, Committee on Ways and Means, *Proposed Amendments to Firearms Acts Part 1*, 89th Cong., 1st Sess., 1965.

Rather than merely providing a convenient vehicle for challenging civil rights on new, less controversial terrain, the problem of crime gained traction precisely because of the vigor civil rights opponents brought to the issue during this era. Vesla Weaver maintains, "Until racial disorder was defined as a crime problem, there was no mobilization on the crime issue and very little policy change."[101] Once racial unrest was defined as a crime problem, crime became an issue of national urgency, and political momentum on gun control would become inextricably interwoven with this framing of race and crime.

Whereas before this shift the political focus on crime was not racially specific, episodes of racial unrest provided a pivot point for crime policy to become a matter of race control. This was the political moment at which the traditional, racialized gun-rights framing of its friend-enemy distinction was submerged under panic about rising crime and recast in racially neutral terms. Both the crime debate and the gun debate began to zero in on riots, racial protest, and fear of violence committed by racial agitators. In 1965 an NRA representative linked civil unrest to general lawbreaking, claiming, "Today we have a new era of lawlessness in America due, in part, to social conditions and civil unrest. The fact that we have a critical crime situation in this country today is obvious to us all."[102] In the following years, civil rights opponents such as Representative William Cramer (R-FL) sought to bring racial protest to the forefront of the crime debate with a focus on anti-riot legislation, which would put Black agitators like Stokely Carmichael "out of business."[103] As

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[101] Weaver, "Frontlash" 263.

[102] Statement of Franklin Orth, U.S. Congress, Senate, Committee on the Judiciary, *Federal Firearms Act: Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary*, 89th Cong., 1st Sess., 1965, 182.

[103] U.S. Congress, House of Representatives, Committee on the Judiciary, *Anti-Crime*

one anti-riot bill supporter argued, "It is clear that one of the prime causes of disorder today is the excessive freedom allowed to professional demagogues and rabble rousers who move from city to city inciting riots in the name of civil rights."[104]

This era of gun policy was driven by two conflicting, ideologically driven goals. Liberals advocated a root causes approach to gun policy, as it did with crime policy in general, embracing approaches to reduce crime by reducing access to guns. In this view, criminality is bred by social circumstances, environment, access to opportunity, and too-easy access to weapons with which to carry out crimes. Conservatives, on the other hand, rejected the root causes approach as excessively sympathetic to criminality, and pressed for attacking the crime problem through increased punitiveness. Senator John McClellan (D-AR), a Southern civil rights foe and major proponent of law-and-order crime policy, was a leading voice for the conservative view:

> There are sentimentalists who are plaguing our Nation with the advocacy of more and more sympathy and less and lighter punishment for criminals. Oblivious to the plight and suffering of the victims of crime and its impact on society, these sentimentalists seem bent on excusing every unlawful act, from truancy to murder, on the pretext of mental illness, tender age, social ills such as broken homes, lack of opportunity, and an unhappy childhood.[105]

McClellan and other conservatives accused liberal supporters of the Great Society program of making excuses for the amoral and lawless, arguing that what was needed instead was a crackdown on bad behavior. The NRA espoused an identical view with regard to gun policy,

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Program. Hearings Before Subcommittee No. 5, 90th Cong., 1st Sess., 1967, 1527.

[104] Statement of W. B. Hicks. Jr., Executive Secretary, Liberty Lobby, U.S. Congress, House, Committee*, Anti-Crime Program*, 369.

[105] Quoted in U.S. Congress, House, Committee, *Proposed Amendments to Firearms Acts Part 1*, 222.

arguing that "concerted efforts on the part of our judiciary to inflict the full penalties of existing laws" would have more effect than new gun legislation, and that if new legislation were determined necessary, it should include "mandatory additional severe penalties" and encouragement for the courts to "mete out more severe sentences for all crimes of violence."[106]

Gun control opponents and civil rights opponents took a similar tack in framing their opposition to legislating away the problems of guns and race, respectively, which they argued would impose intolerable costs on the majority for the sake of tackling the problems of a minority. Representative Joe Waggonner, Jr., (D-LA) explained that the problem with the 1964 Civil Rights Act was that it created a situation in which the "legal rights of others are infringed by the so-called rights" protected by the bill, specifically calling out political support for civil rights as a ploy "to woo the votes of the Negro at the expense of the human and property rights of all other citizens of the United States."[107] In the same vein, Franklin Orth, NRA executive vice president, had skillfully connected the issues of race, civil rights, and crime when speaking against a 1963 bill to restrict mail-order firearms. Orth stated:

> In recent years, a great deal has been said concerning civil rights, and the rights of minority groups. While we certainly subscribe to these general rights, we also feel that the rights of the majority of the citizens must be protected. Nobody will disagree with the facts that crime, in the District of Columbia and elsewhere, is committed by a small portion of the populace, including many repeaters. This leads to the presumption, and apparently a correct one, that the majority of the citizens of the District of Columbia are law-abiding people. It is this large majority of law-abiding citizens that must be protected against the criminal. To limit the right of the

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[106] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3478.

[107] U.S. Congress, House of Representatives, Committee on Rules, *Civil Rights. Hearings Before the Committee on Rules, Part 2*, 88th Cong., 2nd Sess., 1964, 487.

> citizen to protect his home or business is an invasion of civil rights, which can only benefit the minority, the criminal element.[108]

In the span of six sentences, Orth makes a series of discursive moves linking civil rights and racial minorities to crime. First, without specifically invoking race, he critiques civil rights for protecting minority groups at the expense of the majority, implying a zero-sum bargain wherein increasing minority rights necessarily decreases the rights of the majority. Second, he reuses this majority/minority framing to illustrate the problem with gun regulations: only a minority of citizens are criminals, but the proposed laws would unjustly limit the rights of the majority in a misguided effort to govern the behavior of the minority. Third, he declares that the majority need to be protected from the criminal minority, again inviting allusions to racial minorities as a threat to the racial majority. Fourth, he frames the right to protect one's home or business as a civil right and argues that gun regulations therefore constitute a violation of civil rights. And fifth, in the final sentence Orth juxtaposes "the minority" with "the criminal element," a construction that suggests, while not stating overtly, that racial minorities are synonymous with the criminal element, and that they would prosper under both civil rights and gun control laws.

Discursive linkages between civil rights and crime increased dramatically throughout the 1960s, as did arguments from both liberals and conservatives linking racial unrest to guns. In 1965 legislative hearings on both crime and guns included a small number of references to "civil unrest" and "racial unrest" as causes of lawlessness and gun purchases. Even through several race riots had occurred by this time, such as those in

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[108] U.S. Congress, Senate, Committee, *Interstate Traffic in Mail-Order Firearms*, 3478.

Harlem and Philadelphia in 1964, hearings were absent references to the riots, with just the occasional mention of riots incited by communists or overprivileged young (white) people. But during the "long hot summer" of 1967, when more than a dozen race riots occurred, "riotous mobs" became a core concern not only of crime-focused legislators, but also of gun control proponents.

True to its root causes approach, the gun control faction framed the problem of riots as a problem of easy gun access. In July of 1967, while a violent riot raged in Newark, New Jersey, the Senate Judiciary Committee held hearings on several bills to amend the Federal Firearms Act, and the subject of race riots touched off heated debate about the relationships among criminality, riots, and firearms. Conservatives passionately objected to the idea that lax gun laws should be considered a cause of such lawlessness, while Senator Thomas Dodd spoke up on behalf of liberal supporters of both gun control and civil rights. He expressed his distress that "legitimate nonviolent, civil protest was exploded into violence by a handful of agitators, many with criminal records, who armed themselves in advance knowing that peaceful protest could be turned into civil riots with a few murderous sniping incidents."[109] Far from condemning the rioters in general, Dodd also expressed sympathy that the "initial flurries" of unrest are sparked by "years of deep resentment and frustration," but they only turn into full-fledged riots because armed criminals show up for the purpose of inciting violence.[110]

Conservative interest groups, including the far-right Liberty Lobby, and

[109] U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1967, 281.
[110] U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1967, 282.

representatives of the shooting sports, including not only the NRA but also the National Wildlife Federation and state-level gun associations, dug deep into the narrative that social unrest was primarily responsible for the country's descent into lawlessness.[111] They pursued this angle of attack on gun regulations in the legislative setting and in communications with their members, and gun organizations and firearms dealers capitalized on the social unrest to promote gun sales. A 1967 advertisement in *The Shotgun News* promoted its "Long Hot Summer Special" on mail order guns, including semi-automatic rifles and "riot guns."[112] The same year an *American Rifleman* ran an editorial titled, "Who Guards America's Homes?" warning that gun control legislation coupled with inadequate police forces leave Americans vulnerable to "mob action on a scale unprecedented in the United States," which has "ravaged community after community in recent years. Chicago, Cleveland, Omaha, Los Angeles, Philadelphia, Rochester, N.Y., Birmingham, Ala., Newport, R.I., Daytona Beach, Fla., and many others have felt the lash of mass fury and rioting."[113] The editorial goes on to encourage armed citizens to serve as "community stabilizers," to aid law enforcement and protect their communities by keeping arms and joining a *posse comitatus* or unorganized militia.[114]

Gun sales soared in the wake of the "ghetto riots," both among whites and Blacks, and the uptick in gun ownership caused by fear of racial unrest frequently made headlines

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[111] See U.S. Congress, House of Representatives, Committee on the Judiciary, *Anti-Crime Program.*

[112] Magazine clipping included as exhibit in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1967, 42.

[113] Reprinted in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1967, 1060.

[114] Reprinted in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1967, 1061.

in major newspapers. In a 1965 article published at the tail end of the Watts riots in Los Angeles, the *New York Times* reported that ordinary suburbanites, including housewives, were buying guns, and teenagers were joining vigilante groups "organized to fight marauding Negroes."[115] In 1968 the *Philadelphia Enquirer* reported an increase in gun sales in the Philadelphia area, caused by fear of crime and "alarm over racial disorders in the cities."[116] The same year, *Newsweek* reported that support for gun control was increasing amidst a "domestic arms race" spurred by racial tensions, noting that gun sales had been increasing exponentially since the race riots began.[117] And *U.S. News and World Report* stated that "gun sales to private citizens are increasing as rioting spreads, crime rates rise and people lose confidence in police protection."[118] Momentum for gun legislation of some kind was strong, but the battle for control of the issue frame was ongoing.

Conservative legislators mounted their attack on gun control from a crime-and-disorder standpoint, emphasizing harsh penalties to crack down on lawlessness, and ultimately succeeding in merging the issue of gun control with law-and-order crime policies. While liberals continued to seek restrictions on firearm sales and possession to prevent further bloodshed "if racial relations are further exacerbated,"[119] a coalition primarily comprised of Southern Democrats and western Republicans systematically coopted gun control bills and molded them into crime bills. This effort was led by anti-civil

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[115] Peter Bart, "Los Angeles Whites Voice Racial Fears." *New York Times*, August 16, 1965.

[116] Reprinted in U.S. Congress, House of Representatives, Committee on Post Office and Civil Service, *Mail Order Gun Control. Hearing Before the Subcommittee on Postal Relations*, 90th Cong., 2nd Sess., 1968, 37.

[117] Reprinted in U.S. Congress, House, Committee, *Mail Order Gun Control*, 53.

[118] Reprinted in U.S. Congress, House, Committee, *Mail Order Gun Control*,48.

[119] U.S. Congress, Senate, Committee on the Judiciary, *Federal Firearms Legislation. Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 90th Cong., 2nd Sess., 1968, 248.

rights legislators such as Representative Robert Sikes (D-FL), Representative Bob Casey (D-TX), and Senator Strom Thurmond (R-SC), as well as Senator Roman Hruska (R-NE), a strong rural conservative but moderate on civil rights, and his Democratic ally John Dingell (D-MI). Hruska and Casey both helmed bills designed to weaken gun restrictions and increase penalties for gun-related or gun-adjacent crimes, and Casey and Poff were responsible for the inclusion of mandatory minimum sentences for crimes committed while armed in the 1968 Gun Control Act.

The mandatory minimum sentence provisions echoed the legislative plan the NRA's Franklin Orth laid out in 1967, "if the Congress deems such legislation necessary or desirable." The four-point program included two robust provisions that would have restricted mail-order gun sales, one provision for taxation and registration of destructive devices such as bombs or grenades, and, finally, a provision to establish mandatory penalties for crimes committed with firearms that had been transported in interstate commerce (i.e., mail-order guns).[120]

Although the adoption of some legitimate controls on firearms sales signified a minor win for Dodd and other gun control supporters, the pro-gun coalition had succeeded in reshaping gun regulations into harsh crime penalties that would contribute to the incarceration of millions of Black men during the next fifty years. The 1968 Gun Control Act established the first mandatory minimum sentences for either using or carrying a firearm during the commission of a felony, with a first conviction subject to between one and 10 years and subsequent offenses subject to a mandatory sentence of between five and 25

[120] U.S. Congress, Senate, Committee on the Judiciary, *Federal Firearms Act*, 1967, 496.

years. The law also eliminates the possibility of suspended sentences. This section of the U.S. Code underwent repeated revisions over the next several decades, which would adjust the mandatory minimum sentences and eliminate concurrent sentences and possibilities for probation or parole.

The farthest-reaching policy change of this most promising era for gun control was in fact the provision that would eliminate sentencing discretion for federal crimes committed while armed, which would go on to produce massive sentencing disparities between Blacks and other races for decades to come. In fiscal year 2010, Blacks comprised 55 percent of defendants subject to mandatory minimum sentences for these gun and crimes, as compared to 20 percent for whites and 21 percent for Hispanics.[121] Advocates of law-and-order policies in the Civil Rights Era succeeded in submerging the friend-enemy distinction beneath crime control frames and policies, continuing the history of Blackness as existential threat, but now in race-neutral terms.

Although the 1960s presented a prime political moment to pursue gun control, the collision of racial unrest, momentum on gun regulation, and an increasingly crime-focused agenda produced a punitive paradigm of gun regulation that failed to serve as a significant deterrent to gun crime, instead setting in motion policies that would supplant old methods of maintaining racial disparities with new, more racially discreet ones. The gun rights friend-enemy distinction was shored up by punitive policies that inaugurated novel methods of excluding the enemy despite the enemy's recent admission to the *demos*. Thus,

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[121] United States Sentencing Commission, 2011 *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, 2011, 274.

gun control joined the crime control agenda as a racially targeted salve for the public's frayed nerves. It was, in the end, an inauspicious time for earnest gun control supporters to pursue legislation to restrict firearm access.

Chapter 2
Gun Control Common Sense

Introduction

In Chapter 1, I detailed the development of what I have called the primary friend-enemy distinction in gun rights discourse, that between the law-abiding gun owner and the lawless, racialized Other. In this chapter I turn to the secondary friend-enemy distinction, the antagonism between liberals and conservatives on questions of gun rights and criminal justice, which developed during the legislative battles over gun policy during the 1960s, coalescing in the late 1970s in a hyper-partisan divide between liberal supporters of gun regulations and conservative advocates of absolute gun rights. I argue that the secondary friend-enemy distinction, a Schmittian political antagonism located in the domestic sphere, was the byproduct of a consensus-seeking approach to legislating on gun control, which exploded into antagonism at the first sign of opposition to gun regulations. The drive toward consensus, rather than manifesting in earnest consensus-building, expressed a hostility toward disagreement that ultimately fed the kind of conflict consensus is meant to prevent. The efforts of gun control supporters to enact gun regulations they believed necessary were based on a strong assumption of the universality of their interpretation of the problem and the obviousness of their preferred course of action. The presumed universality of their diagnosis of and prescription for the problem of gun violence is what I call *gun control common sense*.

Gun control common sense is based on the expectation of consensus about the

existence of a gun problem, the correct understanding of that problem, and the proper course of action necessary to resolve it. Underlying the expectation of consensus is a set of foundational assumptions: that guns themselves are the problem; that the problem can be solved politically; that it is therefore the role of legislators to solve it; and that a resolution to the problem is important to the public good. While the gun control effort grew out of investigations into juvenile crime from 1960 to 1963, the assassination of John F. Kennedy in November of 1963 gave the issue a new urgency. The shock of Kennedy's violent death spurred political action among mostly left-leaning legislators, who proceeded to try to legislate from this common sense, expecting easy consensus because of the context of a national tragedy, but instead encountering surprisingly powerful pushback. The unexpected clash of political and social values generated the secondary friend-enemy distinction, that between the political left, representing gun control, and the political right, representing gun rights. This iteration of the gun rights friend-enemy distinction illustrates the dangers of not only expecting consensus but also of continuing to push toward consensus in the face of conflict.

In this chapter I use archival legislative documents to analyze the domestic friend-enemy distinction in the gun debate of the 1960s. I take up Chantal Mouffe's critique and adaptation of Schmitt's friend-enemy thesis, which unlike Schmitt's account of politics in a homogenous, unified political community views political antagonism in the domestic sphere as inevitable and, if properly harnessed, beneficial. In a pluralistic democratic society differences and disagreements are unavoidable, and Mouffe argues that if we orient politics around the inevitability of conflict and realize that consensus is impossible, we can

make productive use of conflict and, in the end, strengthen democracy. This model views attempts to "keep the peace" in the political realm by always aiming for a reasonable middle ground as short-sighted and harmful. By emphasizing the necessity of reaching consensus, such an approach encourages detachment from visions of the good life by discouraging bringing into political debate what John Rawls refers to as "comprehensive doctrines," which include "conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct" and ultimately our life as a whole.[122]

Instead of a consensus-seeking approach, Mouffe advocates transforming unavoidable political conflict into an agonistic practice of politics. Whereas political *antagonism* operates in terms of friends and enemies, *agonism* constructs political opponents as friendly adversaries who are pursuing irreconcilable goals but are ultimately beholden to baseline commitments to democracy and liberal values. An agonistic approach expects conflict rather than harmony and welcomes contestation even over the meaning of the values accepted as fundamental to the character of the polity and to the meaning of citizenship. Writing about the contemporary gun debate, Donald Braman and Dan Kahan observe, "American political culture is heavily influenced by liberal discourse norms, which direct those engaged in public debates to disclaim reliance on contested visions of the good life and instead base arguments on grounds acceptable to citizens of diverse moral

[122] Rawls, *Political Liberalism*, 2005.

outlooks."[123] In place of contestation over visions of the good life, debate focuses on "apparently 'objective procedures and criteria' for policy making" such as statistics and cost-benefit analyses.[124] I locate the origin of this consequentialist, data-driven gun debate in the 1960s push for gun control and the demand for consensus that defined it.

Mouffe's agonistic model provides a useful analytical framework for understanding the political conflict over gun control during the 1960s and how this highly charged era of gun politics established the contours of the divisive and unwinnable gun debate that continues still today. I argue that the gun control proponents of the 1960s miscalculated their chances of passing gun legislation primarily because although they anticipated pushback from the National Rifle Association, they nevertheless expected consensus to emerge quickly and easily. The need for gun restrictions was glaringly apparent, in their view, and because they expected the moral power of their position to outweigh other considerations, they failed to anticipate the extent and the tenor of the objections they would encounter and thus failed to develop a coherent strategy to counter their surprisingly unswayable opponents. Meanwhile, gun advocates, led by the NRA, swiftly countered pro-control reasoning, building upon earlier efforts to delink firearms from crime, and questioning the premises of gun control common sense.

Hegemonic Common Sense

Contra Schmitt, who envisioned a homogenous body politic, Chantal Mouffe begins

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[123] Donald Braman and Dan M. Kahan, "Overcoming the Fear of Guns, the Fear of Gun Control, and the Fear of Cultural Politics: Constructing a Better Gun Debate," *Emory Law Journal* 55 (2006), 583.

[124] Braman and Kahan, "Overcoming the Fear of Guns," 583.

from "the fact of pluralism" as both an unavoidable condition in liberal democracies and as a potential source of their strength.[125] She critiques other democratic theorists for conceiving of pluralism as a burden that must be minimized in order to reduce conflict and antagonism, and argues that in the process of minimizing them potentially productive differences are excluded from politics and relegated to the private sphere. For Mouffe, rather than a burden to be assuaged, pluralism is constitutive of modern representative democracies: it is the source of challenges to hegemonic articulations of liberal democracy and a wellspring of democratic demands for a more capacious *demos*.

