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### 1NC Incarceration

#### Gun control will be unevenly enforced and result in mass incarceration of poor minorities

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Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control. He did not consider that such measures will make the persistence of the second problem even worse. It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice. As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority. While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence. This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.” In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, every study shows steep, and unfounded, bias. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following: “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.” This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. No matter how neutral the laws are, their enforcement must remain unequal and unfair. That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree. These policing practices persist because they are disproportionately directed against marginal populations. Once individuals find themselves arrested gun control reappears as a reason for increasing punishment. Gun possession can be used to enhance sentences for other crimes and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge. Gun charges are also a part of the excessive and racially unequal over-charging practices that not only contribute to rising incarceration rates but also ends force numerous individuals away from trial and into plea bargains. Poor Blacks and Latinos are easily intimidated by charge-happy prosecutors into accepting plea deals, meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal gun laws would only feed this deeply unjust system. There is an unrecognized gap between the justification for gun control and its most likely effect. There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because how our society polices depends not on the laws themselves but on how the police – and prosecutors and courts – decide to enforce the law. Especially given how many guns there are in the U.S., gun law enforcement will be selective. That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order. It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how they will become part of the system of social control of mostly black, mostly poor people. There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people. To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it. Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. And it is a great error to think that gun control is the path to racial justice. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime. That, perhaps, is why the demands that have emerged from the #blacklivesmatter movement focus not on gun control but instead on demilitarizing the police and investing in “jobs, housing, and schools” for those “black communities most devastated by poverty.” What happened in Charleston is a horrific tragedy. The criminal law will not solve it. I wish I had a better solution ready at hand. I don’t, though I think it would start by freeing our political imagination from instinctively reaching for the criminal law.

