Episode 140-- the Second Amendment in an Unequal America

Fri, 7/30 9:17AM 54:18

SUMMARY KEYWORDS

black, people, white, militia, guns, narrative, threat, shooting, second amendment, folks, gun violence, men, rittenhouse, freedom, state, violence, government, book, bear, brady

SPEAKERS

Carol Anderson, JJ Janflone, Kelly Sampson

JJ Janflone 00:08

This is the legal disclaimer where I tell you that the views, thoughts and opinions shared in this podcast belong solely to our guests and hosts, and not necessarily Brady or Brady's affiliates. Please note, this podcast contains discussions of violence that some people may find disturbing. It's okay, we find it disturbing too. Hi everybody. Welcome back to another episode of Red, Blue and Brady.

K

Kelly Sampson 00:40

I'm Kelly, one of your hosts.

JJ Janflone 00:42

And I'm JJ your other host.

K

Kelly Sampson 00:44

And today we're talking with an amazing guest, historian and New York Times bestselling author, Dr. Carol Anderson,

JJ Janflone 00:51

Carol, and I'm so excited that she said we're allowed to call her you know, on a first name basis, joined us to discuss her new book, "The 2nd: race and guns in a fatally unequal America."

K Kelly Sampson 01:01

Together we discuss how the Second Amendment although sometimes taken up as a symbol of, quote, "freedom" in America has only been a symbol of freedom for some, and how the Second Amendment was designed and constructed, how it has been used, and what narratives about it continue into today.

JJ Janflone 01:17

This was a book you know, and a podcast that taught me so much. I feel like we need to jump right into it. Just a really quick procedural note, though, and a warning. We do mention the names of two shooters during this podcast, longtime listeners know that we follow the rules of no notoriety. And this isn't something we typically do. But you know, given the historical nature of this conversation, they've been included for the sake of clarity. So welcome, Carol, can you please introduce yourself.

C Carol Anderson 01:47

I'm Carol Anderson, and I teach and I write books.

JJ Janflone 01:53

You do a lot more than just that too. But we when I tell you that Kelly and I have been fangirling over your work and wanting to have you on for forever. When The 2nd came out, I think I had had I pre ordered it. And when it arrived at my house, I messaged Kelly, and she was like, Oh, I already bought it and finished it. So major fan moments are happening here on this podcast. I'm wondering if you could start off by just sort of telling our listeners of all things, you know what motivated you to research and then write about the history of the Second Amendment?

C Carol Anderson 02:25

For me it started with the killing of falando casteel. Because here you have this black man

who was pulled over by the police. And the police asked to see his ID and falando casteel following NRA guidelines, alerts the officer that he has a license to carry weapon with him, the police officer begins shooting. So you have a black man killed for no other reason than he has a gun, not that he was brandishing the weapon. Not that he was threatening anyone. He simply has a licensed weapon. And then you got the silence of the NRA, the virtual silence of the NRA. And and that silence was an outlier because the NRA had been absolutely vocal at Ruby Ridge and at Waco calling federal officers jackbooted government thugs. And and so here when a black man is killed, crickets, and you have then pundits asking, well, don't black people have Second Amendment rights? And I went Oh, that's a great question. Because so much of my work, the body of my work is about the rights of African Americans, the human rights and the citizenship rights of African Americans. And this was one of the questions I had not looked at. And this is what sent me all the way back to the 17th century, and then coming all the way forward into the 21st.

K Kelly Sampson 03:51

That's a perfect segue when you talk about being in the 1700s. Because once you know, from the very beginning, what is it about the text that the second amendment that you find so important in understanding gun rights then and gun rights now?

C Carol Anderson 04:04

It is the way that when you think about our bill of rights, where it has, you know, you have the right not to be illegally searched and seized, the right to a speedy and fair trial, the right to free speech, the right not to have state sponsored religion, the right to freedom of association, and then you have the right to a well regulated militia for the security of the state. You know, it just was such an outlier. And in that focusing on the militia, and so I began asking what is the role of the militia? Why is the militia just like highlighted here, and the role of the militia when you're going back to the 16 to 1700s. What you're seeing is that the militia was designed to quell slave revolts. This massive fear within the white community of black people, of a black uprising of black folks fighting For their freedom, it courses through with each insurrection with each rumor of an insurrection, you see this architecture arise, you see these laws coming up banning African Americans from having access to weapons. But you also see the rise of slave patrols that were designed to go into the slave cabins and look for contraband such as books, writing instruments, and weapons. And then you have the militia, which is larger than the slave patrol. And the militia was there to put down massive slave uprisings. And so having that militia highlighted in the Second Amendment was like a ding, ding, ding, ding, ding, that there was something about this militia that was really important to those folks in the 1700s. And then it was going through the the debates for the constitutional ratification convention,

