

The Charleston Mass Shooting, the Confederate Flag, Slavery, and the Second Amendment

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Following the mass shooting at the Emanuel African Methodist Church in Charleston, South Carolina on June 17, 2015, in which nine African American parishioners were killed and three others wounded, much of the attention centered around the Confederate flag. The alleged shooter, 21 year old Dylann Roof, was a white supremacist who posted online pictures of himself beside the Confederate flag along with his racist manifesto. Unlike Roof, most other Southerners who supported displaying the flag denied that it was a symbol of white supremacy. Rather, many referred to it as the “Rebel Flag” and claimed that it was a symbol of southern pride and heritage. In an interview following the shooting, South Carolina Senator Lindsey Graham defended the Confederate flag as a “part of who we are.”¹

The Confederate flag was clearly a vestige, though, of an attempt by the southern states to preserve a plantation-style way of life for Whites that was dependent upon the enslavement of Blacks. And Dylann Roof was not the first person to display the Confederate flag as a symbol of white supremacy. The Southern Poverty Law Center lists more than 500 racist hate groups that use the Confederate flag as one of their symbols, including the Ku Klux Klan.² Perhaps we should take it as a sign of progress that within a month after the Charleston mass shooting, the Confederate flag was finally taken down from the South Carolina State Capitol,³ and few political leaders continue to defend it as an acceptable symbol of anything past or present that is honorable or good.

The members of the Emanuel AME Church, and particularly the families of those killed in the mass shooting, deserve tremendous praise for the spirit of grace and forgiveness with which they reacted to the tragedy. The alleged shooter had stated prior to the shooting that he wanted to start a “race war.” At the memorial for State Senator Clementa Pickney, the Emanuel AME pastor and state senator who was killed in the attack, Bishop John Bryant told mourners, “Someone should’ve told the young man, he wanted to start a race war, but he came to the wrong place.”⁴

Taking down the Confederate flag from public grounds is a noble and long overdue gesture, but no one should be satisfied that such a gesture is a sufficient response to the Charleston mass shooting. As President Obama stated the day following the shooting:

At some point, we as a country will have to reckon with the fact that this type of mass violence does not happen in other advanced countries. It doesn’t happen in other places with this kind of frequency. And it is in our power to do something about it.⁵

Obama didn't specify exactly what should be done, but he alluded to the easy availability of firearms when he said, "...once again, innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hands on a gun."⁵

Mass shootings do occur on rare occasions in other high income democratic countries, but Obama is correct in stating that they are a regular occurrence only in the USA. In 1996, a man killed 16 young children and one teacher with a handgun in an elementary school in Dunblane, Scotland,⁶ and another man killed 35 people with an assault rifle in the Australian resort town of Port Arthur.⁷ Both Great Britain and Australia already had much more stringent gun control regulations than the USA, but following the mass shootings, Great Britain banned handguns⁶ and Australia banned semi-automatic rifles⁷ altogether. Since the bans were enacted, there has been just one mass shooting in Great Britain, committed with a rifle,⁶ and there have been no more mass shootings in Australia.⁷ Moreover, following the bans, overall rates of firearm related deaths, which were already much lower than in the USA, have declined even further in both countries.^{6,7}

In the USA, there have been more than 60 mass shootings with more than 500 deaths since 1982.⁸ But even after the December 2012 Sandy Hook Elementary School massacre in which 20 young children and six adults were killed, Congress has taken no definitive action to stop the carnage. And as horrific as mass shootings are, they are only the tip of a much larger epidemic of firearm related deaths and injuries in the USA. On an average day, over 90 US civilians, including more than 20 African Americans, are killed by guns.⁹ About 80% of these deaths due to handguns,^{10,11} and most gun homicide victims are killed by someone they know, and by someone of their own race.¹²

Contrary to the myth of "guns for protection" promoted by the gun lobby, there is overwhelming evidence both from public health studies^{13,14,15} and law enforcement data^{16,17,18} that guns in our homes and in our communities are far more likely to be used to kill or injure honest people than to protect them. It's been shown that a gun in the home is 43 times more likely to be used to kill a household member than to kill an intruder.¹³ Women are 73 times more likely to be murdered with a gun than to use a gun to kill an attacker,¹⁹ and someone carrying a gun at the time of an assault is four times more likely to be killed than someone who is not carrying a gun.²⁰

Following the Charleston mass shooting, the FBI initially reported that Dylann Roof might have been prevented from buying the handgun that he allegedly used in the massacre if the FBI had received more timely records of his past history of drug abuse.²¹ Another law enforcement source later contradicted this statement, though, stating that Roof's prior arrest on a misdemeanor drug possession charge would not have prevented him from legally purchasing a firearm under current laws.²² There are also conflicting reports as to whether Roof purchased the gun himself or it was given to him by his father, in which case a background check would not have been required.²³ One thing is clear, though. The fact that Dylann Roof was an avowed white supremacist who made thinly veiled threats of killing African Americans and who openly stated that he wanted to start

a “race war” was not reason enough to prevent him from legally buying a gun under current U.S. firearm regulations.