A hegemonic view of politics also emphasizes that existing power relations are historically contingent and always unstable; any appearance of solidity in the political and social order is the result of a temporary hegemonic stabilization.[126] Hegemonic orders come to feel natural and "correct," and they produce their own common sense that in turn appears to justify the established order. Because every hegemonic order is the result of certain inclusions and exclusions, it is crucial to liberal democracies to build into their procedures and political norms an account of any sedimented power relations as contingent and contestable. For Mouffe agonistic pluralism provides such an account and encourages the ongoing contestation of existing power relations. Political expectations that rest on a belief that the major political questions have already been settled and that fair procedures and the power of reason will dictate the most appropriate stances on issues will, on the other hand, tend to naturalize or essentialize existing power relations and to

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[125] Chantal Mouffe, *The Democratic Paradox* (New York: Verso, 2000), 19.

[126] Chantal Mouffe, *Agonistics: Thinking the World Politically* (New York: Verso Books, 2013), 2.

sacrifice deep democratic contestation in exchange for the pursuit of consensus.

I argue that an expectation of consensus was foundational to the gun control agenda in the 1960s, and that the legislators attempting to advance this agenda failed to take the possibility of conflict seriously, instead imagining that political actors of all backgrounds would bow to the obviousness of the evidence and a (supposedly) universal moral framework, and gun control common sense would prevail. Supporters of gun regulations expected the facts to speak for themselves and neglected to advance a compelling interpretation of the evidence in light of shared American values or norms. Several factors contributed to this scenario, including advancements in crime data collection, a growing body of empirical evidence on the causes of crime, and broad public agreement that gun regulations were both sensible and necessary.

At the same time, gun control supporters on the left dismissed their opponents' cultural perspectives as selfish, irrelevant, and unreasonable, effectively validating rural citizens' fears that their interests were being ignored while also providing fuel for the National Rifle Association's populist appeals to its membership. The left's gun control common sense alienated rural Americans and discursively cast them and their representatives as outside the realm of legitimate political debate. In the early stages of the debate gun control opponents voiced many valid questions and concerns about the proposed gun legislation, which pro-control legislators and popular media construed as an affront to reason and decency. Editorials in *the New York Times* and *the Washington Post* often took a mocking tone in their unanimous endorsements of strong gun control.[127] Gun

[127] See, for example, "The Facts." *Washington Post*, Mar 16, 1965.

control opponents comprised a political and cultural minority, as polling on the issue also indicated.

Had a popular majority determined the outcome of the fight over gun control, robust gun regulations would have been enacted. Polling throughout the 1960s indicated very strong public support for strict gun regulations, with more than 70 percent of respondents in multiple polls expressing support for mandatory police permits for firearm purchases as well as required gun registration.[128] Yet legislators were more divided than the public, and a minority of voices opposing gun control was powerful enough to override the majority's expectation of change. And herein lies the key difference between the pro- and anti-regulation strategies. Whereas pro-regulation legislators and voters *expected* change to occur because the problem and its best solutions were conceived as overwhelmingly straightforward and obvious, the anti-regulation camp rejected the majority's gun control "common sense" and fought to advance a novel understanding of the relationship between guns and lawlessness that would, they hoped, persuade enough legislators that the obvious answers were in fact criminologically and morally suspect. Because anti-regulation legislators and voters were on the defensive, they were under pressure to generate movement frames and issue understandings that could disrupt the gun control agenda's momentum. From a perspective of political discourse, they were a generative force that successfully articulated alternative interpretations of the available

[128] "Poll Finds 71% Back Gun Control Laws." *New York Times*, April 23, 1968; "Gun Control Support High, Poll Shows." *Washington Post*, June 7, 1968; "Gallup Poll Finds Public in Favor of Gun Controls." *New York Times*, June 9, 1968; George Gallup, "A Majority for Permit to Buy Gun." *Washington Post*, January 16, 1964.

evidence, thereby challenging the left's expectation that agreement would be nearly automatic, emerging from a universal common sense on crime and moral responsibility.

Gun control advocates' expectation of effortless agreement in the pursuit of gun regulations evokes Mouffe's critique of consensus-driven politics, which forecloses the appropriately political question of how we ought to live. The expectation that any political society has evolved past the need for conflict, or than on any given issue will reach consensus because a societal problem and/or its solution are too obvious to be contested, will treat a hegemonic social and political order as natural rather than contingent, obscuring the fact that any existing order was the result of political contestation. Every order is a result of political choices, every political choice is also an exclusion of other possibilities, which is precisely why consensus-seeking approaches are dangerous to democratic pluralism: they solidify an order that *should* be temporary and subject to ongoing contestation, even if only to refine it by rendering it more just or more capacious. By contrast, Mouffe's framework for agonistic pluralism "gives a positive status to differences and questions the objective of unanimity and homogeneity,"[129] because only by orienting politics around the benefits of constructive conflict can a political order avoid naturalizing sedimented power relations and their attendant exclusions. Democratic pluralism demands a diversity of perspectives, preferences, and visions of the good life, but because successful articulations of political visions lead to hegemonic orders, pluralism's influence is at risk of waning over time. Agonistic pluralism invites confrontation among adversaries to preserve a diversity of ideas in politics, which makes productive use of the

[129] Mouffe, *Democratic Paradox*, 19.

tension between popular sovereignty and equality.

Agonistic Pluralism

Mouffe constructs her vision of agonistic pluralism in opposition to procedural justice models of democracy, such as those elaborated by Jürgen Habermas and John Rawls. Mouffe criticizes their accounts of democracy for attempting to establish consensus in the public sphere by eliminating visions of the good life as topics of public discourse. Once stripped of competing philosophies of the good life, the public sphere will become a forum for rational discourse among equals, following procedures all participants deem fair, for the purpose of making collective decisions that will "produce generalizable interests on which all participants can agree."[130] Ultimately these arrangements succeed by pushing pluralism to the periphery and reducing politics to the remainder, to that which does not ignite the passions the way our visions of the good life do. The resulting political equality leaves substantive inequalities untouched and relegates disputes over normative visions to the non-political realm, which is precisely the deficiency, for the political realm alone offers the opportunity to negotiate among competing visions of how we ought to live.

The danger of leaving normative visions out of the political realm is that battles over these visions will then be fought in moral or ethical terms, without the mediating influence of political norms and relativized, normalized conflict. Furthermore, the exclusion of normative visions from politics is incomplete because the standards of procedural democratic fairness are themselves part of a normative vision that are naturalized as

[130] Mouffe, *Democratic Paradox*, 47-48.

apolitical and universal. Mouffe writes:

> Consensus in a liberal-democratic society is – and will always be – the expression of a hegemony and the crystallization of power relations. The frontier that it establishes between what is and what is not legitimate is a political one, and for that reason it should remain contestable. To deny the existence of such a moment of closure, or to present the frontier as dictated by rationality or morality, is to naturalize what should be perceived as a contingent and temporary hegemonic articulation of 'the people' through a particular regime of inclusion-exclusion. The result of such an operation is to reify the identity of the people by reducing it to one of its many possible forms of identification.[131]

This critique highlights that establishing "neutral" procedures for fair and just political norms is in fact a political act that excludes some interests and forms of expression as unreasonable or illegitimate. Treating the act of political creation as neutral and based on universal principles of rationality submerges the political, contingent, and contestable nature of such moments of closure, and will tend to solidify identities and inequalities that should be seen as temporary products of contingent political construction. In other words, the act of political construction masquerades as a distillation of pure reason rather than a moment of closure around acceptable communication norms, legitimate topics of political import, and reasonable forms of identity.[132]

Theorists such as Rawls painstakingly establish frameworks for political decision-making that are presumed to be untainted by cultural or religious beliefs and any justifications for policy and procedure that might arise from them. These efforts proceed from an acknowledgement of the empirical fact of pluralism and an understanding that liberal democracies must accommodate plural conceptions of the good life and never seek

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[131] Chantal Mouffe, "Carl Schmitt and the Paradox of Liberal Democracy," *Canadian Journal of Law and Jurisprudence* 10 (1997), 49.

[132] Mouffe, *Return of the Political*, 144-47.

to impose or enforce one system of meaning over another. Liberalism in this view is incompatible with conceptions of the good life (what Rawls calls comprehensive doctrines) that claim infallibility, as most religions do, because liberalism demands that citizens recognize that although they believe they subscribe to the only true belief system, they do not have a right to impose it on others. Thus, liberalism demands recognition of the possible fallibility of one's own beliefs or at least an acceptance that people have a right to hold false beliefs, and most importantly, that these beliefs will not result in differential treatment or unequal access to rights and opportunities.

Yet this approach merely privatizes identities and comprehensive normative visions in the name of domestic peace and fair decision-making, rendering politics a process of negotiation among people whose identities and preferences are presumed to be pre-political. And those identities and preferences ought to remain apolitical, perhaps informing the preferences that ultimately belong in the public sphere, but only if they can be communicated in a way that maximizes common ground and common language. Mouffe worries specifically about this depoliticization of differences among groups, and argues that the hollowing out of the political character of these conflicts opens new pathways to deepen inequalities while simultaneously decreasing available avenues to contest them.[133] Striving for consensus, a political "third way" between parties, or a democracy founded upon the ideal of universal human equality demotes politically important differences in pluralistic societies to the realms of the social, economic, or purely ethical. Reassigning these differences to non-political realms produces a thin version of political equality that is

[133] Mouffe, *Democratic Paradox*, 49.

likely to mask other significant inequalities.

Another risk of the expectation of consensus is the greater potential for political disagreement to turn hostile when participants' presumptions of common ground are subverted by unexpected challenges to what was assumed to be a universally shared belief system. The universality of certain foundational norms is a required background condition for the practice of democracy, such as commitments to equality, fair and transparent procedures, majority rule, and rule of law, yet interpretations of these norms are contingent and changeable. One of the clearest examples of the contingent nature of liberal democratic norms is expansion of notions of equality over time, one result of which has been the incremental expansion of voting rights from a tightly circumscribed group of relatively privileged white men to universal suffrage for adult citizens. Each iteration of democratic "equality" was considered legitimate until excluded groups agitated for their right to count as full democratic citizens, and each time the foundational idea of democratic equality was redefined to become more expansive. In other words, the hegemonic universality of a citizenship limited to propertied white men gave way when challenged, and a new, more expansive definition of democratic equality took its place.

The reality of conflict in pluralistic societies is a central concern for Mouffe. Because conflict is endemic to pluralism Mouffe advocates *agonistic pluralism* as the best political orientation for liberal democracies, because the approach normalizes conflict as inevitable and valorizes it as a productive good for democratic possibility. Ideally, approaching politics as a site of inevitable disagreement over both questions of identity, such as who we ought to be as a people or what, for us, constitutes the good life, and questions of action—

how ought we to proceed?—would generate an expectation of disagreement and an openness to new democratic demands. However, openness to contestation does not mean consensus can be reached or agreement will be expected. Rather, agonistic pluralism seeks to transform potentially hostile political antagonism, which tends to treat opponents as enemies, into a friendlier confrontation among adversaries, each of "whose existence is perceived as legitimate."[134]

Although neither agonistic nor antagonistic confrontation is expected to produce consensus, each nonetheless must frequently produce decisions (when they do not end in a stalemate). In an antagonistic confrontation, and I argue the gun control debate of the 1960s was one such confrontation, opponents will be treated as enemies, and any decision reached will be liable to alienate and produce animosity in its critics. By contrast, an agonistic confrontation begins from a baseline expectation that clashes of ideas will occur and that respectful discord is both a sign of democratic vitality and an opportunity for progressive growth.

For Mouffe consensus-oriented politics lays the groundwork for populist movements which can earnestly claim to represent the neglected interests of the people, whether those interests are democratically progressive or regressive. Political elites seeking consensus in the face of a population's multiple, often incompatible, interests are in danger of alienating their constituents, who would prefer accurate and robust representation over a chronic pursuit of the middle ground. In addition to its inevitable failure to give voice to the true preferences of constituents, consensus-driven politics is

[134] Chantal Mouffe, "The Affects of Democracy," *Critique and Humanism* 49, no. 1 (2018), 63.

also uninspiring politics, because as in Rawls's "overlapping consensus" the ideas and issues people feel most passionate about are demoted to the private sphere.

The idea of overlapping consensus is instructive here because its logic resembles the assumptions underlying the gun control common sense of the 1960s. To achieve an overlapping consensus people and groups that are hostile to pluralism, and therefore to each other and the very idea of social cooperation, must be excluded from the political sphere. Their inclusion would be theoretically impossible in a liberal political order because their comprehensive worldviews disavow some or all of the basic political values upon which a pluralistic democratic society is built, such as the equality of all citizens, the importance of toleration toward other comprehensive doctrines, and the value of public reason. A reasonable comprehensive doctrine, on the other hand, has three features: it is "an exercise of theoretical reason," "an exercise of practical reason," and "it normally belongs to, or draws upon, a tradition of thought and doctrine."[135] Reason and rationality are the touchstones of Rawls's conception of overlapping consensus.

While rational agents will have goals and desires they want to advance, reasonableness will temper their pursuits with a sense of justice and respect for others' goals and perspectives.[136] Reasonableness hinges on the ability to recognize that one's own belief system cannot be proven as true, and therefore must be rivaled in worth by other belief systems. Reasonableness also requires that persons leave aside trying to use political power to establish the supremacy of any comprehensive doctrine. Those persons or beliefs

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[135] John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 59.
[136] Rawls, *Political Liberalism*, 52.

that are unreasonable are excluded from the public sphere, because a fair and just political conception must remove the bitterest and most passionate sources of conflict from the political realm to secure society's stability and longevity. But in limiting the political realm to discussion and negotiation over topics that are compatible with all comprehensive doctrines, consensus-seeking approaches like Rawls's remove the possibility of political clashes over the things that matter most to people, relegating such conflicts to the purely social world.

For many people, the only beliefs they hold dear would be rendered private matters, and it is easy to imagine that for them the political realm might contain so little of interest or worth that they would have no desire to belong to such a political order. Such people would be considered unreasonable. Rawls explains, "Insofar as we are reasonable, we are ready to work out the framework from the public social world, a framework it is reasonable to expect everyone to endorse and act on, provided others can be relied on to do the same."[137] The framework we could reasonably expect everyone to endorse and act on is laid out in such a manner that a certain amount of concord absolutely must be possible, and so if concord is not a goal, or would in fact be objectionable to someone, the expectation of agreement is not the problem, the unreasonable person is.

There are many sources of unreasonable disagreement in political life, including "prejudice and bias, self- and group interest, blindness and willfulness."[138] Because group identity and interests are precisely what drive populism, it is not difficult to see how a

[137] Rawls, *Political Liberalism*, 53-54.
[138] Rawls, *Political Liberalism*, 58.

political order that depoliticizes identity might instead inspire new identity-based populist movements that seek to claim their democratic power in the face of a perceived lack of representation for their members. And populist movements are frequently received by the left, right, or both as a threat or an enemy to be quashed, rather than as legitimate claimants in the democratic political arena. They are preemptively excluded from the political sphere and their claims are considered in a moral register instead of a political one: they are criticized as morally wrong, bad, or evil rather than seen as advancing claims that are relevant to debate over a shared political future.[139]

Political Enemies

In the 1960s gun debate, the clash between gun control common sense and gun rights claims birthed the secondary friend-enemy distinction, the seemingly irresolvable partisan political antagonism over guns that continues today, preventing meaningful debate on the issue of gun violence and impeding progress toward workable solutions. Furthermore, this clash spurred a cascade of further developments that determined the course of the future gun debate and the legislative path politicians ultimately pursued while momentum behind the gun control movement remained strong. First, it encouraged an over-reliance on rational argumentation and statistical data to determine the value of gun control. When they encountered resistance to their gun control common sense, control proponents began to wield statistics as debate-ending and incontestable facts, which quickly narrowed the scope of the debate to disagreements over the correct interpretations

[139] Mouffe, *Agonistics*, 142-43.

of existing data. The rational and data-driven tenor of the debate obscured not only the values and worldviews underlying the debate, but also the actual merits of legislators' policy proposals and critiques.

In turn, legislators' commitment to following the data led them down a path of gun control policies that prioritized curtailing ghetto crime above other varieties of gun violence. Next, the understanding that gun violence statistics held the answer to the normative question of what ought to be done about guns encouraged gun control opponents to begin generating their own data to prove that their anti-control position was the correct one. A cottage industry of gun rights literature grew out of this effort, including a new sub-genre of pro-gun argumentation focusing on Black gun rights that would eventually fuel the contemporary "antiracist" gun rights rhetoric that I discuss in Chapter 4.

On August 3, 1963, three months before the assassination of President John F. Kennedy, after more than two years of investigation into the problem crime among minors and young adults by the Senate Subcommittee to Investigate Juvenile Delinquency, subcommittee chair Senator Thomas J. Dodd (D-CT) introduced a gun control bill intended to respond directly to the widespread use of mail-order guns in juvenile crime. The bill, S. 1975, would prohibit the interstate shipment of handguns to minors, ban the purchase of mail-order weapons by convicted felons, and create more stringent licensing requirements for gun manufacturers and sellers.[140] After Kennedy's assassination by a mail-order rifle on November 22 of the same year, Dodd amended the bill to broaden the reach of the

[140] U.S. Congress, Senate, Committee, *Interstate Shipment of Firearms*, 1.

interstate shipment restriction from handguns to all firearms.[141]

Having earlier in the year encountered resistance to the idea of gun regulations from the National Rifle Association, Senator Dodd set the tone for the committee hearings on S. 1975 with amendments by invoking standards of reasonableness that form the basis of gun control common sense. After introducing the scope of the problem of gun crime, Dodd called for "reasonable controls" to be enacted, and categorized potential opponents to this "simple" decision as unreasonable, irrational, or selfish:

> Some people are so out of touch with reality, so unwilling to be slightly inconvenienced, or so financially involved in the gun traffic as to hold that no regulation whatever should be imposed upon this commerce in deadly weapons. But any reasonable, objective person, looking at this problem from the viewpoint of public safety, will agree that some form of control must be achieved. The type of control is a question that is open to legitimate controversy by people of good sense and good will.[142]

With this statement Dodd staked out the boundaries of reasonable deliberation over gun regulations, which must result in "some form of control," setting up an antagonistic confrontation between the pro-control camp and those groups or citizens that might reject the proposed regulations. Although his statement leaves an opening for "legitimate controversy," it explicitly excludes input that he might consider lacking in "good sense," framing substantive opposition to available gun control proposals as illogical and inconsequential.

An expectation of consensus among reasonable people on the need for firearm controls establishes opponents of the regulations under consideration as irrational and

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[141] U.S. Congress, Senate, Committee, *Interstate Shipment of Firearms*, 5.

[142] Testimony by Senator Thomas J. Dodd in U.S. Congress, Senate, Committee, *Interstate Shipment of Firearms*, 11.

excludable, while also assigning an implicit moral judgment that gun control opponents lack "good will." Yet one opponent of Dodd's bill, Senator Bourke Hickenlooper (R-IA), pushed back against Dodd's binary distinction, claiming to reject the proposed legislation but not all potential gun regulations, admitting that "some corrective measures" clearly were necessary. In defending his opposition to S. 1975, he drew on an alternate formulation of reasonableness, in which a reasonable response contrasts with an emotional one. Gun regulations should be "based upon information and not hysteria," Hickenlooper argued, whereas the bill under discussion was not a reasonable solution, but an emotional reaction "that goes too far."[143]

Sparring over the boundaries of reasonableness and what logic would (obviously) dictate pervaded the 1963 and 1964 gun control hearings before the Committee on Commerce, almost to the exclusion of discussion of substantive values or normative visions that might represent ordinary Americans' feelings about the appropriate role of guns in American society. Instead, debate hewed to rational argumentation based upon two competing facts: first, that guns are used extensively among upstanding citizens for sporting, hunting, collecting, and self-defense purposes; and second, that guns are used extensively in violent crimes, especially in criminal activity among young Americans. To reasonable Americans hoping to protect lawful gun use, avoiding gun regulations and enacting more severe penalties for gun crimes was the "more logical and reasonable approach."[144] On the other hand, to reasonable Americans hoping to reduce needless gun

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[143] Testimony of Senator Bourke Hickenlooper in U.S. Congress, Senate, Committee, *Interstate Shipment of Firearms*, 39-40.