#### Incarceration is a form political exclusion that makes upward mobility impossible

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The alienation of today’s convicts makes them social similes if not legal replicas of antebellum slaves in yet another respect: although they are barred from civic participation, they nonetheless weigh on the political scale at the behest and to the beneﬁt of those who control their bodies, much as bondspeople beneﬁted their plantation masters under the ‘three-ﬁfths’ clause of the US Constitution. Because inmates are tallied by the census as residents of the counties where they serve their sentence, they artiﬁcially inﬂate the population count as well as lower the average income level of the rural towns that harbour most prisons. As a result, these towns accrue added political power in terms of representation in their state legislature as well as garner extra federal funding intended to remedy poverty: public monies that would go to providing services such as education, medical care, and transportation and housing subsidies to poor blacks in the inner city are diverted to the beneﬁt of the predominantly white population of prison municipalities. It is estimated that Cook County will lose $88 million in federal funding during the current decade because of the 26,000-odd Chicagoans (78% of them black) reckoned as residents of the downstate districts where they are incarcerated (Dugan, 2000). Similarly, the enumeration of convicts transfers political inﬂuence from their home to their host county, thereby diluting the electoral strength of blacks and Latinos living in the metropolitan districts from which most prisoners stem – and the more so as detention facilities are located further away from major cities. Thus 80% of New York state prisoners are AfricanAmerican and Hispanic and two-thirds come from New York City; but 91% of them are housed upstate, in the conservative lily-white districts where all of the new penitentiaries built since 1982 are located. Counting urban prisoners as rural dwellers for purposes of representation (even though the state constitution speciﬁes that penal conﬁnement does not entail loss or change of residence) violates the one-man, one-vote rule, and translates into a net loss of 43,740 residents for New York City, which is computed to have cost urban Democrats two seats in each of the state house and senate (Wagner 2002, p. 10–12). And, just as counting slaves boosted the political power of Southern states and allowed them to entrench slavery by controlling the national agenda, the ‘phantom’ population of black and brown prisoners enhances the political inﬂuence of white politicians who pursue social and penal platforms antithetical to the interests of ghetto residents. In particular, these elected ofﬁcials have acquired a vested interest in the punitive policies of criminalisation of poverty and carceral escalation suited to replenishing the supply of unruly black bodies that guarantee correctional jobs, taxes, subsidies, and political pull to their communities, to the direct detriment of the segregated urban districts that furnish these convicts. In light of the ﬁasco capping the 2000 presidential contest, it is ironic as well as iconic of the increasingly constrictive impact of American electoral codes regarding felons to note that Florida leads the nation with 827,000 disenfranchised convicts and ex-convicts, distributed among 71,200 prison inmates, 131,100 probationers, a paltry 6,000 parolees (testifying to the strictness of correctional policy in that state), and a staggering 613,500 former felons who, though they have fully repaid their debt to society, will never cast a ballot for the remainder of their lives. In November of 2000, over 256,000 of these potential voters kept from the rolls were black. Had Albert Gore, Jr., the Democratic candidate, collected the vote of a mere one per cent of these electors – many of whom were illegally barred from the booth due to data recording and processing errors by the private ﬁrm contracted by the Florida Election Board to verify the eligibility of former felons who migrated across state lines11 – he would have handily won the Sunshine state and conquered the presidency. But there is a measure of poetic justice in his court-ordered defeat in that for eight years Gore served as Vice-President in an administration that worked to increase the number of convicts and ex-convicts with a zeal and efﬁciency unmatched by any other in American history (Wacquant 2005b). The debarment of ex-felons from the ballot years after they have served their sentence constituted a far more potent bias than all of the ‘hanging chads’ and misdesigned ‘butterﬂy ballots’ of Broward County that consumed public attention during the weeks and months after the aborted Florida election. This episode has reenergised social activists and analysts alike in their denunciation of the seeming infringement on the sanctity of the democratic compact it entails. In a systematic study of the impact of felon disenfranchisement laws on electoral outcomes over the past three decades, Uggen and Manza (2002) have conﬁrmed that, because they strike primarily black and poor potential voters, criminal disqualiﬁcations subtract more votes from the Democratic than from the Republican camp and have likely reversed the results of seven US Senate elections in addition to the 2000 presidential race by curtailing the minority vote. But this justiﬁable concern for the skewing of electoral outcomes skirts the deeper signiﬁcance of the process of felon exclusion, which is to enforce and communicate the degraded status of convicts by turning them into a quasi-outcaste of the American civic community, irrespective of its inﬂuence on this or that vote. It is instructive here to recall that, during the phase of imposition of the racial restrictions that gradually erected the Jim Crow regime, opposition to the Negro vote in the segregationist South was not proportional to the actual or potential weight of blacks at the polls. Rather, it was a principled opposition based on the racial syllogism (or, rather, paralogism): voting signiﬁes political equality, which implies social equality, which in turn incites sexual assaults on white women, i.e., threatens the societal myth of the racial purity of whites (Litwack 1998, p. 221). It was not political expediency so much as caste necessity that mandated the political exclusion of the descendants of slaves. The same may well be true today about felons as they have been made over into the latest historical avatar of the ‘bad nigger’. Indeed, it sufﬁces to break with the dominant ideology of civic universalism, running from Alexis de Tocqueville to Gunnar Myrdal and Louis Hartz and their latter-day epigones, according to which American citizenship was ab initio accessible to all those willing to embrace its liberal ideals and republican institutions, and to recognise, with recent revisionist political history, that US democracy has been founded from its inception on a restricted compact for the deserving in which only the ethnically and spiritually worthy partake, for racially skewed felon disenfranchisement laws to cease to appear anomalous.12 Far from ‘eroding democracy’, as their critics complain, these laws reactivate and update one of its deepest springs and remind us that caste division has been a core and not a peripheral trait of US society, a constitutive and not a teratological feature of American republicanism. Measures shutting out felons from the distribution of valued cultural capital, socialwelfare redistribution, and the vote converge to perpetuate a ‘sphere of group exclusiveness’ – to recall Herbert Blumer’s (1958, p. 4) expansive deﬁnition of racial prejudice – and testify to the stratiﬁed and restrictive complexion of American citizenship at the dawn of the new millennium.