and the one in in Virginia was just stark, where there you had Patrick Henry, and George Mason, arguing with James Madison, because Madison had put control of the militia under the federal government in this draft constitution. Because despite the narratives that we have now about the militia, being just this wonderful fighting force for democracy, that took on the British, not so much. Sometimes they show up, sometimes they wouldn't sometimes they fight, sometimes they take off running. So being absolutely unreliable, led George Washington to be apoplectic and led James Madison, to put control of organizing the militia under the federal government. What George Mason and Patrick Henry saw was that you had folks up North who did not believe in slavery, and therefore they were not reliable, you could not they said, you cannot count on them. If we have a slave revolt, you cannot count on them to send the militia in to protect us, we will be left defenseless. And that sense of being left defenseless, in the midst of a slave revolt, they were threatening to scuttle the Constitution, they were demanding a bill of rights, or that they would hold a new constitutional convention. And what Madison was afraid of is that that new constitutional convention would be like a Pandora's box, that it would open up all of the nastiness that was out there that had led to the Articles of Confederation that didn't work. And so he wanted to protect a strong central government. And that meant appeasing those southerners, that meant appeasing Patrick Henry, and George Mason. And this is how we end up with the Second Amendment.

K Kelly Sampson 07:58

That's so important, because I know all throughout my education, and even into law school, a lot of times when people talk about whether a constitution is pro slavery, or anti slavery, when they have the conversation, they'll talk about the fugitive slave clause or three fifths clause, but you are doing something new, which people don't talk about, which is the second amendment itself can be seen as part of that. And I think that's just really, really important. And it's been left out for so long.

C Carol Anderson 08:24

Yes, I mean, it is part of the bribery package that went along with the fugitive slave clause that went along with the extension of the Atlantic slave trade. And that went along with the three fifths clause, where the South is playing hardball with the United States, we get slavery or you don't have your United States of America. And so this is part of a pattern. I mean, you know, this would be the part of the pattern that we've seen leading up to the Civil War, you don't elect Abraham Lincoln, or you won't have the United States of America. I mean, this is we've seen this before,

JJ Janflone 09:00

I think to what you're getting at here, which is you do it throughout the book. But I think you're pointing out now to our listeners is like this beginning of the American mythmaking to have what narratives are true and what narratives are not because even when, you know, on the edge of what a "militia" is, I think most Americans have a very particular view in their head of A) what a militia man looks like, and then B) what the experience was, which is, you know, if any online forum, will, will point out to you, you know, all these are returning soldiers from, you know, the Revolutionary War, when in fact, that's not that's not the case. I think that's an important thing to talk about, too, about, you know, who was eligible eligible to join these militias? Who was not and why? Because we do have black Americans fighting in the Revolutionary War, but they're kind of conveniently left out of that that narrative later on.

C Carol Anderson 09:50

Right And I mean, and so yeah, that narrative I I call it the Rick Santorum School of history, where this was this empty land and Europeans came in built everything and so one of the things about the Revolutionary War the American Revolution was in 1775 the colonies had banned African Americans from joining the Continental Army. And and then but white men were not joining the army and the numbers that George Washington needed. I mean, white men were like, No, I'm not feeling it. I'm just not doing it not not gonna happen. And the US is facing stiff British forces. The British are kicking some USDA Grade A prime beef but and it is at this moment the exigencies of war is what led the colonies well, the state to then say look, we are going to emancipate and these are the northern states, we're going to emancipate those black men who are willing to fight for the rebels fight for the Patriots against the king, you will get your freedom if you join us. 5000 black men served in the Continental Army, it was an integrated army. And they stiffened. They stiffened. So much so that the British were like, dang. And so they said, let's hit the soft underbelly. And so they went south, and they hit Georgia so hard. And Georgia just collapsed virtually immediately. And so then the British had their sights set on South Carolina, and South Carolina basically only had 750 white men available in terms of of the forces to take on an 8000 troop British Army. 750 against 8000. This is in the land of people. This isn't hard. And so George Washington sends down john Lawrence, who was a son of South Carolina, to plead with the South Carolina government, you've got to arm the enslaved you must arm the enslaved because you don't have enough white men for what the British are bringing. And because South Carolina had deployed the vast number of its white men as the militia in order to keep that black slave population down, because the British had been offering freedom to the enslaved, who came and left the rebel owners and who would fight for the King. And so the the South Carolina government was