[144] Testimony of representatives from the Kodiak Rifle and Pistol Club U.S. Congress, Senate,

violence, restricting access was the only cure. Pro-control voices emphasized the need to prevent crime, while anti-control voices both questioned whether the proposed regulations would in fact succeed in that mission and decried the loss of liberty that such a broad-reaching federal regulatory program would cause. Both sides noted that if enacted, S. 1975 would reduce Americans' freedom to purchase guns, but whereas Dodd and his allies characterized the loss of freedom as a necessary "inconvenience" to improve public safety, opponents railed against the curtailing of liberty for a plan that may or may not reduce gun crime. To their point, data that would shine light on the most effective gun regulations to pursue was nonexistent at this time, so neither side could claim to know what effect the proposed regulations would have in practice.

One of the gun control opponents' strongest logical arguments at this stage was that the proposed regulations might not have their desired effect, though they would unquestionably restrict good Americans' freedoms. Dodd and his pro-control allies would in proceeding congressional hearings try to settle this debate by drawing on ever more empirical data about the causes of gun crime. And still, the pro-control approach rested upon gun control common sense. Although gun control advocates now realized the need to support their position with scientific evidence, they nevertheless imagined that there were no legitimate alternatives to their position. They were in the right both morally and politically, and so they must prevail. Meanwhile, gun advocates sharpened their attack to better respond to gun control common sense, casting doubt on the fundamentals of gun control common sense.

Committee, *Interstate Shipment of Firearms*, 337.

Legislators and citizens felt passionately about the issue, and yet each side submerged their passions beneath rational argumentation and logical deduction. Gun control opponents decried "hysterical" policymaking, and both camps of legislators sought to "win" the policy fight by crafting the better argument. Lost in this battle of logic were the feelings and experiences of ordinary Americans whose communities were affected by gun violence, whose lives would be changed by gun regulations, or who had a vision of a stronger, saner, and less violent America. The National Rifle Association's organizing power gave gun control opponents, an intense minority, an edge in the policy fight, and the NRA's hardline anti-regulation position hindered compromise, but gun control common sense also fueled the unproductive political antagonism around guns, because in establishing the groundwork for political deliberation it omitted modes of inquiry and communication that would give voice to the concerns, desires, values, and identity expressions of citizens who supported gun control. These constituents were portrayed only as numbers in public opinion polls, while those who opposed the gun control measures received substantive representation of their interests, if not their worldviews.

The NRA channeled pro-gun citizens' passions into its legislative advocacy, and pro-gun legislators amply represented not only the details of their (largely rural) lifestyles, though they primarily used the information to refute pro-control logic and prove the harm of gun regulations. Citizens, too, approached their advocacy as if they were lawyers, expressing not their values, fears, and desires, but rather participating in the contest of logic and rationality established at the outset by political elites, an approach bent on winning rather than on creating a shared understanding of the stakes of the issue.

Deconstructing Common Sense

One of the core tenets of gun control common sense was that reducing access to guns would prevent crime. The link between firearms and crime is straightforward when guns consistently play a role in certain classes of crime, but to gun advocacy groups the discursive connection poses a serious public relations problem. The NRA had long held that gun laws cannot successfully reach the criminal element, because "the crook would not obey the law,"[145] and in the 1960s when under pressure to mount a counterattack to gun control common sense, the organization built on this rationale with a forceful effort to discursively disassociate guns from crime narratives altogether.

In the 1960s this meant publicizing alternate narratives about both the role of guns in society and the causes of crime. While liberal legislators advocated the view that gun violence was frequently caused by spontaneous and short-lived emotional swells that only turned deadly because of the presence of firearms, the NRA and other gun advocacy groups espoused the opposing view, that intentional criminals, rather than fleeting passions, were the cause of gun violence. Divorcing guns from the "root causes" discourse and postulating competing hypotheses about the causes of crime were the central tasks gun organizations pursued in their counterattack.

Pro-gun organizations built their case against gun regulations on four interrelated claims. First, criminals will carry out their deadly plans regardless of laws restricting weapons. The criminal intention is strong enough to overcome legal barriers to firearm

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[145] Testimony of Milton Reckord in U.S. Congress, House, Committee, *National Firearms Act*, 114.

ownership, and criminals will have no qualms about obtaining firearms illegally. Second, the criminal's choice of weapon has no bearing on the extent of violence he will commit. Again, the critical variable is the criminal intention, which if violently inclined will be unlimited by the type of weapon he wields. If he is intent on homicide, he will achieve it whether with a dagger, a pistol, a baseball bat, or some other tool. Third, criminals are distinct from law-abiding citizens in that they have no respect for the law and lack a strong moral compass. The honest citizen, by contrast, follows the law and upholds society's mores. He will obey gun laws while the criminal ignores them, giving the criminal the upper hand in the contest between order and lawlessness. Fourth, mere access to dangerous weapons does not spur criminal acts, and law-abiding citizens do not become criminals when they have access to guns. Criminality is intentional rather than spontaneous, and guns are only dangerous in the hands of the intentional criminal.

These arguments were thrust into the gun control debate at a time when empirical evidence to support or refute them was scant, and robust analyses of firearms crime had yet to occur. Existing data consisted of the FBI's Uniform Crime Reports (UCR), which during the course of the 1960s provided increasing detail on the use of firearms in violent crimes. However, the FBI crime data on firearms was far from comprehensive, in part because reporting was voluntary, but also because the data was subject to accidental or purposeful omissions, as well as classification errors. Moreover, the UCR's tracking of firearm-related crimes only began in 1961 and included little more than the total number of reported homicides committed with a firearm. By 1963 the UCR featured slightly more firearm-related data, including numbers showing an association between stricter state gun

laws and lower murder rates.[146] FBI director J. Edgar Hoover touted these correlations as proof that gun control saves lives, unequivocally calling for existing gun laws to be "fully implemented" and for localities without such laws to enact them "to protect the public's interest."[147] Data from the UCR also supported the idea that ordinary law-abiding citizens are at risk of becoming criminals when guns are handy, showing that the vast proportion of homicides reported occurred between family members or acquaintances, and that homicides outside the family were primarily "the result of impulsive rage involving a wide range of altercations, such as arguments over a cigarette, ice cream, noise, etc."[148] Contrary to the claims of gun organizations, the majority of homicides did not appear to have a strong association with criminal intent or engagement in other criminal acts.

Most forcefully, the 1963 UCR declared, "The easy accessibility of firearms and the lethal nature of a gun are clearly apparent in these murder figures. When assaults by type of weapon are examined, a gun proves to be seven times more deadly than all other weapons combined."[149] When in 1965 legislators cited the 1963 data to support the case for gun control, they presented the data as resoundingly clear, unquestionable, and self-evident. To gun control opponents, however, this reliance on data to support gun control legislation was suspect. A representative from the National Wildlife Federation declared, "As everyone knows, there are at least three kinds of misrepresentations in this world—big

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[146] Exhibit 9 in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 55.

[147] Quoted in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 37.

[148] Reproduced in U.S. Congress, House of Representatives, Committee on Ways and Means, *Proposed Amendments to Firearms Acts Part 2*, 89th Cong., First Sess., 1965, 586.

[149] United States Bureau of Investigation, *Uniform Crime Reports for the United States*, 1963, 7.

lies, little lies, and statistics." He noted that the data seemed to show that "the sale, ownership, and use of guns" in the U.S. directly correlate to the crime rate but rebutted that "the crime problem is not so much one of guns but of people."[150] He later added that "you can prove anything with statistics."[151]

The 1965 legislative hearings on the Gun Control Act (GCA) feature an enormous amount of parrying over the meaning and reliability of the FBI's statistics, ironically providing a new and incredibly effective avenue for gun control opponents to attack the legislation and its logical foundations. At one point during the hearings a dispute over statistics regarding the rate of gun homicides in rural districts led Senator Dodd to attempt to end the frustrating exchange by dismissively stating, "You can play with those statistics all you want to,"[152] but "the important fact is that the Bureau's records show the rate of homicide by gun in the rural districts is the highest in the country."[153] Importantly, Dodd had misinterpreted the UCR data, leading to a lengthy exegesis by Senator Roman Hruska as to the correct way to understand the numbers. Dodd's confusion and the dispute over how to interpret the raw crime data amply illustrate the mixed reception the data received during the hearings, which ranged from outright dismissiveness to cautious skepticism to full faith in the reliability and persuasiveness of the numbers. Dodd's grappling with the correct interpretation of the FBI data occupies dozens of pages of the hearing transcript,

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[150] Testimony by Thomas L. Kimball U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 265.

[151] Testimony of Thomas L. Kimball U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 267.

[152] U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 566.

[153] U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 566.

and his requests to various parties for further data occupy dozens more. He places his confidence in the data, imagining the proper course of legislative action will emerge directly from the numbers, apparently without mediation. In defense of his interpretation of the data, Dodd stated, "There is a lot of fussing about these statistics. As you know, it is always easy to argue over statistics. I think they speak for themselves."[154]

By contrast, opponents of the GCA dedicated their testimony to casting doubt on the reliability and meaning of the available statistics, and the pro-control side's occasional misinterpretations of the data only bolstered their case. Criticism of statistics as highly manipulable and fundamentally subjective effectively undermined gun control common sense, for if even an influx of data could not demonstrate the correctness of the logic of gun control, then agreement on the definition of the gun problem, let alone the need to take action to rectify it, would be impossible to reach. "Statistics," the president of the International Armament Corporation commented, "are an interesting subject, because one can read them up or one can read them down."[155] Gun advocates' sometimes gleeful, sometimes indignant attacks on the data continued for the next three years, until Congress passed the final version of the GCA, H.R. 17735.

Mockery and criticism of statistics continued, as the testimony of Raymond Sargent, legislative chairman of the Texas State Rifle Association, illustrates:

> I couldn't help but be impressed by the quantity and quality of the selected statistics that have been presented to you gentlemen. Hopefully, in your wisdom you will get the proper ones in mind. I am reminded that the U.S. Military Academy at West Point is an all-boys school and that the great college for the ladies, Vassar, is an all-girls

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[154] U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 613.

[155] Testimony of Samuel Cummings in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 714.

> school, and it has been reliably reported, statistically, that the average student at the Military Academy has 3.6 children while at Vassar the average student has 2.4 children. I trust you gentlemen would not conclude that boys have more babies than girls. Statistics can be a confusing thing.[156]

Once again, testimony included numerous jabs like Sargent's, but now GCA opponents increasingly characterized the pro-control forces' use of statistics as harmful and purposefully misleading. Dodd and his allies were accused of no less than subterfuge by data manipulation, as one NRA representative, John Schooley, made clear in 1965: "A deliberate attempt has been made to make a firearm objectionable per se and such use of statistics is unethical."[157] In further testimony in 1967, Schooley argued that the problem was not necessarily with the data, which he agreed were true, but with the pro-control side's attempt to rouse citizens' emotions by dealing in "half truths"[158] that overstated the connection between firearms and crime.

Still other gun control opponents began to push back against the data by citing contrasting data, which, they argued, demonstrated that gun controls would be ineffective, if not harmful to the country. For example, a representative of the Liberty Lobby argued that proponents of gun control were misstating the facts on accidental shootings, citing data from the National Safety Council which showed that two percent of fatal accidents were caused by firearms, as opposed to 46 percent by motor vehicle,[159] while

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[156] Testimony of Raymond L. Sargent in U.S. Congress, House, Committee, *Anti-Crime Program*, 536.

[157] Testimony of John M. Schooley in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 824.

[158] Testimony of John M. Schooley in U.S. Congress, House, Committee, *Anti-Crime Program*, 665.

[159] Testimony of Michael D. Jaffe *in* U.S. Congress, House, Committee, *Anti-Crime Program*, 612.

representatives from the Michigan Department of Conservation and the International Association of Fish, Game, and Conservation Commissions claimed that "statistics and studies have proven that such proposed restrictions withs respect to firearms ordinarily used in hunting would in no way affect or reduce the crimes committed by the use of such firearms but, to the contrary, would unnecessarily disarm peaceful and law-abiding citizens to their disadvantage."[160]

By this point the chances of agreement on gun policy seemed vanishingly small, and antagonism between gun control advocates and opponents was still rising. Statistical warfare continued unabated, despite its failure to clarify the issues or produce any progress. To one onlooker at least, the debate was destined for a dead end because the focus on statistics was clouding the real issues. Professor G. Robert Blakey of Notre Dame Law School offered a critique of the pervasive over-reliance on statistical evidence in determining wise policy choices, which he dubbed "the fallacy of empirical proof." The problem with deferring to empirical proof in determining the best legislative strategy, he argued, is "the unspoken assumption that only a quantified judgment is valid. Unless you can reduce it to statistics and show a large number, your proposition cannot be accepted. Obviously, however, more is involved here than a numbers game," which requires judgments as to the nature of the things being compared, not simply an accounting of their frequency. Furthermore, the demand for empirical proof is flawed, because "it assumes such proof is possible."[161] In his estimation, gun policy was needed, and a demand for the

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[160] Submitted statement by Ralph A MacMillan and Harold W. Glassen in U.S. Congress, Senate, Committee, *Federal Firearms Act*, 1965, 746.

[161] U.S. Congress, House, Committee, *Anti-Crime Program*, 1030.

perfect, empirically supported policy was a fool's errand.

The demand for perfect proof that the proposed regulations would work now monopolized the debate, a position epitomized by the testimony of Representative Ray Roberts (D-TX) during the 1967 Anti-Crime Program hearings, who compared gun regulations to the Prohibition Era. Far from decreasing crime and disorder, the "years of prohibition were some of the most lawless ever known to mankind, and gave birth to organized crime that plagues America even today." He continued:

> I submit that the entire approach of this bill is wrong, and ineffective. This committee has had statistics after statistics thrown at them to prove one point or another. We all know that statistics can be twisted around to prove anything the statistician wishes. I will not be presumptuous enough to quote crime statistics in New York, where the Sullivan Act has been law for decades. I will merely pose one question regarding the use of any statistics from any jurisdiction in America where a restrictive firearms registration act is law:
>
> HAS SUCH A LAW EVER CLEARLY DECREASED THE NUMBER OR THE SEVERITY OF CRIMES INVOLVING FIREARMS? I challenge you to point to clear and convincing proof that the approach taken by this bill works. I further challenge you to DEMAND such clear and convincing proof—unimpeachable proof, if you please—before taking away from America its right to own and possess firearms."[162]

Gun control proponents seemingly had no chance of winning over their political enemies with either logic or empirics, yet the continued to follow the data, which would soon lead to the need to focus legislative attention on Black crime and cleaning up the ghetto. Whereas in earlier debates the constituencies most affected by gun violence were invisible, they would now be prominently featured, though not as individuals or communities, only as statistics. Vulnerable Black communities would now be seen, though their voices would

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[162] Testimony of Representative Ray Roberts (D-TX) in U.S. Congress, House, Committee, *Anti-Crime Program*, 727.

not be heard.

Defining the Negro Problem

While the gun debate raged, research into gun violence intensified, and the shocking specifics of the problem as a racial issue began to emerge. A 1968 study by Franklin Zimring, a University of Chicago law professor who would also go on to serve as a researcher for the Eisenhower Commission, into criminal homicide in Chicago sought to answer one of the core questions hamstringing the debate: Does the criminal precede the crime?[163] Or, put another way, does the availability of weapons increase violent crime, as gun control proponents have claimed? As I demonstrated in Chapter 2, when gun control advocates began to frame guns themselves as a root cause of crime, pro-gun legislators and advocacy groups responded by reframing gun crimes as problems of criminality rather than problems created by easy access to firearms. They rejected the suggestion that access to any particular form of weaponry could precipitate criminal actions, instead emphasizing premeditated offenses of the determined criminal, whose plans are suffused with criminality before any crimes have been attempted. The determined criminal is cool-headed, calculating, and patient enough to find the right weapons for the job even when laws restrict their availability. The determined, depraved criminal is the existential threat that legitimizes the individual right to firearm ownership, a right that ideally encourages sane, responsible, law-abiding citizens to arm up in society's defense.

If a large proportion of homicides are the result of unplanned violence, then

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[163] Franklin E. Zimring, "Is Gun Control Likely to Reduce Violent Killings," *The University of Chicago Law Review* 35, no. 4 (1968).

restricting access to firearms generally would reduce gun violence and homicides.[164] If, however, gun violence is primarily committed by determined criminals who will get the job done one way or another, then gun control would have little effect on rates of violent crime. Relatedly, the question of whether firearms are deadlier than other weapons was also a contested element of the debate. Regardless of intentionality or motive, if the criminal's choice of weapon has a marked impact on the severity of victim wounds or likelihood of victim fatalities, the gun must be considered a cause of violence. Inspired by this debate, Franklin Zimring's study of Chicago homicides was one of the first attempts to settle the question with empirical data, and his findings strongly supported the view of gun control enthusiasts. Zimring found that violent crimes most often occurred between spouses, relatives, and acquaintances, and that motivations were highly variable and did not suggest that homicide was typically preceded by an intention to kill. Additionally, the data indicate that the availability of firearms increases the deadliness of conflicts by a drastic degree.[165]

Although Zimring's study was well designed and clearly executed, its primary findings would have less influence on future gun legislation than an aside on the penultimate page of his report, which noted that non-fatal attacks and homicides exist on a continuum and frequently begin the same way, and that "both events fall with disproportionate impact on the Negro community," primarily Black males.[166] Zimring's study was submitted as evidence in the 1969 firearms legislation hearings, along with a study by Stephen W. Hartman, which reported that "the American Negro is…a key

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[164] Zimring, "Reduce Violent Killings," 722.
[165] Zimring, "Reduce Violent Killings," 722-28.
[166] Zimring, "Reduce Violent Killings," 736.

component to criminal homicide in this country."[167] In Hartman's analysis across 150 cities, the primary variable predicting homicide rates was being Black, with larger Black populations correlated to higher homicide rates. The second most important variable was the existence of gun licensing requirements, wherein licensing schemes were correlated with lower homicide rates.[168]

At the same time, two presidential commissions established by the Johnson administration had published the results of their investigations into the causes of crime, violence, and racial unrest. President Johnson tasked the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower and known as the Eisenhower Commission, with investigating violent crime, including assassinations, assault, murder, disrespect for law and order, and other related problems. The National Advisory Commission on Civil Disorders, led by Otto Kerner and known as the Kerner Commission, was charged with investigating the causes and prevention of the race riots that had afflicted several major cities in the mid-1960s.

Both commissions were extensions of the Johnson administration's longstanding focus on the root causes of crime and disorder, but their conclusions arrived at a time when the sociological understanding of crime had fallen out of favor among legislators. The Kerner report became popular reading among the general public, but despite its influence on the public imagination, its recommendations were ignored by a Congress that had

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[167] Reprinted in U.S. Congress, Senate, Committee on the Judiciary, *Firearms Legislation: Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary*, 91st Cong., 1st Sess., 1969, 212.

[168] U.S. Congress, Senate, Committee, *Firearms Legislation,* 1969, 211.

recently shifted to a punitive approach to managing crime and disorder.[169] Yet while the Kerner and Eisenhower commissions failed to move the needle on crime policy in general, they offered a wealth of empirical data that was quickly infused into the ongoing debate over gun regulations. During the next decade, the commissions' findings and recommendations altered the terrain of the gun debate and bred new discursive conflicts between gun rights advocates and gun control proponents.

In 1968 the Kerner Commission published its findings and recommendations on civil disorders to broad public interest. Its conclusions were a searing indictment of racial disparities in the United States, implicated as a cause of crime, disorder, and riots. The report summary declares, "This is our basic conclusion: Our Nation is moving toward two societies, one black, one white—separate and unequal."[170] If not rectified, the report warned, the country would become increasingly polarized, and "basic democratic values" would be destroyed.[171] The report's reception in a Congress fatigued by racial strife was lackluster, and even President Johnson rejected the racial tenor of the commission's findings, finding them "unreasonable and too radical."[172] Yet while the Kerner Commission's report had almost no impact on crime control efforts or efforts to curb rioting,[173] as both issues had been subsumed under the punitive law-and-order policy umbrella, it gained more traction in the gun control debate, championed by members of the

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[169] Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016), 127.

[170] National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders*, U.S. Government Printing Office, 1968, 1.