#### Prisons are fundamental to and indisputably productive of US globality. Their focus on one localized signification of oppression elides the role of the prison in inaugurating and sustaining white supremacist genocidal violence

Rodríguez 07 - Professor and Chair of Ethnic Studies @ UC Riverside [Dr. Dylan Rodríguez, “American Globality and the US Prison Regime: State Violence and White Supremacy from Abu Ghraib to Stockton to Bagong Diwa,” Kritika Kultura 9 (2007): pg. 22-48

To consider the US prison as a global practice of dominance, we might begin with the now-indelible photo exhibition of captive brown men manipulated, expired, and rendered bare in the tombs of the US-commandeered Abu Ghraib prison: here, I am concerned less with the idiosyncrasies of the carceral spectacle (who did what, administrative responsibilities, tedium of military corruption and incompetence, etc.) than I am with its inscription of the where in which the worst of US prison/state violence incurs. As the bodies of tortured prisoners in this somewhere else, that is, beyond and outside the formal national domain of the United States, have become the hyper-visible and accessible raw material for a global critique of the US state—with Abu Ghraib often serving as the signifier for a generalized mobilization of sentiment against the American occupation—the intimate and proximate bodies of those locally and intimately imprisoned within the localities of the United States constantly threaten to disappear from the political and moral registers of US civil society, its resident US Establishment Left, and perhaps most if not all elements of the global Establishment Left, which includes NGOs, political parties, and¶ sectarian organizations. I contend in this essay that a new theoretical framing is required to critically address (and correct) the artificial delineation of the statecraft of Abu Ghraib prison, and other US formed and/or mediated carceral sites across the global landscape, as somehow unique and exceptional to places outside the US proper. In other words, a genealogy and social theory of US state violence specific to the regime of the prison needs to be delicately situated within the ensemble of institutional relations, political intercourses, and historical conjunctures that precede, produce, and sustain places like the Abu Ghraib prison, and can therefore only be adequately articulated as a genealogy and theory of the allegedly “domestic” US prison regime’s “globality” (I will clarify my use of this concept in the next part of this introduction). Further, in offering this initial attempt at such a framing, I am suggesting a genealogy of US state violence that can more sufficiently conceptualize the logical continuities and material articulations between a) the ongoing projects of domestic warfare organic to the white supremacist US racial state, and b) the array of “global” (or extra-domestic) technologies of violence that form the premises of possibility for those social formations and hegemonies integral to the contemporary moment of US global dominance. In this sense, I am amplifying the capacity of the US prison to inaugurate technologies of power that exceed its nominal relegation to the domain of the criminal juridical. Consider imprisonment, then, as a practice of social ordering and geopolitical power, rather than as a self-contained or foreclosed jurisprudential practice: therein, it is possible to reconceptualize the significance of the Abu Ghraib spectacle as only one signification of a regime of dominance that is neither (simply) local nor (erratically) exceptional, but is simultaneously mobilized, proliferating, and global. The overarching concern animating this essay revolves around the peculiarity of US global dominance in the historical present: that is, given the geopolitical dispersals and dislocations, as well as the differently formed social relations generated by US hegemonies across sites and historical contexts, what modalities of “rule” and statecraft give form and coherence to the (spatial-temporal) transitions, (institutional-discursive) rearticulations, and (apparent) novelties of “War on Terror” neoliberalism? Put differently, what technologies and institutionalities thread between forms of state and state-sanctioned dominance that are nominally autonomous of the US state, but are no less implicated in the global reach of US state formation? The intent of this initial foray into a theoretical project that admittedly exceeds the strictures of a self-contained journal article is primarily suggestive: on the one hand, I wish to examine how the