absolutely concerned that these black folks would go and run to the British, so most of their white men were deployed as part of the militia. And so when Lawrence is pressing them, you've got to arm the enslave, they said, We are horrified. We are alarmed. I mean, we have to wonder whether this is a nation worth fighting for that you would even dare ask us something like that. And they began to contemplate surrendering to the British, because they would rather face the King's wrath than deal with armed black people. Nathaniel Greene, who was a general that that Washington had sent down. He's pleading with the South Carolina government too and he went back to Washington and he said, it makes no sense but there is a dreaded fear of armed blacks. And that is one of the the the through lines in this book is this dreaded fear of armed black people. It is the dreaded fear of black people, period. So where if blackness becomes the threat, and armed blackness is an exponential threat.

K Kelly Sampson 13:42

If you could, can you talk a little bit about black gun ownership, both historically and also how that reflects on gun ownership now?

C Carol Anderson 13:50

So one of the things that became clear with each one of the rumored enslavement insurrections or actual slave insurrections is that you had an entire body of law, rising up saying that black people shall not have guns. You know, sometimes you had these these these little tweaks in the law that said, "Unless under the scrutiny of whites," or "Unless, they're hunting with their white owners," but you started getting this this ban of black people having guns, you also see this ban happening for free blacks, because there was the fear not only of the enslaved, but of free blacks being armed. This this fear that they would help with an insurrection, or simply this fear of free black people with guns. And so you see these laws and these laws are not just in the south, you're seeing these laws in the north as well. And so when you have this language about guns and citizenship, and this is part of what we see with the 1792 uniform militia act. That said, that was that was one of the first acts of Congress. And it said that every able bodied white male, between the ages of 18 and 45, must join the militia, and must have a gun. And so you see this linkage of white male-dom, and gun ownership with citizenship. And that becomes that fusion that happens in American society, that then leads to the way that we picture who is a citizen? who has rights? who built this nation? who therefore is a maker, and therefore, who is a taker? All of this is is is woven into this, these these original founding myths, and seeing the ways that the laws are created to racialize citizenship, and the ways that the laws are created to deny citizenship, and the rights to citizenship for entire swaths of people.

JJ Janflone 16:09

Something that really struck me within your books was as we move through this timeline of US history, the difference between the way you know, historical narratives have positioned things like the Whiskey Rebellion versus, you know, the 1811, slave rebellion and things like that. And I'm wondering if we can talk about how, beyond these narratives, you know, how these themes are just repeating today.

C Carol Anderson 16:28

I mean, and so this is what what struck me as I was doing this work, was, you know, so Shay's rebellion, here you have white men who are angry about a government, Massachusetts government state taxation policy, and they're not going to pay the tax, we're not going to pay so the state is seizing the land. And so Shay's rebellion rises up to attack the Massachusetts government, and they're on their way to the Armory in Springfield, to really get armed to take on this government. So Massachusetts tries to call out the militia to take on Shay's rebellion and the militia is like, Nah, I'm not feeling that, not gonna do that. In fact, you have some members of the militia that join that join Shay's rebellion, which then led rich Boston merchants to hire a mercenary army to take down Shay's rebellion. This is part of what is hanging over the head of folks at the Constitutional Convention, when they're thinking about the militia. Not only are they thinking about how unreliable they were in the war, they're thinking about how unreliable they were when they had to take on white men. So it's like no, I'm not doing that. And so this is why you see that language, putting them under federal control. And to me what is interesting also with Shay's, but also with the Whiskey Rebellion, is again, you have white farmers who hate the taxation policy. This is the federal government's taxation policy on whiskey. And so they begin to attack federal officers tarring and feathering them, okay, that would be torture, right? tarring and feathering federal tax officers, they then attack the home of the major federal tax officer, and the US Army has to come in to rescue him for all intents and purposes, and the folks at the Whiskey Rebellion take on the US Army and win! Right? So this is Alexander Hamilton going "ah, snap." And he calls and he's like, look, President Washington, George, I told you these folks were acting a fool. You know you got to take them down. And so Washington hops on his horse. He calls in the militia. So you know, you've got the President of the United States leading forces in a battle. The folks at the Whiskey Rebellion see George coming and they're like, peace out. I'm done. But so when you have, think about it, you've had two major assaults by white men on the government. And the response is very few were tried. Very few were convicted, and those who weren't convicted received pardons. So it's like, hmmm, boys will be boys. But when you have black people rising up for their freedom, like we saw with the 1811 slave revolt in Louisiana, and like we saw with the 1800 Gabriel's revolt, the response has been just in the 1739 revolt