[171] *Report of the National Advisory Commission*, 1.

[172] Hinton, *War on Poverty*, 127.

[173] Weaver, "Frontlash," 253.

commission and researchers who contributed to its knowledge base.

An under-publicized portion of the Kerner Commission's research was its investigation into the role firearms played in the 1967 race riots in Newark and Detroit, research that had the cooperation of gun manufacturers Winchester and Remington, as well as the International Association of Police Chiefs. This section of the study found that easy availability of firearms contributed to their use in civil disorders, intentional crimes, and "accidental murders and injuries."[174] Additionally the investigation found that the riots were not the result of "any organized plan or 'conspiracy," but were spontaneous uprisings.[175] Furthermore, gun violence during the riots was spontaneous, fueled by escalating disorder, and often was preceded by gun thefts from local department stores.[176] The availability of dangerous weapons was clearly implicated as a cause of violence. Notably, while the race riots primarily involved Black urban dwellers, the commission report noted that no one race could be singled out as responsible for the gun violence that occurred during the urban riots, because "a significant number of whites were among those charged with sniping or otherwise arrested for the use or possession of firearms in Newark and Detroit."[177]

The final report of the Eisenhower Commission, published in 1969, offered several recommendations regarding firearm safety and policy that would fail to become prominent talking points in the gun debate. The report advised against keeping a gun for self-defense,

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[174] U.S. Congress, Senate, Committee, *Federal Firearms Legislation*, 1968, 238.
[175] Reprinted in U.S. Congress, Senate, Committee, *Federal Firearms Legislation*, 1968, 308.
[176] Reprinted in U.S. Congress, Senate, Committee, *Federal Firearms Legislation*, 1968, 311.
[177] Stanford Research Institute report for the Kerner Commission, quoted in U.S. Congress, Senate, Committee, *Federal Firearms Legislation*, 1968, 327.

because the likelihood of deterring burglars or successfully defending against an attack was minuscule, while the danger of the gun being used against a member of the household—likely by another person in the household—was much higher.[178] Even more controversially, the report urged severe restriction of handguns, the type of firearm most often used to commit violent crimes, through a strict licensing program designed to drastically limit handgun availability.[179] The Eisenhower Commission's report also added to the evidence that violent crime was primarily a problem in "the ghetto slum where most Negroes live."[180]

This data regarding the impact of race on both crime victimization and criminality were mounting, and the first gun legislation proposals following the passage of the 1968 Federal Firearms Act reflected a new focus on the problem of gun violence in Black communities. Franklin Zimring's research figured prominently in the new focus on cheap, throwaway guns commonly used by the urban poor in violent crimes, known as "Saturday night specials." In 1969 his testimony before the Subcommittee to Investigate Juvenile Delinquency focused solely on the dangers associated with the guns, with no mention of race, and his recommendations were attention-grabbing. When asked by Senator Dodd what he thought should be done about Saturday night specials, Zimring replied, "Ban them," and went on to propose a ban on "the domestic manufacture of all handguns except those certified as suitable for law enforcement purposes.[181] The 1969 firearm hearings also

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[178] National Commission on the Causes and Prevention of Violence, *To Establish Justice, to Ensure Domestic Tranquility*, U.S. Government Printing Office, 1969, 175.

[179] National Commission, *To Establish Justice*, 178.

[180] National Commission, *To Establish Justice.*, 23.

[181] Testimony by Franklin Zimring in U.S. Congress, Senate, Committee, *Firearms Legislation*,

featured Zimring's research on violent crime in Chicago, reprinted in full.

In 1971, when the first ban on Saturday night special handguns was under consideration, a follow-up to Zimring's initial study of Chicago crime, was included in full as evidence. Zimring and co-author Richard Block reported, "Homicide starts and remains about 90% intraracial. Homicide remains an event involving black offenders about 80% of the time and a nearly equal number of black victims."[182] Testimony by Lloyd N. Cutler, who had served as executive director of the Eisenhower Commission, added insights from the commission's report to the picture:

> I do not mean to suggest for a moment that by eliminating free access to the handgun we could eliminate violent crime. Violent crime has many causes, most of them deeply rooted in our social and political structure, and in conditions that create the ghetto slum. If we are to reduce violent crime to tolerable levels, the Violence Commission concluded, we must do more than we have to correct these basic social and political problems—problems that, as every elected public official knows, are very resistant to cure.
>
> But hand guns are one part of the problem that we can do something about, and in relatively short order.[183]

The thrust of Cutler's testimony and Zimring's research findings epitomize the gun control trajectory throughout the 1970s. While gun control proponents advanced a racial harm frame, opponents continued to push back on the idea of gun regulations as ineffective, imprecise, and liable to lead to greater harm than good.

Numerous firearm hearings occurred between 1975 and 1992, all of which continued to center the problem of Black victimhood and handguns, driven by still more

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1969, 167.

[182] Article "Homicide in Chicago, 1965-70" reprinted in U.S. Congress, Senate, Committee on the Judiciary, *"Saturday Night Special" Handguns, S. 2507. Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 92nd Cong., 1st Sess., 1971, 61.

[183] U.S. Congress, Senate, Committee, *"Saturday Night Special" Handguns.*, 60.

research by Franklin Zimring indicating that the Black poor suffer the most from gun violence.[184] Zimring's research contributed more to this legislative focus than any other source, and while legislation influenced by his work remained under consideration for over two decades, gun control opponents prevented the passage of handgun legislation until the 1993 Brady Handgun Violence Prevention Act.

However, the long legislative debate over handguns and crime in Black communities provided material for several pro-gun issue entrepreneurs, who began to craft pro-gun arguments specifically to rebut the longstanding belief that the solution to ghetto crime was to remove firearms from the environment.

Rescuing Guns for the Vulnerable

In the early 1970s, new data about violent crime in Black communities and the cheap handguns that helped fuel the violence inspired pro-control legislators to follow the data to a new definition of the gun violence problem as one of racial harm. However, their new focus did little to win over opponents or move the needle on the gun debate overall. Proposed restrictions on the manufacture and sale of Saturday night specials received much of the standard criticism of gun laws in general, such as that the definition of "Saturday night special," which was just a cheap handgun, was simply too broad to be meaningful, and that many honest citizens own and use cheap handguns for lawful purposes.[185] However, the new framing of gun violence as a cause of disparate racial harm

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[184] Article "A Tale of Two Cities" reprinted in U.S. Congress, Senate, Committee on the Judiciary, *Handgun Crime Control 1975-1976. Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 94th Cong., 1st Sess., 1975, 13.

[185] Testimony of Maxwell E. Rich in U.S. Congress, Senate, Committee, *"Saturday Night Special" Handguns,* 316.

also provided a unique opportunity for issue entrepreneurs to generate two novel issue frames to add to the pro-gun movement's repertoire: gun control as classist or racist, two frames that strike directly at liberal values.

Gun groups and private actors (usually lawyers) seized on the implicit classism of targeting inexpensive guns for restriction, which as one lawyer argued, "blatantly discriminates against poor people" who might need guns for self-defense even more than wealthier people.[186] As a representative of the Citizens Committee for the Right to Keep and Bear Arms put it, the poor are more likely to live in neighborhoods where "hoodlumism is most rampant," so they have a disparate need to own a means of self-protection while also having the least ability to afford a gun.[187] Inexpensive handguns might be the only kind of weapon such a person could afford. A representative of the American Civil Liberties Union also spoke out against the proposed ban on Saturday night specials, who first made clear that the ACLU supported the total abolition of handguns, and then proceeded to criticize the proposed regulations as "crazy." He stated, "A poor fellow has the same rights to defend himself as a rich person in this country, but this legislation will make it possible for Nelson Rockefeller to purchase a handgun if he wants to, but the attendant at the Exxon service station will not be able to."[188]

The racial framing of gun control relied upon some of the same arguments as the

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[186] Testimony of Robert J. Kukla in U.S. Congress, House of Representatives, Committee on the Judiciary, *Firearms Legislation: Hearings Before the Subcommittee on Crime of the Committee of the Judiciary*, 94th Cong., 1st Sess., 1975, 2175.

[187] Submitted statement of John M. Snyder, Citizens Committee for the Right to Keep and Bear Arms in U.S. Congress, House, Committee, *Firearms Legislation*, 1975, 2737.

[188] Testimony of Charles T. Morgan in U.S. Congress, House, Committee, *Firearms Legislation*, 2953.

classist frame but with race, rather than poverty, as the central factor. However, a civil rights lawyer, Don B. Kates Jr. advanced a more complex perspective, defending the importance of guns for the Black freedom struggle, and implicitly charging pro-control legislators of attempting to restrict guns on the basis of race. Kates deserves credit as the lead issue entrepreneur who developed and publicized this issue frame, and for pursuing it vigorously in Congress for a decade. Kates's contributions provided a foundation for the contemporary antiracist gun rights frame which I examine in Chapter 4.

Kates's first contribution to the legislative debates in 1975 was an article titled, "Why a Civil Libertarian Opposes Gun Control." In it he establishes his credibility as a civil libertarian and defender of equality, defending women's gun rights, should they "choose to live without 'male protectors' in an increasingly violent society," the right to political protest, and the necessity of allowing political and racial minorities protection against mob violence. "Advocacy of controversial political or social views frequently provokes violent antagonisms," Kates writes. Banning guns would "render dissenters defenseless without meaningfully preventing lethal attacks on them," because the police would also fail to protect them, as they demonstrated during the Civil Rights Movement.[189] Kates goes on to accuse the members of the Eisenhower commission of white privilege for assuming "that crime will cease when its victims are deprived of the means of self-defense," a view that shows "their elitist disregard for those who cannot afford to move to 'safe' neighborhoods or the high-security apartment buildings."[190]

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[189] Don B. Kates article "Why a Civil Libertarian Opposes Gun Control" reprinted in U.S. Congress, Senate, Committee, *Handgun Crime Control*, 2350.

[190] Don B. Kates article "Why a Civil Libertarian Opposes Gun Control" reprinted in U.S.

Kates repeated his arguments in an oft-cited 1979 book, "Restricting Handguns: the Liberal Skeptics Speak Out," and again in testimony in the 1980 congressional hearings, in which he extended his remarks to the reality of the discriminatory criminal justice system, testifying that "Although blacks have a lower than average level of handgun ownership, they uniformly compose the bulk of citizens arrested and imprisoned under firearm laws."[191] In future testimony Kates continued to press the themes of racially discriminatory laws and law enforcement, and his work was cited dozens of times in legislative hearings throughout the 1980s and 1990s, and in Supreme Court cases as recently as 2021. Although his racial arguments failed to gain traction among gun rights supporters until recent decades, his work rebutting the racial harm framing of gun violence provided a firm foundation on which contemporary antiracist gun rights rhetoric could build.

What is perhaps the gun rights movement's most successful issue frame grew out of gun control supporters' refusal to engage seriously with the meanings guns have for the people who value them. Instead, gun control common sense attempted to derive the meaning of the gun issue from the policy question rather than from the lived experiences of the people who saw in the proposed policies a threat to their way of life and their understanding of the American political experiment. The demand for consensus around gun control common sense established a debate devoid of depth and human resonance and engendered a war of rationality and statistical maneuvers, which deflected from what

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Congress, Senate, Committee, *Handgun Crime Control*, 2354-55.

[191] Statement of Don B. Kates in U.S. Congress, House of Representatives, Committee on the Judiciary, *Firearms Enforcement Efforts of the Bureau of Alcohol, Tobacco, and Firearms*, 96th Cong., 2nd Sess., 1980, 127.

should have been the real substance of the gun debate, which is what guns mean to people and how the proposed policies would change that.

Chapter 3
Targeting Equality

Introduction

Gun rights politics in the United States has long been a site of racial conflict and a vehicle for white supremacy, yet the past decade has seen an exponential increase in the pro-gun movement's rhetorical support for the gun rights of racial minorities, especially Black Americans. Claims that gun control causes disparate harm to Black Americans are now de rigueur in legislative debates and Supreme Court arguments, and gun rights advocates are well versed in explaining why "gun rights are civil rights" and "all gun control is racist." Antiracist gun advocacy has become the pro-gun movement's preferred public strategy, resulting in unexpected alliances among white conservatives and Black, Asian, Jewish, and LGBTQ gun rights supporters. Although this loose coalition represents numerous intersecting identities, racism occupies a place of prominence in their collective concern, with the history of anti-Black gun restrictions now receiving the most attention.

As racial frames for gun rights have spread, gun culture outsiders have remained skeptical of the pro-gun movement's embrace of anti-racism, dismissing it as cynicism or empty rhetoric. In response, gun rights advocates have vigorously defended the sincerity of their commitment to racial equality, citing figures such as Ida B. Wells and Martin Luther King Jr. as kindred spirits in their support for armed self-defense. Indeed, race-related gun rights frames are not new. They circulated among abolitionists prior to the Civil War and increased during Reconstruction, when white supremacist groups like the Ku Klux Klan

regularly disarmed freedmen, including Black militias, in the post-slavery South.[192] Racial gun rights frames surged again in the 1960s among Black civil rights activists and groups such as the Black Panthers, but have only gained political, cultural, and legal momentum in the last decade.

At the same time, social science scholars continue to produce research demonstrating linkages between racial bias and pro-gun sentiment, with an especially strong correlation between anti-Black bias and whites' support for gun rights. Understood in the context of racial bias and racialized stereotypes of criminality, the mainstream gun rights movement's antiracist rhetoric is jarring and unbelievable. But dismissing the movement's racial framing as empty rhetoric and coldly calculated political strategy is a mistake. To be sure, the turn toward antiracist frames has produced outcomes favorable to the pro-gun goals of both elites and ordinary citizens and has helped activists form potent arguments for eliminating restrictions on gun ownership and possession. Despite the instrumental value of the antiracist frames, I argue that they have also done real discursive work in stretching the contours of gun rights subjectivity to become more racially inclusive. In doing so they have also remade the historically racialized friend-enemy distinction into a less race-conscious antagonism, in which "good" Blacks now count as friends. While the ultimate benefit of this movement frame will likely accrue to gun manufacturers, it has also altered the gun rights landscape in deeper ways, shifting in-group allegiances and boundaries, especially along racial lines. My aim is to show that a decade of escalating cries

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[192] Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America* (Oxford University Press, 2006), 180.

that "all gun control is racist" has produced new racial attitudes among white gun owners, while also opening the door to more favorable attitudes toward guns among minority groups.

Through an examination of online gun forums, social media posts, gun advocacy groups' outreach efforts, and gun magazines I offer a new view into the origins and effects of the gun rights movement's antiracist collective action frame. I argue that antiracist gun rights rhetoric should be viewed as a contribution to the political construction of gun rights and gun-related subjectivities. Focusing attention on the politically constructed nature of the gun rights discursive formation and the ways it is rearticulated over time offers a fuller understanding of the gun rights movement as a social movement and powerful influence on political and social identities. I examine gun rights discourse through a constructivist lens to illuminate the movement's meaning-making processes, and to push back against the essentialist and structuralist assumptions underlying common understandings of the contemporary gun rights movement. The analytical framework I employ has its roots in discourse theory, as developed by Chantal Mouffe and Ernesto Laclau, and incorporates analytical tools inspired by their poststructuralist analysis of "the social," including social movement theory and contextual constructivism.

My analysis highlights the discursive practices of the gun rights movement, consisting of processes of meaning-making as well as the ways meanings become hegemonic and come to be essentialized and misconstrued as foundational structures rather than as political constructions. I underscore the origins of race-related gun rights arguments in discursive signifying practices undertaken by social movement organizations,

politicians, and ordinary citizens, and examine how the resulting collective action frames are then absorbed into the broader gun rights discourse and accepted, transformed, or challenged by new or existing movement actors.

I am interested foremost in the meanings these collective action frames produce, the kinds of political rationality they generate, and the subjectivities they spawn. I therefore view collective action frames as an element of the broader discursive construction of political frontiers and collective will: collective action frames are components of the discursive machinery that offer analytical leverage in deconstructing processes of subject formation and hegemonic political practices, but these processes cannot be reduced merely to overt social movement strategizing. Such a view overemphasizes self-conscious frame production, implying objective distance from the discursive formation rather than immersion in it. Rather, framing and strategizing are techniques in a multifaceted repertoire of the political construction of subjects, of collectives, and of social meaning that must necessarily occur within a preexisting hegemonic discursive formation.

My research finds that mainstream gun rights advocates are engaged in a process of rearticulating gun rights subjectivity within a framework of political polarization and highly sorted partisan identities and are rupturing racial assumptions that have long undergirded mainstream pro-gun subjectivity. The overlap between conservative identity and pro-gun subjectivity offers a crucial resource in this process of rearticulation, providing a secondary set of boundaries by which to judge potential gun rights claimants whose subjectivity would otherwise preclude their acceptance as legitimate subjects of gun rights. Pro-gun subjectivity is ultimately both more malleable and more powerful than the

conservative political identity with which it primarily articulates. When there is tension between pro-gun subjectivity and conservative identity, the former will hold fast even if it necessitates deviating from conservative ideological coherence.

Methods

I examine both public-facing gun rights rhetoric and discourse among "insiders," following social movement scholars and scholars of legal consciousness in distinguishing between "official" movement messaging and interpretations "on the ground" or behind the scenes. For examples of public discourse, I gathered Twitter post trend data using Twitter's API, and used the Postman software application to construct my queries of the API. Using these tools, I searched for trends in the popularity of antiracist gun rights rhetoric from 2010 to 2021. I categorize Twitter posts as public-facing discourse, because of the broad reach of "viral" posts and popular hashtags. I also examined NRATV videos, articles in online gun magazines, and Facebook posts from pro-gun groups to track the popularity of antiracist frames, assuming these sources would primarily reach an audience of gun owners and gun rights supporters, rather than the general public. Thus, this category of evidence is comprised of top-down discourse geared toward insiders but also manufactured to represent the gun rights movement in the most favorable light.

To examine the private discursive practices of the gun rights movement I searched online gun forums for discussion of several high-profile race-related gun topics to gauge the extent to which these private views of pro-gun advocates agreed with public discourse, and to analyze the ways these movement actors construct their support for or opposition to public racial frames. Of note, I consider all participants in gun rights discursive practices

"movement actors," whether they participate publicly or only semi-privately and/or anonymously at the interpersonal (online) level. Whether or not they attend rallies, testify at the legislature, or send letters to their representatives, they are participating in the negotiation of identities and movement frames, processes central to the political construction of gun rights.

Although I have opted to use the terminology of public versus private discourse, my approach is influenced by sociologist Erving Goffman's distinction between "front region" and "back region" performances of self, as well as social movement scholar Timothy Kubal's application of Goffman's work to the analysis of collective action framing.[193] The front region is akin to a stage, upon which actors must convince an audience of the credibility of not only the material they are performing, but also of themselves as believable messengers. Goffman asserts that in the front region some aspects of a performance will be "expressively accentuated and other aspects, which might discredit the fostered expression, are suppressed" and reserved for negotiation and expression in the back region.[194] It is in the back region, which is "offstage," that peers, be they the cast of a play or coworkers of the same rank, can express what they do not want the audience to see. But far from being a site in which the work of collective action framing breaks down, the back region typically features its own set of collective action frames that may or may not

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[193] Erving Goffman, "Front and Back Regions of Everyday Life [1959]," ed. Ben Highmore (New York: Routledge, 2002). Timothy J. Kubal, "The Presentation of Political Self: Cultural Resonance and the Construction of Collective Action Frames," *Sociological Quarterly* 39, no. 4 (1998).

[194] Goffman, *Front and Back Regions*, 53.

resonate with those presented in the front region.[195]

Along with this distinction between the public and private ideological work of social movements I borrow from David Engel and other scholars of legal consciousness in differentiating between vertical and horizontal perspectives on the diffusion, in this case, of discursive practices and processes of subject formation.[196] The vertical perspective attends to the spread of knowledge or practices from higher, more powerful levels such as political elites or social movement organization leaders, down to the local level, to ordinary citizens "on the ground" whose ideas and identities are shaped by this top-down influence. By contrast, a horizontal perspective focuses on the local level, examining the ways discursive practices and subject formation take place among ordinary citizens in their communities, workplaces, schools, and social networks.

