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Racist Origins of U.S. Gun Control

From a review by Jim Powell of Clayton Cramer's *For the Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*:

... [Cramer] discovered how judges weasled out of upholding the Second Amendment. He provides many examples where judges simply ignored it as well as their own state constitution which protected gun rights, without offering a reason why. An [Illinois](#) Supreme Court judge dismissed the Second Amendment as "that right, whatever it may be," refusing to elaborate. Other examples show how judges supported their decisions with factual errors about the origin of the Second Amendment. Then there are examples of judges who cited misleading precedents -- legal reasoning supposedly contained wasn't there, or one point cited was contradicted by other points in a decision.

In documenting the racist history of gun control laws, Cramer makes clear that a major purpose is to keep people down. For example, he tells how, during the 1830s, [Maryland](#), [Virginia](#), [Georgia](#) and [Florida](#) enacted laws disarming free blacks. Cramer notes how the Supreme Court, in the

notorious Dred Scott case (1857), denounced the idea that free blacks should be able to keep and bear arms.

Cramer talks at length about the gun control laws which Southern states enacted after the Civil War to keep blacks down. For example, [Louisiana](#): "No negro who is not in the military service shall be allowed to carry fire-arms, or any kind of weapons, within the parish, without the special written permission of his employers, approved and endorsed by the nearest and most convenient chief of patrol." And [Mississippi](#): "No freedman, free Negro, or mulatto not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry firearms of any kind..."

States used various tactics to restrict gun rights. Judges limited the kinds of weapons individuals could own, ruled it was illegal to carry concealed weapons -- or illegal to carry weapons openly.

Judges used a variety of weasel words to uphold these laws. A [Tennessee](#) judge declared such laws were legit because their aim was to "promote the public peace." He claimed that when a lot of people carried pistols, the result was "dangerous wounds, as well as frequent homicides."

In 1872, a [Texas](#) judge was surprisingly frank in admitting that gun control promoters don't give a hoot for liberty: "It is useless to talk about personal liberty being infringed by laws such as that under

consideration. The world has seen too much licentiousness cloaked under the name of natural or personal liberty..." The judge trashed the state's constitution which spoke clearly: "Every person shall have the right to keep and bear arms."