in Stono, South Carolina, the response has been to make an example, a horrific, violent, torturous example of those black people. This is what happens when you defy us. This is what happens when you rise up for freedom. We had beheadings and their heads put on spikes, and then those, those decapitated heads lining the roads up to the plantations as a warning signal to the enslaved. This is what happens when you dare to rise up against us. We had disavowing where folks were given it alive. Just tortuous stuff. But as the mass hangings in the public square in Virginia, after Gabriel's revolt, you juxtapose that to the Whiskey Rebellion and Shay's rebellion, and you get the disparities in terms of who is an existential threat, who is defined as a threat in American society. So as we fast forward, let's talk about the insurrection that happened on January 6. And here, you have white folks, overwhelmingly white folks storming the US Capitol to try to stop the certification of an election. They are talking with each other about guns and having guns and having them nearby. So when the stuff jumps, it really jumps and they're going to be ready. But you don't see that full armed response against these white insurrectionists. Instead, they're able to like, cause millions of dollars worth of damage, injure over 140 police officers. And what we hear from our elected officials is that these were no more than tourists. These were liberty loving people that they this was a love fest. I'm Tina Turner, What's love got to do with it? These were white domestic terrorists who were trying to overthrow the government. But what you see you don't see that response of threat. But remember, the Black Lives Matter protests that happened in the summer, where you have fully decked out like National Guard, they're ready to take on non violent black protesters. That is because black lives matter was the threat. It is what Senator Ron Johnson said, when he talked about the insurrection. He said, No, these were folks who were law abiding, and they loved law enforcement, this was peaceful. But you know, and I wasn't afraid, now I would have been afraid if it had been Black Lives Matter. That was telling. And that is what we're dealing with in the present day, the stuff of back then, in the 18th century, the 17th century, this fear of black people as the default threat in the United States, versus the purity, the innocence of whiteness, is is echoing, redounding, reverberating, reacting a fool in, in today's society. One of the differences too is is that when we do talk about the 2nd now we get caught in this rut of isn't about a well regulated militia, or is it about an individual right to bear arms? And those are the terms of debate that the gun proponents have set up. When we're talking about the basic rights to security and safety and the basic rights to citizenship, we're having a very different kind of conversation now.

K Kelly Sampson 23:36

Yeah, I think that's one of the things about your book that's so helpful is you track how black people have been consistently characterized by society as a threat. And then we build all these criminal scaffolds to make sure that happens. And one of the things that

you do is you kind of correct this narrative that often comes up to the extent we talk about slavery, the Civil War at all, a lot of times the popular narrative is slavery was bad. We had a civil war, black people were free, and then things are kind of okay, until Martin Luther King came and fixed it. And what you really do is kind of show how, after the Civil War, there was an immediate reconstitution of white supremacist power structures that came out in Black codes, and then Jim Crow. And along with that there was violence. And I was wondering, you could just talk to readers a little bit about how white supremacy and violence rebounded after the Civil War, and why, you know, black codes and Jim Crow relies specifically on firearms.

C Carol Anderson 24:35

So, right after the Civil War, President Andrew Johnson had basically issued blanket amnesty to many of the Confederate leaders, who then re assumed their positions in those governments, and they started drafting constitutions and writing laws. And one of those laws was the Black Code. And the what the black codes did was to basically reinstall slavery by another name requiring the control of black labor. But that control also required disarming black people. Because the war with the war black folks had guns. And so this disarming, you had the rise of these paramilitary groups that were working in league with these Neo Confederate governments to disarm black people. And it was vicious, it was brutal. Carl Schurz had come down to do a survey of the conditions in the south. And his, his travel log is just one mangled body after the next. It was so horrific, that historian Annette Gordon-Reed called it a slow motion genocide. And you had the black troops were there as part of the occupying army in the midst of this violence. And they kept trying to get in between these paramilitary groups and these white mobs who are trying to put the freed people back into some form of slavery. And what the white mob said, as they went to President Johnson, they were like, Look, we know there's violence. We know there is, but the reason why there's violence is because you've got those black soldiers who are strutting around, and all they want to do is to kill us. If you get rid of the black soldiers, you know, we will have peace. What that means is you get rid of the folks who are protecting black people, and we can do what we want to do. And that's what happened. Johnson had those black soldiers removed from the south, and the violence rained down, you get the rise of the Ku Klux Klan, you get the rise of the red shirts, the rise of the White Camelia. And the slaughter is just intense. And in many cases, that slaughter was linked up with black folks right to vote, black men's right to vote, black men's attempt to exercise their citizenship rights. And so in Colfax, Louisiana, for instance, where there was an election, that the right wing that the white supremacist did not like the results of that election. So they decided to stage a coup, and stormed the courthouse, which was the site of democracy in Colfax, Louisiana, and overthrow that government and install their own folks. Well, the black militia was called out to help protect the site of democracy.