A vertical perspective on gun rights advocacy accounts for the connections between major players in the production of gun rights discourse and the "ordinary" people who hear and engage with that discourse. For instance, the National Rifle Association (NRA), outspoken pro-gun politicians, and the lawyers and scholars who have devoted themselves to publishing law review articles defending absolutist readings of the Second Amendment have promoted certain views of gun rights that have become so widely accepted and circulated that they constitute a form of common sense among gun rights advocates. These ordinary people in turn might propagate those messages among their social networks, at legislative hearings, in letters and emails to their representatives, and so on. Although

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[195] Kubal, "Presentation of Political Self," 543.

[196] David M. Engel, "Vertical and Horizontal Perspectives on Rights Consciousness," *Indiana Journal of Global Legal Studies* 19, no. 2 (2012), 425-26.

ordinary people circulate these themes, the themes themselves are the product of a top-down effort to influence public opinion and judicial decision-making and thus belong within a vertical framework of legal consciousness.

On the other hand, a horizontal perspective on gun rights consciousness asks how people relate to gun rights in their daily lives, what shape their rights consciousness takes in their everyday interactions, and how gun rights consciousness interacts with other kinds of community standards or social norms. In this vein, I distinguish vertical from horizontal gun rights discourse by the prominence of the discourse among the elite (vertical) or its predominance among ordinary citizens and absence among the elite (horizontal). Any variety of gun rights discourse that appears disconnected from the gun rights strategies of elite actors will almost certainly belong to the horizontal perspective. That said, I am less concerned about the origins of specific gun rights discourses or types of gun rights consciousness that I am about their prominence among elites versus ordinary people. Because of the circulation of gun rights ideas on largely public platforms, such as Twitter, it is possible that certain gun rights themes originated with ordinary people and were then adopted by elites, who helped to popularize them. Regardless of the origin, if a particular variety of gun rights consciousness is shared by elites and ordinary people it belongs to the vertical perspective.

I consider both front region/back region and vertical/horizontal perspectives because in the case of the gun rights movement, collective action frames have been produced primarily by elites, transmitted to activists through outreach efforts, and then spread to the public by ordinary people, who then often talk amongst themselves in terms

that contradict public framings of their cause but also reveal attempts to rearticulate the movement's meaning and their positions in it in light of the top-down frames. The front region/back region distinction acknowledges the discursive work done by movement actors in public and in private, while the vertical/horizontal distinction recognizes the fundamentally top-down nature of collective action frames in the gun rights movement.

For a view of public race-related gun rights discourse, I focus my attention on five sources: amicus briefs in *New York State Rifle & Pistol Association v. Bruen*, social media posts by gun groups and private individuals, videos produced by national gun rights organizations, outreach announcements from the NRA and Gun Owners of America (GOA), and online gun magazine articles. Gun forums searched include National Gun Forum, AR15.com, Firearms Talk, and the r/gunpolitics group on Reddit. For private gun rights discourse among ordinary people, I examine gun forum posts, comments on social media posts, and comments on online magazine articles. While these latter sources are not truly "private," they are typically anonymous and directed toward other insiders and thus constitute back range discursive practices. To contextualize movement aims within gun industry goals, I examined official publications of the National Shooting Sports Foundation that discuss imperatives and strategies for industry growth.

In gun forums I searched the following general terms: black gun rights, gun control racist, Asian gun rights, gay gun rights, lesbian gun rights, LGBT gun rights, trans gun rights, Black Lives Matter, and BLM. I included Black Lives Matter and BLM to compare reactions to Black social justice activism with reactions to Black gun rights activism. I also searched for specific figures currently advocating racially inclusive gun rights: Maj Toure and Black

Guns Matter, Chris Cheng, an Asian American professional shooter and gun activist, Black militia leader Grandmaster Jay, and Black lawyer and gun advocate Colion Noir. Search terms also included people and events that were likely to be highly relevant to gun owners: Trayvon Martin, Kyle Rittenhouse, Ahmaud Arbery, Philando Castile, and the 2018 Alabama mall shooting that resulted in the police fatally shooting Emantic Bradford Jr., a Black "good Samaritan" who was shepherding people to safety and legally carrying a firearm. For a full list of search terms see the Appendix.

The Drivers of Gun Rights Claims

Existing gun rights scholarship tends to assume the solidity and coherence of gun rights subjectivity, naturalizing it as an inevitable expression of long-simmering grievances, desires, fears, and anxieties. There is a particularly robust literature analyzing the motivations and predilections of gun owners, typically demonstrating correlations between gun ownership and such variables as racial bias, individualism, and conservative political ideology. In most of these studies the author seeks to determine whether and how well these variables predict gun ownership or support for gun rights, but most do not attempt to explain the genesis of these correlations. Those that do offer deeper theoretical interpretations tend to naturalize the connections between social, economic, and political conditions and gun ownership and gun policy preferences, as though views on guns arise organically out of material realities with no mediating influences.

Hayes, Fortunato, and Hibbing show that the race and gender of prospective gun owners influences whites' attitudes toward gun availability, with white women as potential

gun owners receiving the most favorable response and black men the least favorable.[197] Filindra, Kaplan, and Buyuker establish the centrality of racial resentment to white gun ownership, support for gun rights, and NRA membership.[198] The correlation between racial prejudice against Blacks and gun ownership has been documented in the literature for decades, in fact. In 1985 Young offered a multi-layered argument to explain the correlation between racial prejudice and gun ownership. He argues that concern about crime among whites who demonstrate high levels of anti-Black prejudice generates anger and inspires aggressive responses to crime, such as purchasing guns for protection.[199] The novelty of Young's argument is its break from prevailing beliefs that concern about crime primarily engenders fear, an assumption that is still deeply embedded in socio-cultural understandings of gun ownership despite generally poor support for hypotheses linking fear of crime to gun ownership.

More recently, research by Filindra and Kaplan further weakens this link. Noting the complex relationship between racial prejudice, perceptions of crime, and the racialization of criminality, they argue that criminality and Blackness appear to be so inextricably linked in the white imagination that thoughts of crime immediately conjure thoughts of Blacks, making it difficult to disentangle crime fears from racial fears. But despite the strong association between whites' perceptions of race and crime, Filindra and Kaplan

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[197] Matthew Hayes, David Fortunato, and Matthew V. Hibbing, "Race-Gender Bias in White Americans' Preferences for Gun Availability," *Journal of Public Policy* (2020).

[198] Alexandra Filindra, Noah J. Kaplan, and Beyza E. Buyuker, "Racial Resentment or Sexism? White Americans' Outgroup Attitudes as Predictors of Gun Ownership and NRA Membership," *Sociological Inquiry* 91, no. 2 (2021).

[199] Robert L. Young, "Perceptions of Crime, Racial Attitudes, and Firearms Ownership," *Social Forces* 64, no. 2 (1985).

nevertheless find that fear of crime not only fails to correlate with support for gun rights but that it actually predicts support for gun control instead.[200] Filindra and Kaplan extend their research on racial attitudes and gun policy preferences to Latinos and Blacks, and show that the correlation between racial prejudice and support for gun rights holds across races, with the exception of racial resentment, which increases support for gun control among Blacks.[201] Supporting the correlation between gun policy preferences and racism, O'Brien, et al., demonstrate a connection between symbolic racism, gun ownership, and support for gun rights.[202] Research by Walker, Collingwood, and Bunyasi adds further nuance to the connection between racism and gun policy preferences, demonstrating that whites respond to gun-related killings of Blacks, including innocent Black children, by maintaining or increasing their opposition to gun control, whereas exposure to white gun deaths provokes greater support for gun control.[203] In sum, abundant research has established a link between racist attitudes, gun ownership, and support for gun rights.

Alongside these empirical studies, several scholars have contributed compelling theoretical analyses of the meaning of gun rights in contemporary society in an effort to diagnose the societal disease that features a demand for expansive gun rights as a symptom. As with much of the empirical works just cited, racial grievances are also a

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[200] Alexandra Filindra, and Noah Kaplan, "What About Fear of Crime? White Americans' Gun Control Preferences and the Role of (Racialized) Crime Considerations," *Academia.edu* (2017).

[201] Alexandra Filindra, and Noah Kaplan, "Testing Theories of Gun Policy Preferences Among Blacks, Latinos, and Whites in America," *Social Science Quarterly* 98, no. 2 (2017).

[202] Kerry O'Brien, Walter Forrest, Dermot Lynott, and Michael Daly, "Racism, Gun Ownership and Gun Control: Biased Attitudes in Us Whites May Influence Policy Decisions.," *PLoS One* 8, no. 10 (2013).

[203] Hannah Walker, Loren Collingwood, and Tehama Lopez Bunyasi, "White Response to Black Death: A Racialized Theory of White Attitudes Towards Gun Control," *Du Bois Review* 17, no. 1 (2020).

unifying theme in this literature. Many scholars cite lost white masculine privilege as a driving force behind recent pushes for expanded gun and self-defense rights. Political theorist Charles Kautzer argues that because the state has retreated from its role in enforcing race and gender hierarchies, white men now seek expanded powers of legitimate violence in order to restore the "relations of domination" that constitute the basis of their identity construction, leading to a "self-defensive" political subjectivity that is fundamentally aggressive and rooted in negative freedom.[204] Because the state has abdicated its responsibility to uphold white supremacist and masculine dominance, self-defensive political subjects reject the state's monopoly on the legitimate use of violence as well as its power to govern them, leading to libertarian interpretations of the Lockean social contract and claims to absolutist gun rights. In Kautzer's view, racial and gender standing, not crime, are the driving force behind gun and self-defense rights expansions.

In a similar vein, historian Caroline Light argues that the erosion of the duty to retreat that we now see manifesting in Stand Your Ground laws are intended to empower white citizens to eradicate "racialized others" from white spaces.[205] Insecurities generated by globalization and neoliberal government reforms leave white citizens with a heightened sense of vulnerability to crime and a fear of non-white intruders in their towns and neighborhoods. That fear combined with a sense that citizens must offer themselves the protection that the state will not, leads to what Light calls the "do-it yourself security state,"

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[204] Chad Kautzer, "Self-Defensive Subjectivity: The Diagnosis of a Social Pathology," *Philosophy and Social Criticism* 40, no. 8 (2014), 174.

[205] Caroline Light, "From a Duty to Retreat to Stand Your Ground: The Race and Gender Politics of Do-it-Yourself-Defense," *Cultural Studies, Critical Methodologies* 15, no. 4 (2015).

in which Americans take responsibility to protect their lives and property with deadly force, if necessary.

Light's argument resonates with sociologist Jennifer Carlson's formulation of "neoliberal gun politics," which postulates a bifurcation between whites' belief that the state is unable to protect them and nonwhites' fear of the state's "power to violate."[206] Drawing on the distinction between the supposed under-policing of white neighborhoods, which leaves whites feeling under-protected, and the well-documented phenomenon of the over-policing of minority neighborhoods, which increases residents' risk of negative interactions with law enforcement, Carlson frames the individual responsibility to protect as a distinctly white, neoliberal response to the perception that the state has forsaken its primary duty to ensure law-abiding citizens' safety. Citing the work of Jonathan Simon, she also briefly notes the role of the media and "tough on crime" politicians in propagating this view of state inadequacy, thereby encouraging citizens' embrace of personal responsibility for self-protection.[207]

In these and other gun studies causality implicitly flows from latent beliefs toward guns, a framing implying we can discover the root causes of gun ownership and pro-gun activism. As an alternative to this approach, I suggest it would be more appropriate to ask what preferences and beliefs gun ownership generates, how these preferences and beliefs spread, and how the political and cultural work of shaping them takes place. Instead of treating gun owners as the drivers of gun rights rhetoric and gun policy preferences, an

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[206] Jennifer Carlson, "'I Don't Dial 911' American Gun Politics and the Problem of Policing," *British Journal of Criminology* 52, no. 6 (2012), 1118-19.

[207] Carlson, "I Don't' Dial 911," 1119.

approach that positions the gun rights discursive formation as antecedent to the politics of gun rights, it is more appropriate to view gun rights politics as both products and producers of meaning. The people and their interests do not precede politics. On the contrary, politics creates the people who can coherently articulate their interests in political terms.

The conception of gun advocates as mere responders to political, social, and economic conditions is a common one. Politicians and gun control proponents have poured tremendous energy into understanding the array of unmet needs that have been channeled into a desire for firearms, as though a set of policies designed to improve middle class economic security, for example, would cause interest in gun rights to dwindle. What such a view frequently gets right is its diagnosis of the set of conditions that form the structural context within which the politics of extremist gun rights *as we know it* was able to grow. What it misses, however, is potentially more crucial to understanding the power of the gun rights movement and to strategizing ways to reduce gun violence: the hegemonic politics that produced the discursive context within which gun rights flourished, that enabled the development of some subjectivities and foreclosed others, and that constructed our prevailing understanding of gun rights. In other words, this is a story of political constructions rather than organic reactions.

To successfully mobilize the citizenry, collective action frames must have strong "cultural resonance" or "narrative fidelity," so that the frames resonate with citizens' existing understandings of the culture and their place in it.[208] Because "identities and their

[208] Kubal, "Presentation of Political Self"; Robert D. Benford, and David A. Snow, "Framing

conditions of existence form an inseparable whole," and because our identities are always already interwoven with our structural circumstances, any attempts to redraw the boundaries of movement meanings must bear a strong relation to existing contextual factors and existing identities.[209]

Few scholars consider gun rights subjectivity as the product of social movement framing strategies or as a deliberate political construction. The works of Scott Melzer and Matthew Lacombe are notable exceptions, with their focus on the construction of meaning in the gun rights movement. Melzer analyzes the gun rights movement as a form of collective action designed to protect white, male, conservative identity, and which rose in tandem with the conservative movement in the 1970s and 1980s. He focuses specifically on the NRA and its members, especially the "gun crusaders," who tend toward more extremist views on gun rights and are also the main drivers of the gun movement's success.[210] Melzer's analysis takes a top-down or vertical view of the political construction of gun rights identity, primarily examining the collective action frames produced by NRA leadership that are in turn reflected in members' gun talk at NRA-sponsored events.

Lacombe also examines the gun rights movement from a vertical perspective, and persuasively demonstrates that the NRA's power lies largely in its success in constructing and spreading a meaningful political and social identity tied to gun ownership.[211]

Processes and Social Movements: An Overview and Assessment," *Annual Review of Sociology* 26, no. 1 (2000), 622.

[209] Ernesto Laclau, *New Reflections on the Revolution of Our Time* (New York: Verso, 1990), 20-21.

[210] Scott Melzer, *Gun Crusaders* (New York University Press, 2009).

[211] Lacombe, *Firepower*.

Lacombe's research shows that gun-owner identity has primarily been formed through a top-down process of political construction: the NRA has taken the lead in this identity-constructive effort, and gun owners have energetically adopted that identity. When the NRA then calls on its members to participate in campaigns either to promote or to scuttle gun legislation, it is the power of that gun-owner identity that spurs their vigorous activism.

My research joins this line of inquiry in recognizing the work of political construction that social movement organizations (SMOs) engage in, while also noting that successful collective action frames resonate with already existing contextual circumstances. Collective action frames and the social construction of subjectivities are not inevitable interpretations of social problems and their attendant solutions, but they are to varying degrees outgrowths of existing identities, values, and grievances. It is critical to note, however, that collective action frames are instrumental. It is a mistake to essentialize gun rights rhetoric as a pure expression of the people's fears and longings. Collective action frames may draw on existing contextual realities for their raw materials, but they then mold those materials into novel viewpoints and potent "fighting words." These ideational and rhetorical maneuvers resonate with what is, but they also offer forceful and invigorating visions of what ought to be.

Where my research differs, however, is in its focus on back range and horizontal perspectives, rather than on top-down political construction by SMOs. Because of the contentious nature of racial politics, most of the work of grappling with race occurs in private among ordinary gun owners. Especially when top-down messaging conflicts with

the hegemonic gun rights subjectivity and the implicitly racialized friend-enemy distinction that developed in the era of "colorblind" policymaking and jurisprudence, the vertical perspective is likely to show self-consciously consistent framing, as individuals seek to adopt the SMO's framing to demonstrate the unity of the movement.

Articulating Subjectivities

In this study of gun rights discourse, I focus my attention on the subjectivities of gun rights proponents to illuminate the politically constructed nature of the identities that both flow from and feed into the gun rights discursive formation. Of note, the idea that subjectivities are constructions rather than essences, as Laclau and Mouffe's anti-essentialist framework argues, does not imply the fabrication of identities out of whole cloth. An anti-essentialist, constructivist approach does not suggest that all subjectivities are equally possible or that there is no rootedness in material or social contexts. Rather, subjectivities are always articulated within particular contexts and in relation to other existing subjectivities. Anna Marie Smith's division of Laclau and Mouffe's notion of subjectivity into two elements, *structural positions* and *subject positions*, offers a useful clarification, because it highlights how identities, though political and socially constructed, are nonetheless rooted in specific historical, geographical, and material contexts.[212]

Structural positions are to a great extent given: we are thrown into them by circumstances that precede both our own choices and the development of our subjectivity. Smith explains, "an individual is structurally positioned within hierarchical social, cultural,

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[212] Anna Marie Smith, *Laclau and Mouffe: The Radical Democratic Imaginary* (Taylor & Francis US, 1998), 56.

political and economic systems by forces and institutions that are prior to her will," including race, gender, and class.[213] Structural positions do not comprise the entirety of one's subjectivity, but they delimit the range of possibilities for subject formation. *Subject positions*, on the other hand, are developed from within our structural positions, and constitute the meanings we attach to our circumstances and ourselves as experienced within those circumstances. Importantly, they are reflexive and contingent, and never inevitable. Subjectivities may form in opposition to one another, overlap, or oppose some while absorbing parts of others. New subjectivities are articulated from those that already exist, and these rearticulations can be both the drivers of and the products of political change. This articulation between subject positions produces what we think of as the "individual."[214] In total, the concept of subjectivity in Laclau and Mouffe's work signifies one's identity as a member of a certain group, from a particular subject position, and in relation to other competing or alternative subjectivities, including forms of subjectivity that have been abandoned, that exist concurrently, or that have yet to be constituted.

When certain discursive formations become hegemonic, their related subjectivities become so deeply engrained in common understandings of society that they seem natural, which is to say their contingence and impermanence are invisible. But because subjectivities are always relational, taking shape through a multitude of conflicts and pressures, hegemonic subjectivities, those that seem to dominate the discursive space around certain ideas and identities, can only do so temporarily.[215] That is, they achieve

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[213] Smith, *Laclau and Mouffe*, 56.
[214] Chantal Mouffe, *For a Left Populism* (New York: Verso Books, 2018), Ch. 4.
[215] Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical*

hegemony in a particular discursive space, but hegemony is by definition impermanent. Alliances, antagonisms, and events that disrupt the established order of things can also undo hegemonic relations, displacing previously dominant groups and ushering in new discursive formations and new subjectivities.

The Subject of Gun Rights

Today's hegemonic gun rights identity is understood in both popular culture and scholarly literature to be a white, cis-gender, heterosexual male, who is usually also conservative and rural. His interests drive gun policy formation and shape the legal terrain on which gun crimes are punished. The most common types of violence he believes he might encounter in the world comprise the totality of fears for which guns are the appropriate remedy or prophylactic. Thus, the crime and punishment rhetoric accompanying gun rights talk centers fears of random violence and criminals, with criminals constituting a distinct and immutable subtype of human being who deserves harsh punishment and against whom we must always be on guard. This is the covertly racialized friend-enemy distinction that depends upon racialized notions of criminality.

The white male gun owner is also the discursive vessel through whom novel gun rights subjectivities are introduced and broadcast. Because he is the normative gun rights subject, he has some authority to extend his right to wield violence to other identity groups. His blessing legitimates new subjectivities that might otherwise be seen as ignorable, unsavory, or threatening. However, participants in mainstream gun rights discourse also

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Democratic Politics (New York: Verso, 2001), xiii-xv.

police the boundaries of proper gun rights subjectivities, endorsing some framings of vulnerability and the need for self-defense while invalidating others. Becoming a legitimate gun rights subject has historically meant accepting the notion that victimization of your identity group typically takes place at the hands of strangers and born criminals, rather than amongst friends, relatives, coworkers, neighbors, or romantic partners. The vulnerability of white women to rape or elderly people to muggings illustrate "appropriate" framings of gun rights subjectivity in mainstream discourse, exaggerating the risk of stranger violence and highlighting ascriptive vulnerabilities like sex and age.