Given the facts that handguns are used in most mass shootings and other gun related deaths; that handguns provide no net protective value for law abiding citizens; and that in every other high income democratic country, where mass shootings and overall gun related deaths are much less common, civilian ownership of handguns is either strictly regulated²⁴ or banned altogether,²⁵ why haven't we heard anyone calling for a ban on handguns following the Charleston mass shooting?

For the answer to this question, we must turn to another vestige of American history that is even older than the Confederate flag, but that like the Confederate flag, is indelibly linked to the shameful institution of slavery.

The full text of the Second Amendment reads, “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” According to the romanticized version of the history of the Second Amendment, the Revolutionary War was won by volunteer militias composed of well-armed colonists who were expert marksmen as a result of the frequent use of firearms in their everyday life. Unfortunately, actual historical records don't support this romantic account.²⁶ During the time of the Revolutionary War, there were no gun makers in the Colonies, and few records can be found of any gunsmiths, gun sales, or of guns being passed from generation to generation in probate records. Guns were so unreliable, and in such short supply at the beginning of the Revolutionary War that Benjamin Franklin recommended that the Continental Army be armed with bows and arrows instead.²⁶ Most of the guns that *were* used by the Continental Army were imported from France after the war began.²⁷

The framers of the U.S. Constitution knew that volunteer militias had been almost entirely ineffective during the Revolutionary War, which was won instead by the professional soldiers of the Continental Army. George Washington himself dismissed the idea of protecting the country with a volunteer militia as being “chimerical,” ridiculing the militia as being “incapacitated to defend themselves, much less to annoy the enemy.”²⁸

Armed militias *were* both necessary and effective, though, in maintaining White control over an enormous population of enslaved Blacks. Records of speeches and writings from the time demonstrate clearly that a major reason for including the Second Amendment in the Bill of Rights was to assure the southern states that the north was not going to remove their means of keeping slaves in check.^{29,30}

As disturbing as the origin of the Second Amendment might be, during the first 217 years following its ratification, no gun control law in the USA was ever overturned on the basis that it violated the Second Amendment. The Supreme Court ruled unequivocally in 1939³¹ and again in 1980³² that the “right of the people to keep and bear arms” was a collective right of the states to maintain armed state militias, such as the current day

National Guard, not an individual right to own guns.³³ The late Supreme Court Chief Justice Warren Burger stated that the misrepresentation of the Second Amendment by the gun lobby as guaranteeing an individual right to own guns was “one of the greatest pieces of fraud” on the American public that he had seen in his lifetime.³⁴

In 2008, though, a narrow five to four majority of the Supreme Court reversed over two centuries of legal precedent in ruling in the case of *District of Columbia v. Heller* that the Second Amendment did confer an individual right to own guns, at least handguns of the type usually kept in the home “for protection.”³⁵ Since the *Heller* decision, hundreds of lawsuits have been filed against state and local governments by gun control opponents intent on overturning existing gun control laws.³⁶

One month following the Charleston South Carolina mass shooting, the Confederate flag came down, but the Supreme Court’s radical reinterpretation of the Second Amendment in the *Heller* decision still stands. According to that ruling, under current law, an avowed racist who makes thinly veiled threats to kill members of another race and who openly states that he wants to start a “race war” has a constitutional right to own a handgun, provided that he doesn’t meet other criteria for failing a background check.

President Obama was correct when he said that mass shootings don’t occur on a regular basis in other developed countries and that we can do something to stop them. After the Dunblane massacre, it took Great Britain two years to ban all handguns. After the Port Arthur massacre, it took Australia 13 days to ban all semiautomatic rifles – nine days fewer than it took the South Carolina State Legislature to take down the Confederate flag after the Charleston mass shooting. How much more time, and how many more deaths, will it take us to remove one of the last vestiges of our country’s dark era of slavery, the Second Amendment, and to take definitive steps to stop the shameful epidemic of firearm related deaths and injuries in the USA?

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