They were overwhelmed by the firepower and by the brutality and they were slaughtered. Over 100 black men killed at Colfax, Louisiana, because the state was so politically split, and divisive and polarized, nobody was going to charge these men with murder. So the feds came in with the third Enforcement Act, which was the act that to deal with white domestic terrorism and charged the leaders with that. And that case, went all the way up to the US Supreme Court in the Cruickshank decision, the court ruled that the third Enforcement Act did not apply to private actors. It only applied to state actors. So these private actors who had slaughtered 100 black men, there was no law that could get at them, because the state wasn't going to do it. And this is what led President Ulysses S. Grant, after Colfax, and then after another massacre in Hamburg, South Carolina, to say, you know what they have in common, it's not civilization. It's not Christianity. Whites have the right to kill negros at will, with no loss of status with no consequences. And begin to think about that how a president of the United States is looking at this slaughter in this place that is supposed to be about the rule of law, and saying whites have the right to kill negros. He was distraught about this. We see this moving forward into where black people are trying to defend themselves in Atlanta in 1906. In Elaine, Arkansas, Lord in 1919, in Elaine, Arkansas, here you have black sharecroppers who have had their wages stolen from them working for a year and not getting paid. And so they decided to organize a union to join a union and as they're having their organizing meeting at a church in hoop spur, they set up centuries to protect this meeting, because they said if whites find out they will kill us, look whites found out and they sent a century party up there. A scouting party up there, to shoot up and break up the meeting. Well the century saw this, this car sitting up there scouting out the meeting and there was an exchange of gunfire, and a white man was killed and a white man was wounded. The word got back to the town fathers that black folks shot and killed a white man. The word became the narrative became this is a black Bolshevik insurgency. They're out to kill all of the whites in Elaine, Arkansas, the mob descends on that black community and just begins killing at will, black folks shot back to defend themselves with two more white men were killed then you had the US Army coming in with machine guns that have been used in the First World War. And they began machine gunning down black people, up to 800 black folks were killed in Elaine, Arkansas for believing that they had the right to their wages for their labor, and that they had the right to self defense. I mean, this is a pattern that keeps happening over and over,

JJ Janflone 31:12

we think to the srixon about all of this are the non state actors as well. We've not just talked about those yet. You know, like gun lobby groups, for example, like the NRA, who have a lot of their stated mission, tied to the Second Amendment and position as being this agent of freedom. But then we see them doing things like voicing opposition to the

open carry protests that the Black Panthers do and 67 seeing them be silent in cases where lawful black gun owners are shot by police like off Philando Castile. So we see these cases where they've been quiet when we see black people being unjustifiably harmed by the state. And I wonder if we can dig in a little bit about why that might be.

C Carol Anderson 31:49

And I think that there is currency, in trafficking in these narratives of freedom and these definitions of citizenship that are tied to whiteness, that are basically exclusive in that realm. It is a political ploy. I mean, we saw it with the southern strategy. And it ties into the narrative, that blackness is inherently dangerous and criminal. And so you need to have freedom from the danger, you need to have security against this danger. I mean, this is what leads to the the propping up of the McCloskey's in St. Louis, who were the white couple who comes out of their doors fully armed, pointing guns at non violent Black Lives Matter protesters. And and the response is not Lord, look at these folk, the response is oh Let's invite them to the Republican National Convention. The response is, these are heroes who are protecting and defending their homestead their homes. They were protecting and defending white lives. And it is that narrative of the defense of white lives against this black threat that becomes so become so lucrative because you're able to prey on the fears of a population that look all that stands between you and the destruction of everything that you love of your home of your family of your children of your wife, is this gun, that gun is your freedom, that gun is your liberty, we need to rethink what real security looks like. We need to rethink what real safety looks like. Because right now and you know, this is one of the things that I argued in an op ed was that by deploying the fear of black people, what it does is it short circuits, our ability to have real gun safety laws, because what you hear every time is that you're going to take our guns away, and we're going to be left defenseless. And so that means then that we are willing, as a society, to be absolutely vulnerable in our grocery stores to be vulnerable in our movie theaters, to be vulnerable, where we work to be vulnerable in our schools, that this this fear of black people means that it consistently short circuits, our ability to have real conversations about what real security looks like. Instead you get this doubling down on let's get more weapons, more guns, more guns. And what we know is that more guns does not equal security. For me, one of the key pieces in this was to really unpack the fractured citizenship of Black people that guns become, they're not the the key variable here. It is about African Americans fractured citizenship, their de-based citizenship that allows this kind of violence and degradation to happen consistently, that allows the narrative of criminalizing them that allows the the policy recommendations to come up and to become enforced, because you get this narrative of black criminal black threat. And so one of the things, one of the things that I often hear is like, yeah, and I've had this happen, yeah, yeah, I hear you. But what about all of that black on black crime? And I have two