The subjects of gun rights know they are legitimate members of this gun-related identity group, and outsiders know they are not. Equally important, outsiders will have an image of the type of person who does belong and will likely also have an analytical grasp on why they themselves do not fit. Critically, insiders or "proper subjects" might not clearly see the boundaries of their subject category and might thus believe it to be more universal than it is. Even so, the image of the proper subject of gun rights, or the dominant gun rights subjectivity, will be widely understood within society among both insiders and outsiders, even if some might contest its exclusivity.

It is a testament to the success of the gun rights movement's hegemonic politics that many of its most powerful discursive maneuvers recede into the background, giving the movement an appearance of naturalness that belies its social constructive efforts. The movement has capitalized on existing social conditions but has also contributed to the construction of the social context that in turn validates Second Amendment claims. The construction of the social and of subject positions in the earliest days of the modern gun

rights movement blended into background political conditions of the moment, rising as it did during an era of interest in law-and-order politics and crime as a leading political concern. As I detail in Chapter 1, these political foci were fertile ground for the growth of an extremist gun politics, reoriented from its hunters-and-sportsmen past toward a new politics of self-defense, fear of crime, and disdain for the post-rights revolution criminal justice system.

As long as collective gun-rights identities have existed they have been products of political construction. Prior to the shift toward antiracist rhetoric, however, gun rights discourse has always appeared to resonate so organically with concurrent social, political, and economic conditions that it projected an aura of givenness, as though beliefs about guns and gun rights were natural outgrowths of changing national circumstances. The gun rights movement has successfully articulated demands that overlap and resonate with its target population's existing values and identities and has offered seemingly coherent responses to challenging social and economic problems since the 1970s. Because of the resonance of these movement frames, the process of political construction of the ideas and subject positions of the new gun rights discursive practice was obscured. The overt politics of gun rights, including legislating, lobbying, and gun owner activism, appear to be direct manifestations of a rising fear of crime, of white men's loss of power, and of the feeling of precariousness wrought by neoliberal politics, unmediated by the discursive practices through which the gun rights movement structured its constellation of beliefs and desires. Yet gun owners developed their subjectivity within that constellation, not prior to its construction.

In contrast to the naturalness of the fit between a political and societal obsession with crime control and a gun rights discourse centered on self-defense claims, the antiracist turn in the gun rights discourse of the 2010s stands out as self-consciously political, if not hypocritical and deeply cynical. I argue that this abrupt shift toward an overtly racial collective action frame ruptured the familiar web of gun rights discursive articulations, which has exposed both gun rights subjectivities and the broader gun rights discursive formation as complex products of political construction. Widespread skepticism of the sincerity of antiracist gun rights rhetoric is in this case evidence of the incongruity between what the broader public understands as the genuine drivers of gun ownership and a rhetoric that appears to be overtly, calculatedly political. Indeed, given the large body of evidence demonstrating that white gun ownership is deeply intertwined with anti-Black racism, and given the longstanding demographic reality that white men own most of this country's guns, the recent embrace of the antiracist collective action frame by the gun rights movement cries out for explanation.

Public-Facing Gun Discourse

As I detail in Chapter 2, the antiracist movement frame originated in the late 1960s, appearing in legislative hearings and a smattering of law review articles. It did not seep into the discourse of ordinary gun owners, however, until the 2000s. White gun owners' embrace of minority gun rights emerged after a concentrated period of legislative victories and high-profile shootings, during which gun advocates were repeatedly under pressure to respond to opponents' criticisms and generate counterframes to propel the movement forward. First came the legislative expansions of self-defense rights via Stand Your Ground

laws, beginning in Florida in 2005 and spreading over the next few years to more than half of U.S. states. Next came two Second Amendment Supreme Court cases, *District of Columbia v. Heller* in 2008 and *McDonald v. City of Chicago* in 2010,[216] each of which expanded the right to bear arms and invoked racial arguments for gun rights. Interspersed with these gun rights wins were horrific mass shootings, such as the Virginia Tech massacre in 2007, and the 2009 killings on the Ford Hood military base in Texas.

The gun rights movement's new collective action frame crystallized in 2012, a year that broke records for the highest number of mass shooting fatalities in U.S. history, and in which anger over gun violence would scarcely settle before another high-profile shooting took place. The February shooting death of Trayvon Martin, an unarmed Black teen, in Sanford, Florida, by community watch volunteer George Zimmerman, inspired both a national outcry over racial disparities in gun violence and widespread condemnations of Stand Your Ground laws like Florida's.[217] In July, a random shooting attack at an Aurora, Colorado, movie theater by a psychologically disturbed man killed 12 and injured 70, spurring intense discussion of mental illness and access to firearms. In November, Jordan Davis, another unarmed Black teen, this time in Jacksonville, Florida, was shot and killed by a white man disgruntled by a dispute over the music playing in the car in which Davis was a passenger. The shooter, Michael Dunn, invoked Florida's Stand Your Ground law in his defense, drawing further attention to the racial implications of the law. And in December,

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[216] McDonald v. City of Chicago, 561 U.S. 742, 856 (2010).

[217] While Zimmerman's lawyers did not invoke "stand your ground" claims in his trial, the law had informed police officers' decision not to arrest Zimmerman immediately after the shooting, and jurors were also instructed to consider the law.

the devastating massacre of 20 children and six adults at Sandy Hook Elementary School in Newtown, Connecticut, seemed destined to be the final push to usher in a new era of bipartisan support for basic gun regulations.

Instead, 2012 became the year the gun rights movement went public with its antiracist counterframe. Amidst the national debate over George Zimmerman's culpability in Trayvon Martin's death, Martin's worthiness of sympathy, and the racial disparities inherent in Stand Your Ground laws, racially inclusive gun rights frames became mainstream in a multi-pronged, antagonistic counterframing process designed to neutralize racial arguments for gun control. Gun advocates wielded the new racial frame as a weapon to shut down discussion of gun regulations and the problem of gun violence as a *gun* problem. Posts on Twitter about "racist gun control" surged that December, and by January 2013 "black gun rights" was also trending. Prior to 2012 there was sparse talk of the relationship between gun control and racism on Twitter. Yet in 2012 there were over a thousand posts, in 2013 nearly four thousand, and in 2020 there were 28,107 posts relevant to the search term "gun control racist" alone.

But although this racial framing of mainstream gun rights discourse was newly popularized, its foundation was thoroughly laid between 1979 and 2000 by a handful of historians, activist lawyers, and law professors, who began to highlight historical gun control efforts intended to disarm Blacks in books, law review articles, and congressional testimony.[218] Because of their efforts the notion that gun control was inherently racist had

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[218] See for example Don B. Kates, *Restricting Handguns: The Liberal Skeptics Speak Out* (Croton-on-Hudson, N.Y.: North River Press, 1979); Don B. Kates, "Handgun Prohibition and the Original Meaning of the Second Amendment," *Michigan Law Review* 82, no. 2 (1983); Don B. Kates,

gained a patina of legitimacy long before it became a popular gun movement talking point, and I argue that gun advocates feel a sense of ownership of the issue of race and guns because of this foundation.

The mainstream gun rights movement's antiracist counterframing strategy began in antagonism to federal legislative efforts to restrict weapons sales and imports, beginning with the wave of gun control efforts commencing in 1967 and continuing through the 1970s. The gun control efforts of the era were intimately tied to efforts at crime prevention, and preventing violence among young Blacks was a top priority of post-Civil Rights Act legislation in both realms. Although the intention behind these bills was to prevent crime by addressing its root causes, the way their supporters linked Blackness to gun violence contributed to the racialization of crime that made both the racialized carceral state and the gun rights movement's antiracist counterframe viable.[219]

As Carl Bogus has detailed, many lawyers with undisclosed gun industry ties produced law review articles supporting the individual-rights interpretation of the Second Amendment in the 1970s and 1980s, which Reva Siegel notes comprised a significant popular constitutionalist effort to shape future judicial interpretations of the Second

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"Gun Control: A Realistic Assessment," *Pacific Research Foundation* (1990); Stefan B. Tahmassebi, "Gun Control and Racism," *George Mason University Civil Rights Law Journal* 2, no. 1 (1991); Cottrol, and Diamond, "The Second Amendment: Toward an Afro-Americanist Reconsideration"; Robert J. Cottrol, and Raymond T. Diamond, "Never Intended to be Applied to the White Population: Firearms Regulation and Racial Disparity-the Redeemed South's Legacy to a National Jurisprudence," *Chicago-Kent Law Review* (1994); Clayton E. Cramer, "The Racist Roots of Gun Control," *Kansas Journal of Law and Public Policy* 4 (1995); Stephen P Halbrook, "Personal Security, Personal Liberty, and the Constitutional Right to Bear Arms: Visions of the Framers of the Fourteenth Amendment," *Journal on Firearms and Public Policy* 7 (1995); David B. Kopel, "The Second Amendment in the Nineteenth Century," *Brigham Young University Law Review* 4 (1998).

[219] Weaver, "Frontlash"

Amendment.[220] Many of these same lawyers authored the antiracist gun rights law review articles of the 1980s and 1990s, as well as *amicus* briefs in the Supreme Court's *Heller* (2008) and *McDonald* (2010) cases. The 1990s strategy of popular constitutionalism via law review article began to bear constitutional fruit in 2008.

The Supreme Court's 2008 decision in *District of Columbia v. Heller*, which considered Second Amendment claims related to the rights of free Blacks in a tightly circumscribed way that bears little resemblance to the current racial framing of gun rights.[221] In *Heller*, the majority opinion examines discourse related to the rights of Blacks in light of their position as newly freed slaves, not because it sought to establish or clarify any special relationship between race and gun laws, but because examining the discourse related to the rights of freedmen in the 1860s could, in theory, illuminate the era's thinking on gun rights in general. That is, the *Heller* court's consideration of race-related gun rights discourse had little to do with race. Instead, the majority opinion argued that post-Civil War discussions of Second Amendment protections for Blacks demonstrate that the popular understanding of the right at that time was as an individual rather than collective right.

Whereas the racial framing of the Second Amendment in *Heller* was racially neutral, the arguments in *McDonald v. City of Chicago* two years later reflected a new framing, one characterized by the centrality of anti-Black racism in the post-Civil War era. The majority

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[220] Carl T. Bogus, "The History and Politics of Second Amendment Scholarship: A Primer," *Chicago-Kent Law Review* 76, no. 1 (2000); Reva B. Siegel, "Dead or Alive: Originalism as Popular Constitutionalism in Heller," *Harvard Law Review* (2008).

[221] District of Columbia v. Dick Anthony Heller, 554 U.S. 570 (2008).

offered three opinions: Justice Alito's use of racial arguments largely echoed those of the *Heller* decision; Justice Scalia's did not mention race; and Justice Thomas's advanced a lengthy argument that ultimately arrived at the conclusion that, historically, failures to incorporate the Bill of Rights into the Fourteenth amendment have resulted in racial violence. Thomas writes:

> Organized terrorism like that perpetuated by Tillman and his cohorts proliferated in the absence of federal enforcement of constitutional rights. Militias such as the Ku Klux Klan, the Knights of the White Camellia, the White Brotherhood, the Pale Faces, and the '76 Association spread terror among blacks and white Republicans by breaking up Republican meetings, threatening political leaders, and whipping black militiamen.[222]

The outcome of *McDonald* fueled a small flurry of Twitter posts about gun control as a tool of racial oppression, which quickly died down again. But the contours of the antiracist collective action frame had been established and would serve as ready material for gun rights activists and SMOs when the killings of Trayvon Martin and Jordan Davis turned the country's attention to the racial implications of Stand Your Ground laws.

The antiracist collective action frame had been part of the gun movement's legislative strategy for thirty years before it reached public consciousness in the 2010s, and the frame received immediate support from activists in public discourse. But while prior efforts received little support from minorities and failed to move public opinion toward greater support for gun rights, this post-Trayvon wave of aggressive publicization of the antiracist frame was met with public gun advocacy by minority gun activists, an interaction that forced a reckoning for a social movement dominated by whites and characterized by

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[222] Opinion of Justice Thomas, McDonald v. City of Chicago, 561 U.S. 742, 856 (2010).

white appropriation of civil rights movement frames. Whereas in its earlier iterations the antiracist frame was deployed in a defensive strategy against charges of racial bias in the gun movement and disparate racial harms from guns, in a context of mostly white gun ownership, now white gun activists found themselves under pressure to prove their antiracism by defending the rights of non-white gun owners and performing their alliance with minority activists. In this way, the rise of minority gun rights subjectivities helped to initiate a rearticulation of the hegemonic gun rights subjectivity to become more capacious.

To expand the hegemonic gun rights subjectivity beyond its original boundaries, activists and SMOs must make what Mouffe and Laclau call "equivalential" demands to form a "chain of equivalence" among disparate identities and movement demands. The project is to generate universality out of a set of particularities through a dialectic between logics of difference, which create internal frontiers within society, and logics of equivalence, which attempt to corral an "us" onto one side of an internal frontier, to be opposed by an antagonistic "them" on the other side.[223] The only way to represent the universality that links disparate interests in a chain of equivalence is through particulars, however, because true universality would negate antagonism and render differentiation of political interests impossible. But the particularity that will represent the whole is a hegemonic universality and is thus always temporary. It is also always tied to its antagonistic opposite and is only truly legible as a universal in light of that antagonism.

For example, the use of "man" to signify universal humanity elides both disparities among men and differing interests between men and women, but when considered as a

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[223] Laclau and Mouffe, *Hegemony and Socialist Strategy*, xiii.

universal in antagonism to a local and particular conception of the individual it successfully represents "man" as universal under a banner of equality and natural rights. Similarly, feminist interests uniting under "women's issues" or "sexual difference" attempts to universalize a multiplicity of particular feminist concerns while simultaneously emphasizing a rupture in the universality of "man" and a potentially irreconcilable cleavage between women's and men's interests.[224] In this way universal claims by social movements never fully capture the universal, as they are always necessarily tainted by the particulars that distinguish them from interests and identities on the other side of an internal frontier. In other words, this type of universality is distinctly political, because it depends for its existence upon politically constructed, rather than natural, distinctions between "us" and "them" that are necessarily impermanent and always subject to further political contestation.

However, this is not to deny the reality of natural or biological differences among individuals, of which there are many. Simply put, natural variations among human beings have historically been a significant source of political antagonism and exclusion in the United States, but it is important to note that ascriptive differences only become the bases of political antagonism after they have been constructed as politically significant differences, as in the construction of race as a salient category tied to political equality and entitlement to rights.[225] Exclusions based on ascriptive characteristics are no longer

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[224] Laclau and Mouffe, *Hegemony and Socialist Strategy*, 117.

[225] For examples of the political construction of race in the United States see: David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Books, 2007); Claire Jean Kim, *Bitter Fruit: The Politics of Black-Korean Conflict in New York City* (Yale University Press, 2000).

tenable in post-Civil Rights America, but symbolic racism and "colorblind" law, policy, and discourse have maintained the feasibility of political frontiers largely defined by racial exclusion, though now the racial politics is covert and indirect.[226]

The racial politics of gun rights has been encoded in frontier masculinity and appeals to law and order, as I outline in Chapter 1. The internal frontier constructed through these frames divides law-abiding masculine protectors from violent criminals and deviants, wherein the law-abiding "good guy" is coded as white. The political construction of the law-abiding gun owner drew on the long history of racialized criminality in the United States, a history explored in great depth by Khalil Gibran Muhammad in *The Condemnation of Blackness*.[227] As Muhammad details, the racialization of crime was a process of political construction that not only linked blackness to dangerous criminality, but also reinforced racist notions of whites as individuals and Blacks as inextricable from their racial group. This latter dynamic still plays out frequently in the disparity between the peaceful arrests of white mass shooters like Dylan Roof and hasty police killings of both Black suspects and Black innocents, whose blackness overshadows their humanity and registers merely as "threat" in the eyes of law enforcement. Whereas violent white men must be considered in their full humanity as complex individuals whose behavior can be rationally explained, Black men are still condemned to death and/or long prison sentences

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[226] Ian F. Haney-López, *Dog Whistle Politics: How Coded Racial Appeals Have Wrecked the Middle Class* (Oxford University Press, 2014); Leonie Huddy and Stanley Feldman, "On Assessing the Political Effects of Racial Prejudice," *Annual Review of Political Science Annual Review Political Science* 12, no. 1 (2009); Donald R Kinder and Lynn M Sanders, *Divided by Color: Racial Politics and Democratic Ideals* (University of Chicago Press, 1996).

[227] Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Harvard University Press, 2010).

because they belong to a criminalized and deindividualized racial group.

Nevertheless, discourses reliant on colorblindness for their racial power must necessarily be open to rearticulation along racial lines precisely because they trade only in symbolic rather than "old fashioned" racism. Their us/them divide is based on characteristics other than race (even when race is implied), and in the case of gun rights and other conservative movements the discourses include oft repeated commitments to racial neutrality and equal rights for all. Furthermore, the laws and policies that protect gun rights are formally colorblind and are frequently defended as racially inclusive by gun advocates, creating at least a veneer of commitment to racially just law. As historian E.P. Thompson observes, the law must on occasion uphold its claims for the sake of its own legitimacy. If it were never to appear truly just, the law would lose its power and would cease to be taken seriously. He writes:

> Most men have a strong sense of justice, at least with regard to their own interests. If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class's hegemony. The essential precondition for the effectiveness of law, in its function as ideology, is that it shall display an independence from gross manipulation and shall seem to be just. It cannot seem to be so without upholding its own logic and criteria of equity; indeed, on occasion, by actually *being* just.[228]

Indeed, gun advocates frequently draw attention to cases in which gun and self-defense laws have resulted in favorable outcomes for minorities – sometimes even (racialized) *criminals* have been protected by these laws, as in a handful of Florida Stand Your Ground cases in which individuals who were engaged in drug deals at the time of their violent

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[228] Edward Palmer Thompson, *Whigs and Hunters: The Origin of the Black Act* (Pantheon, 1975), 263.

interactions successfully defended their self-defense claims.[229]

Indignant gun advocates are also quick to point out that the media narrative around gun and self-defense laws like Stand Your Ground are biased and inaccurate on questions of race, and they construe the media slant as yet another instance of the left unjustly accusing gun owners of racism. There is some truth to their claims. Studies have shown that although Stand Your Ground laws increase firearm injuries and homicides, they have not exacerbated racial disparities in gun violence victimization.[230] In fact, the largest increase in homicides has been among whites, with no statistically significant changes among minority groups. Nor have outcomes in SYG hearings clearly exhibited racial bias. A study by the Tampa Bay Times of 200 Florida SYG cases showed that when the involved parties were the same race, there was a slightly higher rate of *acquittals* for Black than for white or Hispanic defendants.[231] However, in interracial SYG homicides, defendants were slightly more likely to be acquitted when the victim was Black or Hispanic, which in absolute numbers was a difference of just a few cases. The Tampa Bay Times concluded that there was "no obvious bias in how black defendants have been treated," though their data are also consistent with the notion that white lives are valued more highly in the U.S. criminal justice system, which manifests in a higher likelihood of punishment when the

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[229] Susan Taylor Martin, "Florida "Stand Your Ground" Law Yields Some Shocking Outcomes Depending on How Law is Applied." *Tampa Bay Times*, February 17, 2013.

[230] Chandler McClellan and Erdal Tekin, "Stand Your Ground Laws, Homicides, and Injuries," *Journal of Human Resources* 52, no. 3 (2017); Michelle Degli Esposti, Douglas J. Wiebe, Antonio Gasparrini, and David K. Humphreys, "Analysis of 'Stand Your Ground' Self-Defense Laws and Statewide Rates of Homicides and Firearm Homicides," *JAMA Network Open* 5, no. 2 (2022).

