

The Darker Side of Gun Control

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Published in *National Law Journal*, May 24, 2004, p.39

What supreme irony on the Opinion page: "An Infamous Date," Harry Reicher's worthy reminder about Nazi laws against Jews, juxtaposed with "Reasonable Regulation," Amitai Etzioni's diatribe against the Second Amendment [NLJ, April 5]. Ironic, because Nazi laws against Jews denied them any right to keep and bear arms.

After the Nazis took power in 1933, they immediately made use of two laws passed by the liberal Weimar Republic: a law authorizing the suspension of civil liberties [the Reichstag fire being the pretext] and the Gun Control Act of 1928. They executed massive search-and-seizure operations for subversive publications and unlicensed firearms, ostensibly to repress "Communists" but in fact to disarm political opponents and Jews.

The Weimar law allowed police to deny firearm ownership to any "unreliable" person. Dr. Werner Best, chief legal advisor and second in command in the Gestapo, directed on Dec. 16, 1935, that Gestapo permission must be obtained for issuance to a Jew of a permit to carry a weapon. Hitler signed an amended Gun Control Act in March 1938, broadening exemptions to include Nazi party members and barring Jews from the firearms industry.

Just one day before Kristallnacht in November 1938, police announced a campaign "to disarm Berlin's Jewish population," claiming to have seized 1,702 unlicensed firearms from Jews. The actual pogrom entailed breaking into Jewish homes on a massive scale [ostensibly to search for weapons] and the torching of synagogues.

Victor Klemperer's diary [quoted by Professor Reicher] describes how Nazis spent hours ransacking his house and smashing furniture with an axe in search of weapons. Finding his sabre left over from the Great War, they hauled him off to the police station. Klemperer was released the same day, but some 20,000 others were not so lucky. They were the ones thrown into concentration camps. SS chief Heinrich Himmler decreed that Jews were forbidden to possess weapons, and violators would be sent to a "concentration camp and imprisoned for a period of up to 20 years."

That was followed by a duly promulgated regulation under the Gun Control Act prohibiting Jews from keeping and bearing arms of any kind. The German Jews were not disarmed to make their homes safer for children or to reduce crime. They were disarmed to prevent any defense against the repression that would later culminate in genocide. Deportations without resistance would characterize the Holocaust.

Some favor a world in which all private individuals, not just disfavored groups, are disarmed and only the military and police are armed. The Nazi-occupied countries were a laboratory for this experiment. As Judge Alex Kozinski wrote, dissenting in *Silveira v. Lockyer*: "The Second

Amendment is a doomsday provision, one designed for those exceptionally rare circumstances where all other rights have failed."