answers to that. One is that, yes, over 80% of black people are killed by black people, over 80% of white people are killed by white people. But we don't talk about white on white crime, because we need the narrative of black pathology, in order to sustain the architecture of oppression, we need to say those violent, dangerous black people. The difference that we're also laying out here is the difference between personal violence and state violence that rains down on black folk, that disparity in state violence is so fundamental to the operating of this nation. I mean, it is what frankly, allowed the insurrectionists to be able to sashay out of there. And the thing is, is that what we know is that if those have been black folks storming the Capitol like that, we would have had a very different result, because they would have been seen as violent, as a threat, as dangerous. But in the planning that happened before January 6, in the notices that were coming into law enforcement, it was like, Yeah, but yeah, it wasn't, oh, my God, it was Yeah. And it was because the whiteness of skin have provided a layer of protection, when we ignore that protection that whiteness brings and when we ignore the degradation, that black skin breaks, then we live in a fundamentally unequal and fatal America, we can do better, we must do better.

K Kelly Sampson 37:30

And I mean, that's why your book is so rich. And when you talk so much about this white fear of black people, allowing us to now have this gun policy that we have that puts us all at risk. One of the things you talked about in the present day is standard ground laws, open carry laws, and how those have been tied up into this narrative as you have the right to bear arms you have the right to stand your ground. But you point out that that does not not only set up true, but it also doesn't work the same rate for black people. I was wondering if you could talk a little bit about that.

C Carol Anderson 38:03

Absolutely. So stand your ground is a massive expansion of the Castle Doctrine, which says that you know, Castle Doctrine is when you're in your home as somebody comes in, that's not supposed to be there. That's a threat and you have the right to defend yourself. Stand your ground says anywhere where you have a right to be, and you perceive a threat, you have the right to stand your ground and defend yourself. And that means if you need to using lethal force, well, when black is the default threat in American society, that perception of threat puts the crosshairs on black folk. And we see it in the data, we see it where when whites kill blacks, they are 10 times more likely to walk with justifiable homicide than when blacks kill whites. We also see it that when when whites kill blacks, they are 281% more likely to walk with justifiable homicide than when whites kill whites. When blacks are the victims of this violence, that victim becomes the justification for that

violence, because of course, you were threatened. I mean, all we have to do is look at the George Zimmerman, Trayvon Martin case, where you have a grown man who takes a loaded nine millimeter weapon and stocks a child, a teenager who is unarmed through his neighborhood, and that child ends up with a bullet in his chest and Zimmerman says, I was afraid, I was fearful. You followed him with a loaded weapon. You weren't too afraid to do that. But what happens then is you get the thug-ification of Trayvon Martin. He becomes taller, he becomes heavier. He becomes much more athletic. And it creates this narrative of this poor man Zimmerman, who was up against this really athletic thug, grilled up druggie, druggie, ganging gang banging. I mean, it was all of that wearing a hoodie in the rain. But all of the things that that signal that dog whistle gangster that dog whistle thug, that dog whistle threat. That's what Trayvon Martin became against george Zimmerman and George Zimmerman walk for killing that child. And and you saw this justification where well, you know, Martin got just what he deserved. Wow. Wow. For open carry, open carry is is like the quintessential right to bear arms in Ohio. Ohio is an open carry state. When you think about and I juxtapose frankly, Kyle Rittenhouse, who was the 17 year old white teenager who went to cross state lines with an illegally obtained AR-15 and went to a protest in Kenosha, Wisconsin. And the police welcomed him. That protest was about the the shooting in the back seven times of Jacob Blake a black man and so you had the protesters out and Kyle Rittenhouse comes over across the state lines to go to this protest to protect property. The police welcome him. This teenager with an AR-15 Hey, we're we appreciate you guys being here. Oh you want some water it's hot out here today. Rittenhouse goes on to shoot down three men killing two of them and seriously wounding a third. When he walks back towards the police with his hands up as if it's as if to surrender. The police don't even register threat and they go right by him. Meanwhile, juxtapose that to Tamir Rice in Ohio, who has a 12 year old black child who was playing alone in the park with a toy gun and granted, it didn't have the orange tip on it that said, Hey, I'm a toy. But Ohio is an open carry state. And it says as long as you're not threatening anyone, well, he's in the park by himself. He's not threatening anyone. The police rolled up and within two seconds, they gun Tamir Rice down and they said, "we were fearful. He was a threat. He was dangerous." And so Tamir Rice, the 12 year old is a threat is dangerous while playing in the park by himself with a toy gun. But Kyle Rittenhouse, we really appreciate you guys being here with an illegally obtained AR-15. And he guns down three people, killing two of them. That's the disparity in open carry laws. And the disparity in stand your ground we see in the data.