[231] Sue Taylor Martin, "Race Plays Complex Role in Florida's 'Stand Your Ground' Law." *Tampa Bay Times*, February 17, 2013; Kyle Wingfield, "'Stand Your Ground' and Race, by the Numbers." *Atlanta Journal-Constitution*, July 17, 2013.

homicide victim is white, no matter the race of the defendant. But the Times also noted that "black victims were more likely to be carrying a weapon when they were killed. They also were more likely than whites to be committing a crime, such as burglary, at the time."[232]

For gun rights advocates, data like this this makes the left's charges of racism even more aggravating, both because it exhibits blindness to the nuance in crime statistics – a fact-finding error that is at best a sign of ignorance, at worst an act of political warfare – and because the overlooked nuance helps to support gun advocates' claims that they are not motivated by racism. In public discourse gun advocates defend the gun movement against such charges largely by affirming their support for minority gun ownership and reminding the public of the historical link between racism and gun control. Importantly, gun advocates' feeling that they need to defend their racially egalitarian views produces a strong affective association with those views, which when coupled with an increase in defensive antiracist claims puts enormous pressure on the white-dominated gun rights subjectivity to expand in a more racially inclusive direction.

Gun advocates' defenses of the movement's racial inclusiveness constitute a significant trend on social media platforms, surging in the aftermath of events that showcase any interplay between gun rights and race, events which consistently lead to accusations that gun organizations and gun owners are racist. These attacks spur gun advocates to assert their antiracist intentions and attempt to prove that racially inclusive gun rights rhetoric represents a real commitment to racial equality rather than a

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[232] Times Staff, "Convicted of Killing His Neighbor, Trevor Dooley Talks of Race but Not Remorse." *Tampa Bay Times*, November 20, 2012.

convenient stance manufactured for political gain. One of the most common framings of the attack on racism in the gun community is the observation that if Blacks start exercising their Second Amendment rights, conservatives will begin supporting gun control. This argument can be found consistently on Twitter since 2014:

> "Fear of Blacks with guns = most powerful force in politics. Black Panthers made Reagan & NRA pro-gun control."[233]
>
> "Black ppl need to put down the bibles & pick up the guns.then watch the republicans & The NRA demand gun control laws."[234]
>
> "As soon as most black people are carrying assault weapons, the NRA will start lobbying for gun control."[235]
>
> "Said it before, want gun control in the States? Arm black men who will use force against white people if necessary"[236]

Gun advocates respond to these accusations with evidence that they support Black gun ownership, but because of the ubiquity of the critique that gun rights will crumble as soon as Blacks embrace them, this unofficial gun control movement frame has fed into the pro-gun movement's antiracist counterframe on a more systemic level. Gun advocates now regularly proclaim their comfort with the idea of Black gun ownership. One pictorial Twitter post perfectly captures the essence of this defense (Figure 1): Across the top of the image there are three screenshots of recent news about the increase in gun ownership among Blacks. Below them are three hand-drawn figures in political t-shirts. One reads

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[233] JasonTHall1, "Fear of Blacks with Guns." *Twitter* (2014). https://twitter.com/JasonTHall1/status/547800973000065024

[234] tickyspoon1, "Black Ppl Need to Put Down the Bibles." *Twitter* (2014).

[235] vinctee, "As Soon as Most Black People Are Carrying Assault Weapons." *Twitter* (2015): https://twitter.com/vinctee/status/682339791006871552.

[236] FilmCriticMaybe, "Said it Before, Want Gun Control in the States?" *Twitter* (2022). https://twitter.com/FilmCriticMaybe/status/1511971817833091075

"Everytown," the name of a gun control organization. Another reads "March 4 R Lives," a reference to the march organized by the survivors of the 2018 mass shooting at Stoneman Douglas High School. The last reads, simply, "Biden Harris." The caption below these three representatives of left politics reads, "HAHA bet you stupid racist white supremacist gun lovers will start supporting gun control now!" Below the caption are two men with guns, one white, one black. They look directly at one another, as if they are tuning out the liberal hecklers. The white man says, "Welcome bro, wanna hit the range?" The Black man replies, "Yes."[237]

[237] Outlaw Appalachian, "Welcome Bro, Wanna Hit the Range." *Twitter* (2021): https://twitter.com/YeetCannon93/status/1433067344960569351.

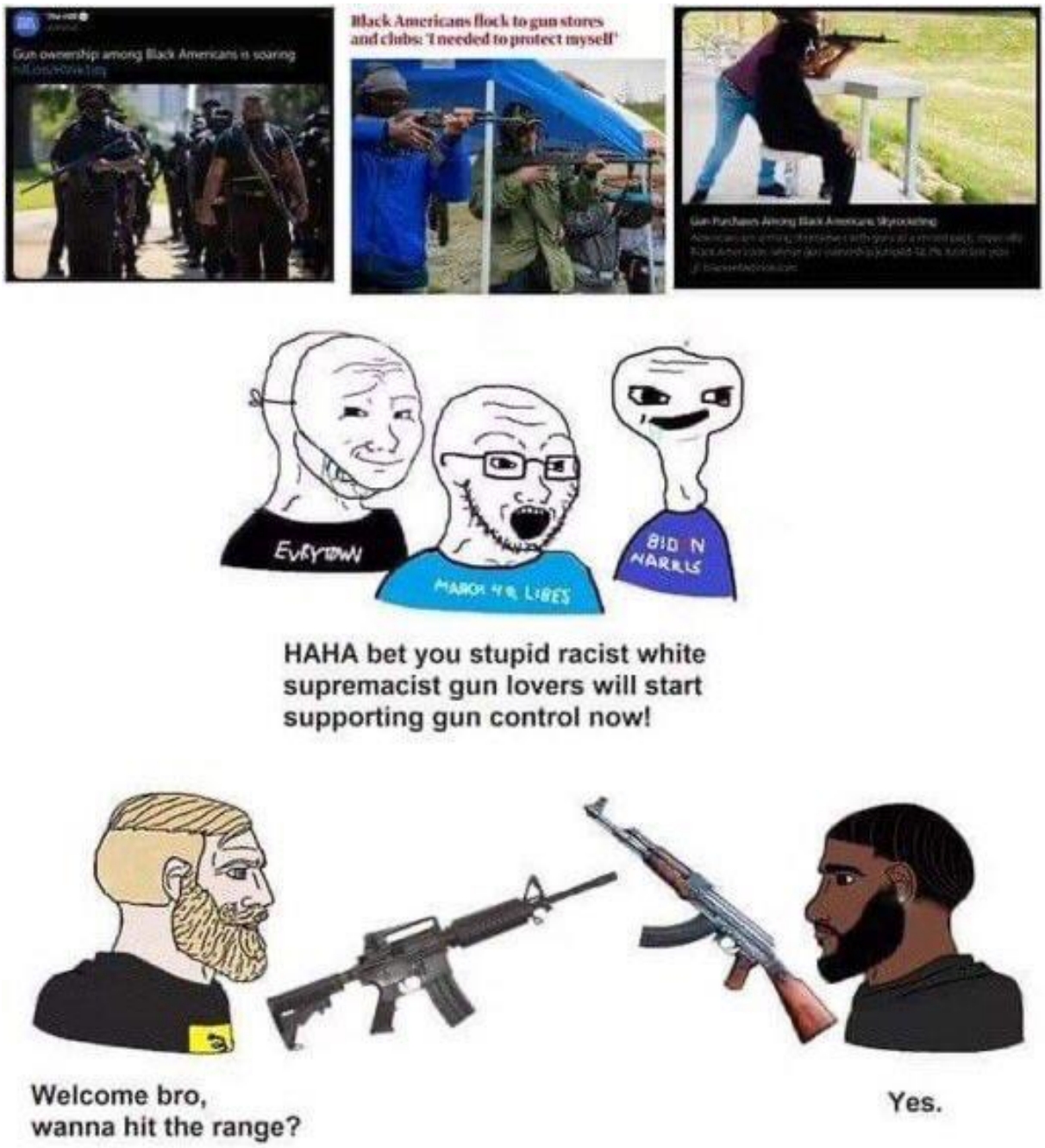
Gun ownership among Black Americans is soaring
Black Americans flock to gun stores and clubs: 'I needed to protect myself'
EVERYTOWN
BIDEN HARRIS
HAHA bet you stupid racist white supremacist gun lovers will start supporting gun control now!
Welcome bro, wanna hit the range?
Yes.

Figure 1

Hundreds of social media posts offer similar defenses of gun owners' openness to racial diversity, while still others critique the left's race-related anti-gun tactics. One such post argues that the left uses accusations of racism as a justification for disarmament, with the unspoken logic being that gun owners (who are racist) are the cause of violence against people of color: "First they call everyone racist, then the left uses that as the basis for taking your guns."[238] Another accuses the left of hypocrisy for its charges of racism, and uses the tactic of frame appropriation to accuse the left of racism: "Though the gun-grabbers like to say that gun owners are racist whites (which is absurd), gun-CONTROL actually has racist roots."[239] Social media posts like these are low-stakes contributions both to gun rights social movement framing that and to the rearticulation of pro-gun subjectivity. As gun advocates acknowledge and respond to accusations of racism, they speak on behalf of, and to, other gun advocates, who adopt the same frame and help to perpetuate it.

As movement framing activity in the public sphere (or "front region") gun advocates' social media posts tend to hew to culturally resonant frames. In this era of intense debate over the meaning of racism and how to be an antiracist, pro-gun racial discourse frequently mimics left critiques of systemic racism. The tens of thousands of social media posts arguing that "all gun control is racist" reflect this. It is an instrumental argument designed to win the battle over competing accounts of structural racism, and as with the other public-facing movement frames reflects a targeted and calculated response to antagonism from the other side of the political divide. Under pressure to mount

238 College Republicans at the University of Washington, "First They Call Everyone Racist." Facebook (2018).

239 Young Guns of Michigan, "Though the Gun-Grabbers Like to Say." Facebook (2014).

successful counterattacks to criticism of the gun movement, gun advocates stay on message and exude confidence in the antiracist frame they have adopted.

Private Gun Discourse: Disputing the Meaning of Racial Equality

More private "back range" discourse unfolds on gun forums, where members are anonymous and known only by self-chosen usernames, and illustrates greater complexity and nuance in negotiating the interplay between race and gun politics. Discussions relevant to race and guns reveal common emphases on individualism over collective identities, disdain for left politics and left racial politics, and a sense of ownership of the "correct" position on racial equality, which is both highly individualistic and colorblind. Characterizations of high-profile people and events hinge on these frameworks both in gun-related discussions and general discussions of crime, racial justice protests, and politics. The discourse reveals a tension between racial resentment and a desire to make good on the promise that gun rights are racially inclusive, which is to say that racism is rampant among gun forum members, but "good guys" with guns are nevertheless defended regardless of race. When "good guys" is not synonymous with white men, the alternative logics of political allegiance, individualism, and colorblindness take over. I argue that although whiteness serves as the default criterion for who counts as a legitimate gun rights subject, the construct that underlies this phenomenon is political and moral rather than strictly racial.

Because gun rights discourse since the 1980s has incorporated critiques of gun laws as racially discriminatory, many gun advocates have an image of the movement and its members as rightfully on the side of racial equality. The NRA and other gun rights

supporters have been citing the pro-gun statements of anti-lynching activist Ida B. Wells, Martin Luther King, and Harriet Tubman for decades now as evidence that gun rights are Black rights, and the notion that gun advocacy is itself a form of civil rights activism has taken root for many gun owners. The recent surge in gun buying among non-whites has only reinforced the idea that the pro-gun crowd was right about race all along. Several gun forum members make this case. Commenting on news that gun purchases among Blacks has increased, one member dismisses the notion that Blacks are anti-gun, arguing that this falsehood likely originated among whites living in racially homogenous communities:

> Yeah. Just go to gun stores where there's a black majority population! Folks who assume blacks don't use guns likely don't have a lot of em there and it's an anecdote.
>
> I remember going to my ccl [concealed carry license] class and it was full of blacks and maybe one Hispanic! I literally said to em all "And the news said blacks don't like guns!" Them and the white instructor laughed!
>
> Get ya strap![240]

The comment ends with an enthusiastic and inclusive invitation to would-be gun owners to "get ya strap," slang for "get your gun." The comment suggests that popular opinion is wrong about race and guns, and that the gun movement is open to all, regardless of race. It also evinces a sense of delight in learning that Blacks are indeed joining the movement, that they are indeed allies – as so much pro-gun rhetoric claims – rather than political enemies. Another commenter indicts the left's reductive thinking on race both in a general sense and specifically in relation to left assumptions about Blacks' interest in gun ownership. The post

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[240] Forum Member, "A Hearty Welcome to Black Americans Buying Guns Lawfully." *Reddit r/gunpolitics* (2021): https://www.reddit.com/r/gunpolitics/comments/mm1euq/a_hearty_welcome_to_black_americans_buying_guns/?sort=new.

critiques "social justice warrior" (SJW) rhetoric as well as the left's deindividualized characterizations of Blacks as a homogenous mass:

> To put it in 'SJW' speak, you're denying people their own agency. Doing so is in itself racist because you're doing it along the lines of skin color with the expectation that they will have the same opinions as democratic white middle and upper class progressives.
>
> That is infantilization behavior. Black people have their own opinions, they can all make their own adult life decisions and speak for themselves, including in ways you don't like. This is a blind spot and has been for a long time for left wingers. They talk over and hold systemically racist views about black and brown people while pretending to champion them.[241]

Both comments critique mainstream or left thinking on race and highlight the importance of individual agency. They suggest that gun rights subjectivity is open to and inclusive of Blacks, and that gun advocates' epistemology of race is more realistic and more just than its alternatives.

While gun advocates talk race in public and private, scholars and journalists have criticized the silence of gun rights SMOs in response to cases involving Black gun victims and gun owners, and Lacombe argues organizations such as the NRA avoid speaking out on their behalf two reasons: first, because a strong defense of a Black man would conflict with white identity; and second, because left-led protests on behalf of these victims clash with gun owners' Republican identity, and make NRA support politically untenable.[242] My research agrees with this assessment. A search of the NRA's website reveals between one and six race-related posts per year between 2012 and 2021, a marked contrast with the boom in racially aware programming on NRATV during its run from 2016 to 2019. The

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[241] Forum Member, "A Hearty Welcome."
[242] Lacombe, *Firepower*, 179.

NRA's approach is twofold: first, to affiliate itself with anti-racism, and second to avoid backlash by leaving it up to the individual to opt into antiracist content if desired.

The issue of race is notably absent from the content that will reach the NRA's captive audience of members and newsletter and magazine subscribers. But the NRA's antiracist programming has reached a wide audience, both through its YouTube channel and its commentators' regular appearances on Fox News. While treading cautiously with its membership's tolerance for overt racial discussion, the NRA has participated in the shaping of an antiracist gun rights subjectivity that has contributed to a sense that many pro-gun advocates have of being on the right side of issues of race. I argue that this antiracist discursive work is producing a feeling of ownership of the issue of racial equality among gun activists, who see themselves as more progressive on issues of racial equality than the anti-gun camp and the political left in general. This strong sense of being morally righteous on race is a powerful driver of inclusive gun rights talk.

Backlash to Left Racial Politics

Gun advocates' racial rhetoric also shows a strong trend of backlash to left and mainstream narratives about race and guns, which erodes their sympathy and open-mindedness toward Black gun owners and victims of gun violence. For example, in the immediate aftermath of the shooting deaths of Trayvon Martin and Philando Castile, a Black gun owner who was shot and killed by police at a traffic stop, the response on gun forums was largely, though not unanimously, sympathetic and tilting in favor of the victims' innocence and righteousness. Commenters on Martin's death were especially adamant about his innocence and his killer's wanton abuse of self-defense rights, and they expressed

concern that the case would spell trouble for gun rights were Zimmerman not prosecuted and convicted.[243] When challenged by more skeptical forum members, most commenters in these initial stages continued to defend the victims.

Another discussion of the Trayvon Martin case on a different forum shows the same trends. Members were disdainful of Zimmerman, more supportive of Martin in the early stages of reckoning with the incident, and initially keen to differentiate Martin from a standard-issue gang banger, drug dealer, or "thug."[244] But after protestors and the media began to highlight the obvious racial implications of these cases, forum members were quicker to raise doubts about the official versions of events and to offer speculation about the victims' culpability and possible character flaws. Many expressed anger and exhaustion over the racial framing of these killings. One member commented:

> There is no open season on blacks. It's a false narrative perpetuated by the media and pandering politicians.
>
> I'll leave it up to you to look up the statistics of homicides by police officers and how they relate to race. I will say.... it doesn't fit the media's narrative.
>
> We need to begin to focus on things that unify us not things that divide us.[245]

The victims' early backers slowly retreated as news coverage of the incidents grew more detailed and plentiful, with sympathy for the victims decreasing as racial narratives increased in the news media, in protests, and in left political discourse. As one commenter put it, "IF you can believe the media reports the guy should be drawn and quartered. Of

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[243] Forum Member, "Self-Defense Killing in Florida." *Firearms Talk* (2012): https://www.firearmstalk.com/threads/self-defense-killing-in-florida.60741/.

[244] Forum Member, "Trayvon Martin." *National Gun Forum* (2012).

[245] Forum Member, "Open Season on Blacks in America?" *National Gun Forum* (2016).

course there is always the 'rest' of the story that has not ben [*sic*] released."[246]

Commenters derided what they saw as an unnuanced, calculated left strategy to rally the Democratic Party base with cries of racism. Commenters who initially had called for "racist pig" Zimmerman, Trayvon Martin's killer, to face "serious jail time," became increasingly frustrated as the story unfolded.[247] They critiqued Reverend Al Sharpton's involvement, the media's characterization of Zimmerman as white despite his Hispanic ethnicity, and the presumption of Zimmerman's guilt that permeated the popular narrative. Confusion over Zimmerman's race fed into frustration with the racial narrative. One commenter summarized what he saw as the standard race-baiting formula that was shaping the debate: "A half black kid is shot by a quarter black kid, but since Reverend Al and the MSM [mainstream media] say it is a white on black crime you guys jump all over it."[248] Others noted that Zimmerman did not look white, and that the goal in spinning the event as a white-on-Black crime was to spark a race war. Within a few days of the killings, comment threads were almost unanimously supportive of the killers.

Forum members' racial critiques reflect a high degree of racial resentment, which primarily manifests in comments criticizing the interpretations of Martin's and other deaths as race related. Where, some members asked, is the outrage when whites are killed unjustly? Discussion of Philando Castile's shooting death during a traffic stop demonstrates the same sense of outrage at the incident being spun as further evidence that Blacks are under attack. Multiple self-identified white commenters on the Castile case shared personal

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[246] Forum Member, "Self Defense Killing in Florida." *Firearms Talk* (2012).
[247] Member, "Trayvon Martin."
[248] Member, "Trayvon Martin."

stories of police harassment and unjustified traffic stops, some with the intention of dispelling what they identified as the racial mythology surrounding the case. But others shared criticisms of police and expressed sympathy for Castile and victims like him, who tried to do everything right and had the misfortune of encountering one of the bad cops, whether malicious or merely incompetent.

Many other incidents elicited the same mixture of sympathy and racial resentment, including the death of Emantick Bradford, Jr., a Black bystander who shepherded people to safety when a man opened fire in an Alabama shopping mall; the arrest of army lieutenant Caron Nazario for having a legally owned firearm in his car during a traffic stop; and the death of Ahmaud Arbery, a Georgia jogger who was chased down and killed by three men who claim they suspected he was a burglar.[249] Similarly, discussions of Black gun ownership in response to positive news coverage, rather than related to killings, generated both enthusiasm about Black interest in firearms and resentful critiques of racial rhetoric and racial politics. In sum, most forum discussions on race and guns, whether positive or negative, provoked a mixture of support and racially resentful animosity that highlighted the role of political divisions in framing white perspectives on race and guns.

Respectability Politics

White gun owners are rearticulating their subject positions in relation to Black gun advocates in disparate ways in public versus private discourse. Because public gun rights

[249] Forum Member, "CHP Holder Shot by Police." *National Gun Forum* (2018); Forum Member, "Hot Take: The Media Used the Rittenhouse Trial to Distract Everyone from the Ahmaud Arbery Trial.: Gunpolitics." *Reddit r/gunpolitics* (2021); Forum Member, "Do Some People Forget That Guns Are for Black People Too?" *Reddit r/gunpolitics* (2021).

discourse is typically defensive, a response to effective gun control mobilization, it is imperative that counterframing efforts reflect a consistent message of support for minority gun ownership to combat charges of racial bias in gun rights advocacy. In private they locate Black gun rights in relation to mainstream gun rights identity by testing new gun rights claims against existing standards, a process that has demonstrated the priority of protecting the integrity of the existing discursive framework while members grapple with how to incorporate new subjectivities that challenge some of the core characteristics of the traditional gun rights subject. Political polarization plays a significant role in this rearticulation, providing a framework for subjectivization that can easily elide the racialized distinctions characteristic of the hegemonic gun rights subjectivity.