institutional matrix and technological module of the US prison regime (a concept I will develop in the next section of the essay) is a programmatic (that is, strategic and structural rather than conspiratorial or fleeting) condensation of specific formations of racial and white supremacist state violence and is produced by the twinned, simultaneous logics of social ordering/disruption (e.g. the prison as both and at once the exemplar of effective “criminal justice” law-and-order and culprit in the mass-based familial and community disruption of criminalized populations). On the other hand, I am interested in considering how the visceral and institutionally abstracted logic of bodily domination that materially forms and reproduces the regime of the American prison is fundamental, not ancillary, to US state-mediated, state-influenced, and state-sanctioned methods of legitimated “local” state violence across the global horizon. To put a finer edge on this latter point, it is worth noting that given the plethora of scholarly and activist engagements with US global dominance that has emerged in recent times, and the subsequent theoretical nuance and critical care provided to treatments of (for example) US corporate capital, military/warmaking capacity, and mass culture, relatively little attention has been devoted to the constitutive role of the US prison in articulating the techniques, meanings, and pragmatic forms of state-building within post-1990s social formations, including those of the US’s ostensible peer states, as well as places wherein militarized occupation, postcolonial subjection, and proto-colonial relations overdetermine the ruling order. In place of considering the US prison as a dynamic, internally complex mobilization of state power and punitive social ordering, such engagements tend to treat the prison as if it were, for the most part, a self-evident outcome or exterior symptom of domination rather than a central, interior facet of how domination is itself conceptualized and produced. In this meditation I am concerned with the integral role of the US prison regime in the material/cultural production of “American globality.” In using this phrase I am suggesting a process and module of state power that works, moves, and deploys in ways distinct from (though fundamentally in concert with) American (global) “hegemony,” and inaugurates a geography of biopolitical power more focused than common scholarly cartographies of American “empire.” For my purposes, American globality refers to the postmodern production of US state and state-sanctioned technologies of human and ecological domination—most frequently formed through overlapping and interacting regimes of profound bodily violence, including genocidal and protogenocidal violence, warmaking, racist and white supremacist state violence, and mass-scaled imprisonment— and the capacity of these forms of domination to be mobilized across political geographies all over the world, including by governments and states that are nominally autonomous of the United States. American globality is simultaneously a vernacular of institutional power, an active and accessible iteration of violent human domination as the cohering of sociality (and civil society) writ large, and a grammar of pragmatic immediacy (in fact, urgency) that orders and influences statecraft across various geographies of jurisdiction and influence. It is in this sense of globality as (common) vernacular, (dynamic, present tense) iteration, and (disciplining) grammar that the current formation of global order is constituted (obviously) by the direct interventions of the US state and (not as obviously) by the lexicon (as in the principles governing the organization of a vocabulary) of US statecraft. American globality infers how the US state conceptualizes its own power, as well as how these conceptualizations of power and American state formation become immediately useful to—and frequently, structurally and politically overbearing on—other state formations and hegemonies. The prison regime, in other words, is indisputably organic to the lexicon of the US state, and is thus productive of American globality, not a by-product or reified outcome of it. In the remainder of this essay, I raise the possibility that the US conceptualization of the prison as a peculiar mobilization of power and domination is, in the historical present, central to how states, governments, and social orderings all over the world are formulating their own responses to the political, ecological, and social crises of neoliberalism, warfare, and global white supremacy. Pg. 22-25