JJ Janflone 43:08

And this is a whole other podcast. But I do want to introduce gender specifically into this conversation as well. Because you talk about that in your book. How do you see the Second Amendment living at this intersection of race and gender?

C Carol Anderson 43:21

Right, so I start in that one under the Castle Doctrine with Catherine Johnston, who is a 92 year old black woman in Atlanta. And it's the middle of the night and she hears the burglar bars being removed from her home. Now, an elderly woman had been raped in her neighborhood. So Catherine Johnston is rightfully afraid she grabs her rusty revolver. And so as the door bangs open after the burglar bars have been removed, she shoots and it turned out to be the cops, and they just leveled her. I mean, an array of bullets just went right into Catherine Johnston's home, and they ruled it initially justifiable because they said she shot first. And so you've got this 92 year old black woman who is living alone in a high crime neighborhood who hears her burglar bars being removed. And for them, there is no justification for her shooting to try to defend herself. How dare she think that she can defend herself. I mean, that's what that was. And actually that case exploded because the cops had lied on the warrant. They had lied on the confession that got them the warrant, and then they had tried to basically bully and coerce another informant to back up their story. And he was so afraid because he saw what they did to Catherine Johnston, that he ran to the media and said, let me tell you what's going on. That's how that case exploded. But if that hadn't happened, the narrative of well, she had no right to shoot first when the cops were coming in the door, and the cops did not announce themselves, they were coming in on a no knock warrant. A no knock warrant is also the thing that led to Breonna Taylor's death, because there's this banging on her door she and her boyfriend, Kenneth Walker, or hollaring, Who is it? Who is it? They're not getting any response. Who is it? Instead, when that door bangs open? Kenneth Walker has his license to carry a weapon. And he's like, I've got to defend my castle. I've got to defend our home. And so he shoots. And over 30 bullets rained into that apartment. Five of them hit Breonna Taylor and a projectile hit her. And it killed her. You had the Attorney General Daniel Cameron saying this was justifiable. This was justifiable. So you know, you do not have the right to protect your castle. And you know, and I just I juxtapose this again, think about Cliven Bundy, where when federal officers were coming to seize cattle because he had been illegally grazing on federal land without paying over a million dollars in grazing fees. Woa. He brings an armed militia ban to stare down federal officers. And they're like, Woa, Okay, and they back off, so you don't get the sense of who has, No so you do get the sense of who has the right to defend their castle, and who doesn't. And what is the response? So the disparity that we saw back between Shay's rebellion and Gabriel's revolt between the Whiskey Rebellion and the 1811 uprising in Louisiana, you see that same disparity between Kyle Rittenhouse and Tamir Rice between Cliven Bundy and Briana Taylor. I, it is racialized. It is about who has rights, who is the default threat. And black women are threatening. I mean, that's part of what we have to understand that that threat is attached to black skin.

K Kelly Sampson 47:28

One thing that I think is really important to talk about is, unfortunately, we're recording this right now at a time where gun violence is making headlines, because it's been rising in a lot of places in the country. And so lots of people are talking about this, whether at their kitchen table or in Congress or in other legislatures. And so I was wondering, you know, what hopes do you have for how your book might impact these conversations? And, you know, where can we kind of go from here with what you've just helped us all understand about the relationship between racism and gun policy and the Second Amendment?