Jennifer Carlson notes some racial flexibility in determining who counts as a legitimate gun owner and claims that respectability politics is the key to inclusion of Black gun owners. She writes that among the police chiefs she studied, a "color-blind embrace of 'good guys with guns,'" hinges on "their moral character and law abidingness, as productive contributors to social order."[250] She also notes that concealed carry licensing represents a "color-blind indicator of respectable character" for nonwhite gun owners.[251] Submitting oneself to legal bureaucratic processes to obtain certification and receiving the official stamp of approval acts as a proxy for law-abidingness, adherence to (implicitly white) norms, and mainstream (white) respectability. Carlson's point is that Blacks are sometimes

[250] Jennifer Carlson, "Revisiting the Weberian Presumption: Gun Militarism, Gun Populism, and the Racial Politics of Legitimate Violence in Policing," *American Journal of Sociology* 125, no. 3 (2019), 667.

[251] Jennifer Carlson, *Policing the Second Amendment* (Princeton: Princeton University Press, 2020), 119.

seen by police chiefs as legitimate bearers of the power of violence, but only when they clearly emanate respect for ostensibly white norms of good character and upstandingness.

Among ordinary gun activists, however, I find the color-blind embrace of nonwhite gun owners depends instead upon performances of appropriately "sorted" partisan identities and political stances. Anti-liberal or politically conservative positions here serve as a proxy for respectability, more so than adherence to white norms of acceptable behavior and dress. Political polarization forms the backdrop of this new sorting of good citizens and gun owners from bad, ultimately rupturing the old adversarial identity with its easy association between lawlessness and Blackness and drawing new boundaries around gun rights subjectivity that are less consistently racialized.

According to political scientist Lilliana Mason, social sorting is the process of increasingly aligning our social identities with our partisan identities, so that "cross-cutting" identities wane and political identities are now reliably affiliated with social identity characteristics such as religiosity, race, and ideology (liberal, moderate, conservative).[252] As social sorting increases it becomes easier to rely on heuristics to discern our allies from our enemies, and the ease of distinguishing "us" from "them" encourages ingroup members to police the boundaries of their partisan group by excluding or ostracizing weak partisans or deviants from the accepted partisan identity cluster. Good partisans feel empowered to demand identity coherence from their political representatives and fellow partisans, and as we see in the national gun debate the result is an amplification of extremist rhetoric and crowding out of nuance, cross-cutting identities,

[252] Lilliana Mason, "A Cross-Cutting Calm," *Public Opinion Quarterly* 80, no. S1 (2016).

and common ground for debate. However, divisions along partisan lines leave questions of race open to interpretation.

In the process of renegotiating the meaning of gun rights identity, the boundary policing that has long occurred in the movement has evolved to accommodate minorities and has done so along strongly partisan lines. Salient values that predict inclusion are heteronormativity, belief in absolutist gun rights, disapproval of Black Lives Matter, opposition to racial identity politics, espousal of colorblindness, and anti-urban sentiment. Colion Noir (a pseudonym for Collins Iyare Idehen, Jr.), a Black lawyer, former NRA commentator, and YouTube star represents an easy candidate for inclusion by white gun advocates. He is well educated, clean-cut, typically dressed in crisp "urban" attire, advocates absolutist gun rights, and has been anointed by the NRA as a gun rights expert. His law degree lends credibility to his Second Amendment commentary, and the high production value of his videos also bolsters his credibility. He is, in essence, an unimpeachable representative of Black gun rights. His insider status is unquestioned among mainstream gun advocates, and he is regularly cited as a source of expertise by ordinary gun rights advocates. He has also established himself as a gun rights insider politically by coming out as a Trump voter and selling anti-Biden shirts and hats on his website, which he can also be seen wearing in some of his videos.

By contrast, Maj Toure, born Martin A. Jones, founder of Black Guns Matter, is raw and rugged with long dreadlocks, a scruffy beard, and a wardrobe of Black Guns Matter hoodies and backward baseball caps. In videos and interviews he is typically in an urban environment, often outdoors, in a setting that signals "inner city." He refers frequently to

life in "the hood," and is perceived by his supporters as a Black culture insider who is working to change that culture from within. Politically Toure identifies as a libertarian, though his Black Guns Matter merchandise and social media presence advertise several distinctly illiberal positions, including opposition to LGBTQ people, support for traditional gender roles, and an anti-immigrant stance. He also sells merchandise bearing anti-vaccine slogans, has called COVID-19 a hoax on national television, and sells a t-shirt that says, "F*ck Wuhan." Toure is regarded favorably in the gun rights movement and is frequently praised for his outreach to urban youth, racially coded praise that invokes an association between gun violence and Black communities. One forum comment epitomizes this line of thinking:

> This guy is the real deal. It takes a lot of guts to go into some of the worst urban areas in our country and begin to talk about 2 A to folks who are trying to stay alive everyday. Trump needs to recognize this young man for the work he's doing.[253]

Grandmaster Jay, born John Fitzgerald Johnson, is the founder of the Not F***ing Around Coalition (NFAC), a Black militia intended to counter the presence of white supremacists and white militias at protests. He is an avowed Black nationalist, and his militia has attracted hundreds of well-armed Black men and women who dress all in black, march in formation, and display an impressive level of discipline. Their serious, military-style presentation contrasts with that of armed white protestors, who have been fewer in number and much more casually assembled. The NFAC and Grandmaster Jay have received almost universal derision from mainstream gun rights activists, who criticize their

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[253] Forum Member, "Black Guns Matter." *The Firearms Forum* (2016): https://www.thefirearmsforum.com/threads/black-guns-matter.213263/.

equipment, their gun handling, and their Black nationalist politics.

Lower profile and much smaller in numbers, the Huey P. Newton Gun Club in Dallas, Texas, has staged armed neighborhood marches and counterprotests against white gun groups, and has received a positive reception in public gun rights discourse for organizing and exercising their Second Amendment rights. In the back range, however, the club is criticized for sowing racial division by highlighting issues of race.

Finally, Chris Cheng is a clean-cut Asian American man and former Google employee who is now a prominent Second Amendment advocate and a professional sport shooter. He rose to fame in the gun world by winning the History Channel's *Top Shot* shooting competition. He is a spokesperson for the outdoor retailer, Bass Pro Shops, makes regular appearances on television and in gun magazines as a Second Amendment advocate, and works closely with the NRA and other gun organizations. His industry backing is strong, as are his gun and shooting credentials. In recent years he has used his public forum to highlight anti-Asian violence and encourage Asian Americans to arm themselves and has received support from gun movement elites in those efforts. However, Cheng is also openly gay, which has led many gun rights advocates to reject him as an ally in both public and private discourse.

The rearticulation of gun rights subjectivity along racial lines has exposed the strength of partisan identity as a framework for inclusion and exclusion and helps us to locate the equivalential claims that link the gun rights of racial minorities to those of whites. For white gun owners Second Amendment rights signify the right to defend one's life, family, and property from intruders or invaders, typically represented as outsiders,

criminals infiltrating the neighborhoods of good citizens. But for many Black and Asian gun owners, the threat is the white racist, emboldened by Donald Trump's presidency, who commits racially motivated hate crimes. For women the primary risk of violence is not at the hands of a strange attacker, but from an intimate partner. And the risk for LGBTQ people comes from men, both strangers and intimate partners. Generating claims from these marginalized positions that resonate with the white male perspective on gun rights would be difficult, if not impossible, because they are disparate *structural* positions that necessarily manifest in disparate subject positions. Members of most of these identity groups articulate their gun rights claims in terms that threaten the dominant narrative that guns are necessary for protection from nefarious Others; in some cases, they *are* the Others the gun movement and the conservative movement warned us about.

Thus, the mainstream gun rights movement's construction of the issue forecloses movement frames that conflict with its own, instead producing frames that expand but also reaffirm the core of the hegemonic gun rights subjectivity. New subjects whose gun rights claims defy the mainstream narrative will be excluded unless they can be absorbed as compatible rights claimants. For Black gun rights advocates a model of vulnerability epitomized by Otis McDonald, plaintiff in *McDonald v. Chicago*, provides an opening into hegemonic gun rights subjectivity. In his quest to invalidate Chicago's restrictions on handgun ownership, McDonald became a representative of the most legitimate kind of Black man with a gun. First, he advocated individualist Second Amendment rights, a minority position among Black Americans that white gun advocates have long been keen to advertise as evidence that the gun rights movement is diverse and open to all. Second,

McDonald was an elderly man, in his seventies when he filed suit against the city of Chicago and in no way mistakable for a "thug" or street tough. And finally, McDonald's challenge to Chicago's handgun ban was rooted in his fear of gang and drug-related violence in his South Side neighborhood, both racialized types of crime in an area of Chicago that is majority Black.

McDonald died at age 80 in 2014, and the Chicago Tribune's obituary neatly summarized McDonald's appeal as a gun rights spokesperson:

> The tall, elderly, soft-spoken man insisted he needed a gun to shield his family from gangs and drug dealers that terrorized his Morgan Park neighborhood. He felt the Constitution gave him that right.
>
> "His love for family drove him," said his nephew Fred Jones. "He loved the Second Amendment but he was more concerned about protecting his family, and the Second Amendment was the avenue to help him do that."
>
> But he was also driven by a force much deeper. Mr. McDonald felt strongly that he had a duty to stand up for the rights that had been taken away from African-Americans during slavery. As he and his wife, Laura, sat in the Supreme Court gallery listening to oral arguments in the lawsuit, it reaffirmed what he felt was his calling.[254]

McDonald's respectability lies in his age, his quiet disposition, and his willingness to affirm that (Black) criminals are a fearsome threat. He sought to protect his home in his majority-Black neighborhood from the threat posed by stereotypically Black criminality, presenting an uncontroversial image of what responsible Black gun ownership could look like. The Otis McDonald archetype represents the extension of white, male gun rights frames: Whereas whites seek to protect their nice neighborhoods from criminal invaders, Blacks

[254] Dahleen Glanton, "Otis McDonald, 1933-2014: Fought Chicago's Gun Ban." Chicago Tribune, 2014.

like McDonald seek to protect themselves within their violence-plagued neighborhoods. These non-identical claims are nonetheless equivalent in terms of establishing a need for tools of self-defense.

Furthermore, Blacks' need for protection from "their own" validates tropes about "black-on-black" crime and the threat of Black criminality that are interwoven with both public and private gun rights discourse. Ultimately, incorporating Black gun rights claims into the movement requires a clear differentiation between "good Blacks" and bad, which hinges on partisan beliefs rather than more common notions of white-normative respectability.

Although mainstream gun rights discourse trumpets its antiracist arguments, it also rejects most identity-related claims. It targets the disparate effects of gun control laws but ignores most identity groups' claims to a special need for self-defense tools because of their disproportionate vulnerability to identity-based violence, claims made by Blacks, Asian Americans, some Jews, and many LGBTQ groups. But while the mainstream movement avoids amplifying their claims, groups representing vulnerable identities have rearticulated gun rights subjectivity on their own behalf, constructing a chain of equivalent demands for expansive rights to guns and self-defense, in effect forcing the movement beyond its own boundaries of inclusion, democratizing it, and infusing it with new power that will pose an even more formidable challenge to advocates for gun control.

Epilogue

As the gun rights movement continues to win expansions of legal protections for gun ownership, licensing, and carrying, the progress toward racially inclusive gun rights subjectivity continues, signaling a pronounced reorientation of hegemonic ideas about gun rights at a time of rapid firearms deregulation. While gun restrictions loosen, white gun owners seem to grow more comfortable with Black gun ownership. At the same time, guns have become more popular among Blacks, who are the largest growing group of gun owners in the country.[255] The sharp increase in interest in firearms among Blacks arrived a decade after gun rights proponents' public embrace of antiracist gun rights talk, but evidence suggests their intention is far from coalitional. The mainstream gun rights movement may be winning on issue framing, but minority gun owners see themselves as fighting a separate, unrelated battle.

Many Blacks and Asian Americans who have recently warmed to the idea of keeping firearms for self-defense have been motivated by a sense that since the Trump presidency they are increasingly under threat of racial animus or white supremacist violence.[256] While the Otis Singletary archetype, with its emphasis on dangerous Black neighborhoods and intraracial "black-on-black" crime, is held up in mainstream gun discourse as representing

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[255] Jim Curcuruto, "NSSF Survey Reveals Broad Demographic Appeal for Firearm Purchases During Sales Surge of 2020." *National Shooting Sports Foundation*, July 21, 2020.

[256] Alex Smith, "More Black Americans Are Buying Guns. Is it Driving Up Black Suicide Rates?" *NPR.org*, March 3, 2022; Melissa Chan, "'I've Never Seen This Level of Fear.' Why Asian Americans Are Joining the Rush to Buy Guns." *Time*, July 20, 2021; Brakkton Booker, "With a Growing Membership Since Trump, Black Gun Group Considers Getting Political." *NPR.org*, July 10, 2019.

the Black gun owner's most pressing self-defense needs, the perspectives of Blacks is decidedly different. Where mainstream gun rights discourse still fixates on bad neighborhoods and thuggish young men, many Blacks are focused instead on the risk of racial violence at the hands of whites, including white gun owners who might hold regressive racial views.[257]

Additionally, the National Rifle Association has suffered significant declines in membership since 2018, while Black, Asian, and Latino gun groups have grown. The National African American Gun Association (NAAGA), founded in 2015, reached 40,000 members in 2020, fueled by Donald Trump's presidency, the COVID-19 pandemic, and racial unrest following police killings of Black men.[258] Both the Asian Pacific American Gun Owners Association (APAGOA) and AAPI GO were born of despair over hatred and violence directed toward Asian Americans during the COVID-19 lockdowns,[259] and the Latino Gun Association (LGA) was formed in 2020 by a UC Berkeley law student in response to the mass shooting of 23 people at a Walmart in El Paso, Texas, by an avowed white supremacist who was targeting Latinos.[260] Far from building coalitions with the NRA or more radical white-dominated gun groups like Gun Owners of America, gun groups organized around racial identity are pursuing their own agendas with a strong sense of

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[257] Alana Wise, "Supreme Court Ruling Leads to Mixed Feelings Among African American Gun Owners." *NPR.org*, July 12, 2022.

[258] Lakeidra Chavis and Agya K. Aning, "In an Unsettled Year NAAGA Signs Up Thousands of New Members." *The Trace*, December 16, 2020.

[259] Lars Smith, "Asian Pacific American Gun Owners Association: Grassroots Firearm Advocacy." *Recoil*, December 16, 2022; David Lane, "AAPI GO, Asian American Gun Group, Fights for 2A." *Pew Pew Tactical*, August 18, 2021.

[260] Gwyneth K. Shaw, "In the Wake of Tragedy, Phillip Gomez '23 Builds a Non-Toxic Space for Latino Gun Owners," June 28, 2022. https://www.law.berkeley.edu/article/student-founder-latino-rifle-association-gun-violence/.

linked fate,[261] the idea that one's well-being is intimately tied to the well-being of one's identity group.

While the NRA and Gun Owners of America have long focused their efforts on inserting their absolutist Second Amendment views into state and national legislation, NAAGA, APAGOA, and LGA advocate less-political views of gun ownership, choosing instead to emphasize gun safety and familiarity with existing gun regulations. But although they espouse more limited views of the Second Amendment, the existence of these gun groups is still good news for the gun rights movement, not only because many of their members are new to gun ownership, but also because groups like NAAGA and APAGOA have become a force for gun deregulation as they advocate for the repeal of discretionary gun licensing laws, such as New York State's handgun permitting policy.

Yet the racial gains in gun rights are overshadowed by increases in mass shootings, suicides, and homicides in recent years, all of which are fueled by in part by increased access to guns.[262] Black Americans already comprise the group most vulnerable to gun violence, and the suicide rate among Black men has been climbing as Black gun ownership has increased.[263] Despite persuasive rhetoric to the contrary, the racial harm gun control frame that grew out of Lyndon Johnson's Kerner and Eisenhower commissions offered an accurate picture of the toll of gun violence on the American people: it is shockingly concentrated within Black communities. It is no surprise that Black voters historically have

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[261] The concept of linked fate was developed by political scientist Michael Dawson in 1994. Michael C. Dawson, *Behind the Mule: Race and Class in African-American Politics* (Princeton: Princeton University Press, 2020).

[262] CDC Newsroom, "Firearm Deaths Grow, Disparities Widen," May 10, 2022.

[263] Smith, "Black Suicide Rates."

been and still are the staunchest supporters of gun control in the United States.[264]

Even though recent firearm deregulatory moves do not appear to have exacerbated racial disparities in homicides, arrests, convictions, or prison sentences, nor have they alleviated these pervasive structural injustices. Even in this racially aware era of the gun rights movement, racial disparities continue to manifest in the streets and in the criminal justice system. The cost of buying into the mainstream gun movement's vision of individual sovereignty and the right to private violence is paid in human lives—all races are represented in the body count, but Blacks remain vastly overrepresented among gun violence victims. Further deregulation, although powerfully advocated by minority groups, will only continue this trajectory. Diverse groups are carving out gun rights subjectivities of their own and challenging the historically racialized friend-enemy distinction, but each win for gun rights opens the door to more violence and racially disparate harms.

The success of the gun rights movement in appropriating the racial harm frame to expand gun access illustrates the destructive trajectory of the 1960s gun debate, which spurred the adoption of antiracism into the gun movement's quest for white sovereignty. Gun control proponents' narrow view of which ideas were open to contestation—perhaps small policy details, but not the fundamental values and ideas undergirding the gun control proposals—exacerbated the political divisiveness that already existed on the topic of guns, fueling a burning-hot populist movement bent on asserting gun owners' interests without debate or any hope of compromise. The antagonism produced a vacuous yet toxic gun

[264] Pew Research Center, "Amid a Series of Mass Shootings in the U.S., Gun Policy Remains Deeply Divisive." 2021.

discourse that submerged the gun rights movement's white-centered view of racial harm beneath the winning argument that Blacks, too, need firearms for protection against the racialized Other. Thus, not only did the data-driven approach to gun control fail to produce meaningful regulations, but it also generated the antiracist movement frame that has now been enshrined in the landmark Supreme Court case, *New York State Rifle & Pistol Association v. Bruen*. Ultimately, it was gun control supporters who ceded ground to their opponents, jettisoning reasonable gun regulations in favor of a carceral approach to reducing gun violence.

Mouffe argues that populist movements often arise in liberal democracies when reasonable disagreement on political arrangements has been curtailed in favor of more minimalistic conceptions of the issues still open to contestation. Discussion of visions of the good life, the bearing one's cultural experiences and values have on an issue, and consideration of comprehensive doctrines are dismissed as irrelevant to the political realm, and what is left to debate is mere policy, not politics. Writing about right-wing populist parties, Mouffe observes that "they are trying to occupy the terrain of contestation deserted by the left," and many disaffected working-class citizens understandably feel that these populist movements offer the only legitimate chance of seeing their interests represented.[265] Any hope of curtailing gun violence will require a new approach to break the gun debate stalemate, one in which gun rights supporters and opponents are allowed to express the deeper cultural significance of their experience with, passion for, or aversion to guns.

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[265] Mouffe, *Democratic Paradox*, 7.

Appendix

Gun Forums and Search Terms Used in Chapter 3

Gun Forums

Firearms Talk: www.firearmstalk.com
The Firearms Forum: www.thefirearmsforum.com
National Gun Forum: www.nationalgunforum.com
Reddit: www.reddit.com/r/gunpolitics
Reddit: www.reddit.com/r/Firearms

Search Terms

Black
African
Asian
Latino
Hispanic
Race
Racist
Gun control racist
Gun rights civil rights
Trayvon Martin
Ahmaud Arbery
Black Lives Matter, BLM
Kenosha, Kyle Rittenhouse
Black Guns Matter, Maj Toure, Toure
Chris Cheng
Pulse Nightclub Shooting
Pink Pistols
Operation Blazing Sword
Benjamin Crump, Emantic Fitzgerald Bradford Jr., Alabama Mall 2018
Defund Police
Thug

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