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On Radicals and Populists

I agree with Michael A. Hoffman II (Polemics & Exchanges, January 1996) that Vicki Weaver and Gordon Kahl were made of American mettle, but Robert J. Matthews? No way. Not if he means the Matthews of the notorious band of racist nuts known as The Order—the group that gunned down Denver radio personality Alan Berg for the "crimes" of being Jewish and liberal. Kahl and Weaver were Middle American martyrs, Matthews was an evil creep: the distinction isn't really so hard to make.

—*Cody Annixter*
Buffalo, NY

The Editors Reply:

We heartily concur. Mr. Matthews' name failed to ring a bell.

On Gunowners

Ronin Colman's aptly subtitled "The Second War Against Gunowners" ("Back From the Brink," December 1995) is likely to be considered "a bit paranoid" by those who love liberty yet see no harm in "reasonable gun control laws." But there is no such thing as a "reasonable gun law" if it focuses on an inanimate object rather than a violent criminal action. In biblical terms, Moses came down from Mount Sinai with the command "Thou Shalt Not Murder." That injunction did not prohibit the possession of a rock with which a murder could be committed.

The purpose of "weapons control laws" has never been to control weapons, but to control the subjects of those doing the controlling. It is simple to understand why in ancient times the Philistines forbade the Israelites from having blacksmiths: "otherwise the Hebrews will make swords or spears" (I Samuel 13:19-20). And we can just as readily understand why Hitler prohibited Jews from possessing firearms on the eve of *Kristallnacht* and the holocaust.

For what reason would those in power in the United States attempt to do the same thing? A quick scan of the history of "gun control" in this nation shows that its first major use was to keep guns out of the hands of blacks. Reread the infamous 1857 *Dred Scott* decision in which Justice Taney declared that if Scott, a freed slave, were allowed *all* of the rights of citizens, "persons of the negro race (would have) full liberty of speech . . . to hold public meetings upon political affairs, and to keep and carry arms wherever they went." Then consider the seminal Second Amendment case, *United States* v. *Cruikshank*, 1876, which held that it "is a limitation upon the power of Congress and the National Government" and therefore *did not* preclude the Ku Klux Klan from conspiring with a local sheriff to prohibit freed slaves from possessing arms or attending political meetings!

What the opponents of gun rights never mention is that all Supreme Court decisions prior to this century held that the Bill of Rights was a limitation only on Congress. They focus on a statement in *Cruikshank* in which the Court correctly states: "The bearing of arms for a lawful purpose is not a right *granted* by the Constitution." The antigun crowd never mentions the very next sentence, which concludes the thought: "Neither is it in any manner dependent upon that instrument for its existence." In other words, the right to keep and bear arms existed prior to the Constitution (See *Blackstone's Commentaries*), and was merely restated and guaranteed by the Bill of Rights. It was the ultimate check and balance without which the people would have rejected the powerful central government laid out in the Constitution.

By the turn of the century, "gun control" was expanded as a means of controlling immigrants—code-named "anarchists." Then, when second-generation Americans in New York City armed themselves against protection racketeers, corrupt Tammany Hall Senator "Big Tim" Sullivan in 1911 enacted the handgun licensing law which bears his name, creating a safe work environment for crooks.

In the 1920's, "gun control" was mainly promoted by big business as a means of controlling "criminals," i.e., strikers. And in 1934, the Roosevelt administration passed the "machine gun act"—not to control a few minor hoodlums, but out of fear of a Depression-inspired revo-

lution by the Bonus Marchers, Army veterans who knew how to use machine guns.

In the spring of 1941, gun registration laws—like those that had been enacted in Europe before World War II—were pending in 40 state legislatures. The purported reason was the need to control "Fifth Columnists."

The justification for "gun control" often changes, but the reason is always the same: people control. The race riots of the 1960's and "Burn, Baby, Burn," much more than the murders of the Kennedy brothers and Martin Luther King, Jr., caused the 1968 Gun Control Act.

In 1986, Congress prohibited more privately owned, legal machine guns, although there is only one known case of a registered owner (a cop) using one in a crime. In 1994, Congress banned evil-looking semiautomatic rifles with "dangerous" features like bayonet lugs, though less than one percent of crimes are committed with such guns, and there has never been a documented case of a bayonet charge between drug gangs.