C Carol Anderson 48:02

What I hope is that we remove the Second Amendment from its venerated spot and understand it and put it in the same context as the three fifths clause, we treat it that way, because that's going to help create a space for us to have a real conversation about what real security looks like. It also means that we need to begin the process of dismantling anti blackness as part of the operating code in American society. Those are the conversations I want us to have about what real safety looks like, and how the Second Amendment is part of the broad, just like the three fifths clause, just like the Atlantic slave trade, just like the fugitive slave clause, this kind of hallowed ground spot that it has right now. And that is manufactured. That is it. That is a myth that has been created in order to justify the unjustifiable.

K Kelly Sampson 49:01

Well, I think I speak for both of us when I say that we are just so so thankful for you, Carol, and for your work, and we highly recommend that everyone, check out our links to you and your social media, and your books in the description section of this episode. And just thank you so so much.

JJ Janflone 49:20

So Kelly, I swear to you that this week's moment of levity is actually, you know, a moment of levity.

K Kelly Sampson 49:26

Yay, okay, great. I'm so ready for this.

JJ Janflone 49:29

I figured that you were okay. So this Bear...

K Kelly Sampson 49:31

As in the woods dwelling creatures? I mean, I truly hope that one didn't get its claws on a gun.

JJ Janflone 49:37

Well, so over the weekend in northeastern Minnesota, and man was up camping, and as people do he went canoing, but he left his backpack which was filled with snacks and a handgun on the shore. an enterprising bear came along stole the pack ran off into the woods. The man chased after the bear but didn't catch him or recover his firearm.

K Kelly Sampson 49:55

Pretty sure this is not what the Second Amendment meant by keep and bear arms. I'm sorry, JJ. I couldn't help it. The plan was right there. I had to do it. Anyway, what happened next.

JJ Janflone 50:06

I rebuke them. Your dad jokes. The man had to call state wildlife Rangers to report a pistol packing bear. Luckily, there was a conservation officer named Mary Manning and a US Forest Service law enforcement officer. And together the two eventually found a quote "partially shredded pack, numerous empty stacks and the undamaged firearm." I will say though the bear is still at large.

K Kelly Sampson 50:32

See levity, but I'm glad they at least recovered the firearm because I couldn't bear it if someone got hurt. Sorry, JJ. I'm just gonna on a roll today. But to be serious, I think this incident shows how the responsibility to safely store gun is the same whether you're in a crowded city or in the middle of the woods.

JJ Janflone 50:56

This week's news wrap up involves stories that are close to home for our Brady DC staff. On Saturday night, a shooting outside of Nationals Park attracted national attention as the commotion that created was captured on television. But the shooting came less than 24 hours after a six year old was killed and five others injured and a mass shooting not that far away. That shooting in particular occurred three years to the day after 10 year old Makiya Wilson was shot and killed in northeast DC while trying to buy ice cream. Before Friday's shooting 101 people have been killed this year due to gun violence in the district.

K Kelly Sampson 51:29

Yeah, and I think that that's really something that we should pause and just consider the fact that three years to the day after a 10 year old little girl was shot trying to do something we all like to do well, okay, many of us like to do in the summer, which is get ice cream, another little girl lost her life to gun violence. And I mean, that's just really sobering, we have to do better. Because like many cities across the country, DC is seeing an increase in gun violence in recent years. According to the latest data, there have now at this time in 2021 been more assault with a dangerous weapon, then at the same point 2020, which is terrible, because in 2020, there are more assaults with a dangerous weapon than in 2019. And worse yet, the number of homicides is also on pace to exceed the increase in homicides that we saw in 2020 too. You know, in 2020, DC saw record number of homicides and shootings was 19%, higher in 2020, than it was in 2019. And that alone was the highest number since 2004. And we have to also recognize that because of the ongoing and also past legacy of oppression, and discrimination, gun violence disproportionately impacts DC's black residents. And this is the same thing that we see nationally. For instance, last year 189 of the 198 homicide victims in the district were black, and 160 of them were black men. So this is not just a problem in general, but it's also a real racial justice issue too. Hey, want to share with the podcast? Listeners can now get in touch with us here at Red, Blue, and Brady via phone or text message! Simply call or text us at (480) 744-3452 with your thoughts, questions, concerns, ideas, whatever! Thanks for listening. As always, Brady's lifesaving work in congress, the courts, and communities across the country is made possible thanks to you. For more information on Brady, or how to get involved in the fight against gun violence, please like and subscribe to the podcast, get in touch with us at bradyunited.org, or on social @bradybuzz. Be brave, and remember: take action, not sides.