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A Flawed Case Against Black Self-Defense

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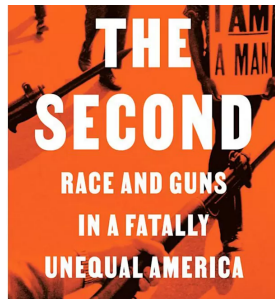
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BOOK REVIEWS

A Flawed Case Against Black Self-Defense

In the face of state failure, neglect, and overt hostility, black Americans need the right to bear arms.

NICHOLAS JOHNSON | FROM THE [JANUARY 2022 ISSUE](#)



(Bloomsbury Publishing)

The Second: Race and Guns in a Fatally Unequal America, by Carol Anderson, Bloomsbury Publishing, 258 pages, \$28

Carol Anderson claims the Second Amendment is rooted in the goal of suppressing slave insurrections and therefore is irredeemably racist. Yes, racism has infected other constitutional provisions. But for the

Second Amendment, Anderson argues in *The Second: Race and Guns in a Fatally Unequal America*, the affliction is incurable.

"The Second Amendment is so inherently structurally flawed, so based on Black exclusion and debasement, that, unlike the other amendments, it can never be a pathway to civil and human rights for 47.5 million African Americans," Anderson writes. She compares the "current-day veneration of the Second Amendment" to "holding the three-fifths clause sacrosanct," arguing that both were "designed to deny African Americans humanity and rights while carrying the aura of constitutional legitimacy."



Reading these claims, I expected a full-frontal attack on the contrary ideas I have developed in my own scholarship. Moving to the endnotes, I was surprised to find my work liberally cited. Anderson and I have worked through much of the same material but reached dramatically different conclusions about the utility, legitimacy, and importance of the right to arms in general

and for black folk in particular.

Amendment as a proxy for the much more textured American right to arms. This approach allows her to focus on a narrow slice of the federal constitution's story. She ignores the lessons from the American Revolution, including British attempts to disarm colonists as the rebellion came to a boil. Those conflicts provided plenty of reasons for the framing generation to think about and advocate a robust private right to arms, separate from concerns about slavery.

The Second also does not acknowledge the right-to-arms story in the places where most government action on guns has always occurred: the states, which unlike the federal government have broad police powers. The first federal gun control law did not appear until the 1920s. Gun regulation prior to that point was a function of state and local law.

The Second does not address the independent protections of the right to arms established in 44 of 50 state constitutions. Anderson expurgates the history of the federal right in order to damn the

Many of the state arms guarantees were first enacted in the 20th century. The most recent such guarantee, Wisconsin's 1998 constitutional amendment, was a direct response to municipal efforts to ban handguns. Another cohort of 20th and 21st century amendments were designed to underscore the individual nature of earlier provisions. These had nothing to do with slave control. Fourteen arms guarantees appear in the constitutions of states that were admitted to the union after the Civil War. These also were not motivated by the fear of slave insurrections.

Drawing from mid-19th century conflicts, Anderson argues that armed black self-defense is "ephemeral and white-dependent." She uses an episode of failed self-defense in Cincinnati to assert "the irrelevance of being armed or unarmed, because the key variable in the way that the Second Amendment operates is not guns but anti-Blackness." Racism, she argues, will always determine the ultimate effectiveness of black self-defense claims.

This assessment rests on an overly glib view of the self-defense dynamic. Effective self-defense presents at least one and sometimes two sets of problems. First, it requires the victim to prevail physically against a deadly threat. Second, it *might* require navigation of a subsequent process to have the violence deemed legitimate by some government authority.

No doubt racism can infect after-the-fact determinations of legitimacy. But the efficacy of the initial physical act of self-defense is far less contingent on racist variables. Self-defenders will survive the threat or not depending on the physical circumstances they encounter, not race.