No city, no state, no nation has ever reduced its crime rate by passage of a gun law. So why are ever-more-stringent laws continuously proposed? People control. In January 1968, when the Supreme Court ruled that a prohibited person could not be required to register an illegal gun in *United States* v. *Haynes*, the city of Chicago immediately modified its registration law to exempt criminals and the mentally deranged from having to register their guns. Only the law-abiding need comply.

If a law cannot, does not, and will not reduce crime, and can be legally ignored by its claimed targets, it is not a reasonable law—and gun laws are not. It is a question of freedom, and the right to protect self, family, and community from criminals, whether elected or not.

Without freedom there will be no firearms among the people; without firearms among the people there will not long be freedom. Certainly there are examples of countries where the people remain relatively free after the people have been disarmed, but there are no examples of a totalitarian state being created or existing where the people have personal arms.

Privately owned guns are an insurance policy. The fact that their owners *have no desire* to use them against a criminal or a criminal government is as immaterial as the fact that we keep our homeowner's insurance in force though we have no desire for our house to burn.

—Neal Knox
Vice President, National Rifle Association
Silver Spring, MD

CULTURAL REVOLUTIONS

JOE OCCHIPINTI continues to be denied justice. As Greg Kaye reported in the October 1993 *Chronicles*, Occhipinti was the highly decorated undercover agent for the Immigration and Naturalization Service who was framed, tried, convicted, and sentenced to prison for doing his job too well. Fluent in three languages, Occhipinti had distinguished himself as an expert on Dominican organized crime—i.e., drug dealing, gunrunning, money laundering, and the counterfeiting of Food Stamps and Green Cards for illegal aliens—especially as it operates in the crime-infested area of upper Manhattan known as Washington Heights. But when his intelligence work led to so many arrests in the late 1980's that the Dominican drug trade in this area was being seriously hindered, the heat came down on Occhipinti. It seems the Federation of Dominican Merchants and Industrialists of New York—a reputed front for the Dominican drug cartel—had donated large sums of money to Mayor David Dinkins, and ever responsive to the needs of his constituency, Dinkins led the fight to stifle Occhipinti.

Occhipinti was arrested and charged with violating the civil rights of the Dominican drug dealers—specifically, he was accused of having mishandled search warrants—and was convicted and sentenced in 1992 to 37 months in prison. When Occhipinti appeared on the *Jackie Mason Show* to protest the conviction, Judge Constance Baker Motley abrogated Joe's assignment to a minimum-security prison in Tennessee, ordered him shackled in body chains and leg irons as a "dangerous criminal," and sent him to a maximum-security facility in Oklahoma, where he was released into the "general population," meaning Occhipinti was left to fend for his life among drug dealers and murderers whom he himself had arrested years earlier. After seven months of this near death sentence, friends of Occhipinti convinced George Bush, in one of his last acts as President, to commute Joe's sentence in January 1993.

Today, Joe Occhipinti seeks a new trial that will clear his name, release his federal pension, and restore his rights as an American citizen, which continue to be denied him because his sentence was merely commuted: he was not pardoned by President Bush. Judge Motley, however, has blocked his efforts. In his motion for a new trial, Occhipinti requested a change of venue, away from New York's Southern District, where he had uncovered corruption in the U.S. Attorney's office. He also requested that Judge Motley recuse herself for conflict of interest. Motley—the first black female federal judge and longtime "civil rights activist" who, according to Kaye and the Occhipinti defense team's December 1995 press release, was exposed by Senator James Eastland of the Senate Internal Security Subcommittee as a former Young Communist League organizer—first delayed her decision on the motion for over a year and then denied it without explanation. Though this politically powerful judge holds the dubious distinction of being the most "overturned on appeal" jurist in New York's Southern District, a Court of Appeals refused late last year to overturn her decision on this particular case.

New evidence concerning the conspiracy to frame Occhipinti has also surfaced since our first coverage of this story. A fellow who has held numerous diplomatic positions for the Dominican Republic, including Ambassador to Jamaica and Consul General to the United States, has come forward and signed two sworn affidavits. While he was stationed in America, Dominican drug lords in New York