Many armed self-defenders will avoid after-the-fact assessments of legitimacy altogether. Multiple U.S. surveys have put the annual number of defensive gun uses in the millions, while dissenting sources say it is somewhere between 100,000 and 650,000. In the vast majority of cases, no shots are fired. Many are not reported to authorities—the successful defender simply escapes the threat after brandishing or pointing a gun. Encounters involving actual shooting are a thin slice of the total, and deadly shootings are a fraction of that thin slice.

Even in cases where black self-defenders actually shoot someone, the violence is likely to be intraracial. While interracial violence strikes the most fear, the threats to modern self-defenders of

will occur in jurisdictions with large black populations, where mayors, police chiefs, and much of the law enforcement bureaucracy are black. Government assessments of self-defense claims in these places would seem less "white-dependent" than Anderson claims.

Millions of lawful black gun owners manifestly have a different view of armed self-defense than Anderson does. This divergence suggests not only that racism affects different black people differently but that many factors beyond race—gender, age, disability, relationship status, living situation, geographical location, occupation—may affect decisions about owning and carrying guns.

Anderson also gives short shrift to the transformative right-to-arms conversation surrounding the 14th Amendment. Post-Civil War efforts to extend the right to arms were a direct response to racist gun control in the former Confederacy. The debate surrounding the 14th Amendment demonstrates an explicit aim to extend the right to arms, along with other federal constitutional guarantees, to black people. And there is rich evidence that freedmen considered the right to arms a crucial private resource.

Anderson concludes that the right to arms as developed in the post-Civil War period was still structurally infected by racism and was as a practical matter ultimately useless to blacks.

The rebuttal to this is in the words and actions of black folk who actually lived through those nightmares. Contrary to Anderson's claim that there is no promise in the right to arms, the history of the freedom movement spills over with black people using arms to fight off deadly threats and embracing arms as a crucial resource in the face of state failure, neglect, and overt hostility.

There is a considerable body of writing from black people who experienced the terror that Anderson recounts, and it is at odds with her idea that blacks should abjure armed self-defense.

"Of the many inhuman outrages of this present year," Ida B. Wells wrote in her 1892 pamphlet *Southern Horrors: Lynch Law in All Its Phases*, "the only case where the proposed lynching did *not* occur, was where the men armed themselves in Jacksonville, Fla., and Paducah,

honor in every black home, and it should be used for that protection which the law refuses to give. When the white man who is always the aggressor knows he runs as great a risk of biting the dust every time his Afro-American victim does, he will have greater respect for Afro-American life."

W.E.B. DuBois not only described armed self-defense as a practical deterrent; he pressed it as a moral imperative. Writing as editor of the NAACP magazine *Crisis*, Dubois argued that even failed acts of self-defense established a cultural norm of resistance that discouraged attacks on the race. The NAACP cut its teeth as an organization defending blacks who used guns in self-defense.

The list of freedom fighters who used guns, carried guns, were protected by guns, and advocated armed self-defense as an important resource for blacks has filled volumes. Those books include my own *Negroes and the Gun*, Charles E. Cobb Jr.'s *This Nonviolent Stuff'll Get You Killed*, and Akinyele Omowale Umoja's *We Will Shoot Back*. The list includes Frederick Douglass, Henry Highland Garnet, T. Thomas Fortune, Bishop Henry Turner, Edwin McCabe, Roy Wilkins, Walter White, James Weldon Johnson, Medgar Evers, Rosa Parks, Roy Innis, Fred Shuttlesworth, Daisy Bates, A. Philip Randolph, Marcus Garvey, John Hope Franklin, T.R.M. Howard, Fannie Lou Hamer, Hartman Turnbow, Winson Hudson, E.W. Steptoe, Vernon Dahmer, Robert Williams, James Farmer, Bob Hicks, and, yes, Martin Luther King Jr.

Anderson's ultimate prescription is perplexing. Racist government malefactors cannot be trusted to administer the right to arms fairly, she says, so blacks should abjure the right to arms rather than insist upon it. But that leaves blacks dependent for their security on those same government malefactors. Perhaps this idea will resonate for others more than it did for me. Time will tell.

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