### 1NC History

#### The racist history of gun control means it should be rejected

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The historical record provides compelling evidence that racism underlies gun control laws -- and not in any subtle way. Throughout much of American history, gun control was openly stated as a method for keeping blacks and Hispanics "in their place," and to quiet the racial fears of whites. This paper is intended to provide a brief summary of this unholy alliance of gun control and racism, and to suggest that gun control laws should be regarded as "suspect ideas," analogous to the "suspect classifications" theory of discrimination already part of the American legal system. Racist arms laws predate the establishment of the United States. Starting in 1751, the French Black Code required Louisiana colonists to stop any blacks, and if necessary, beat "any black carrying any potential weapon, such as a cane." If a black refused to stop on demand, and was on horseback, the colonist was authorized to "shoot to kill." [1] Slave possession of firearms was a necessity at times in a frontier society, yet laws continued to be passed in an attempt to prohibit slaves or free blacks from possessing firearms, except under very restrictively controlled conditions. [2] Similarly, in the sixteenth century the colony of New Spain, terrified of black slave revolts, prohibited all blacks, free and slave, from carrying arms. [3] In the Haitian Revolution of the 1790s, the slave population successfully threw off their French masters, but the Revolution degenerated into a race war, aggravating existing fears in the French Louisiana colony, and among whites in the slave states of the United States. When the first U. S. official arrived in New Orleans in 1803 to take charge of this new American possession, the planters sought to have the existing free black militia disarmed, and otherwise exclude "free blacks from positions in which they were required to bear arms," including such non-military functions as slave-catching crews. The New Orleans city government also stopped whites from teaching fencing to free blacks, and then, when free blacks sought to teach fencing, similarly prohibited their efforts as well. [4] It is not surprising that the first North American English colonies, then the states of the new republic, remained in dread fear of armed blacks, for slave revolts against slave owners often degenerated into less selective forms of racial warfare. The perception that free blacks were sympathetic to the plight of their enslaved brothers, and the dangerous example that "a Negro could be free" also caused the slave states to pass laws designed to disarm all blacks, both slave and free. Unlike the gun control laws passed after the Civil War, these antebellum statutes were for blacks alone. In Maryland, these prohibitions went so far as to prohibit free blacks from owning dogs without a license, and authorizing any white to kill an unlicensed dog owned by a free black, for fear that blacks would use dogs as weapons. Mississippi went further, and prohibited any ownership of a dog by a black person. [5] Understandably, restrictions on slave possession of arms go back a very long way. While arms restrictions on free blacks predate it, these restrictions increased dramatically after Nat Turner's Rebellion in 1831, a revolt that caused the South to become increasingly irrational in its fears. [6] Virginia's response to Turner's Rebellion prohibited free blacks "to keep or carry any firelock of any kind, any military weapon, or any powder or lead..." The existing laws under which free blacks were occasionally licensed to possess or carry arms was also repealed, making arms possession completely illegal for free blacks. [7] But even before this action by the Virginia Legislature, in the aftermath of Turner's Rebellion, the discovery that a free black family possessed lead shot for use as scale weights, without powder or weapon in which to fire it, was considered sufficient reason for a frenzied mob to discuss summary execution of the owner. [8] The analogy to the current hysteria where mere possession of ammunition in some states without a firearms license may lead to jail time, should be obvious. One example of the increasing fear of armed blacks is the 1834 change to the Tennessee Constitution, where Article XI, 26 of the 1796 Tennessee Constitution was revised from: "That the freemen of this State have a right to keep and to bear arms for their common defence," [9] to: "That the free white men of this State have a right to keep and to bear arms for their common defence." [10] [emphasis added] It is not clear what motivated this change, other than Turner's bloody insurrection. The year before, the Tennessee Supreme Court had recognized the right to bear arms as an individual guarantee, but there is nothing in that decision that touches on the subject of race. [11] Other decisions during the antebellum period were unambiguous about the importance of race. In State v. Huntly (1843), the North Carolina Supreme Court had recognized that there was a right to carry arms guaranteed under the North Carolina Constitution, as long as such arms were carried in a manner not likely to frighten people. [12] The following year, the North Carolina Supreme Court made one of those decisions whose full significance would not appear until after the Civil War and passage of the Fourteenth Amendment. An 1840 statute provided: That if any free negro, mulatto, or free person of color, shall wear or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger or bowie-knife, unless he or she shall have obtained a licence therefor from the Court of Pleas and Quarter Sessions of his or her county, within one year preceding the wearing, keeping or carrying therefor, he or she shall be guilty of a misdemeanor, and may be indicted therefor. [13] Elijah Newsom, "a free person of color," was indicted in Cumberland County in June of 1843 for carrying a shotgun without a license -- at the very time the North Carolina Supreme Court was deciding Huntly. Newsom was convicted by a jury; but the trial judge directed a not guilty verdict, and the state appealed to the North Carolina Supreme Court. Newsom's attorney argued that the statute requiring free blacks to obtain a license to "keep and bear arms" was in violation of both the Second Amendment to the U. S. Constitution, and the North Carolina Constitution's similar guarantee of a right to keep and bear arms. [14] The North Carolina Supreme Court refused to accept that the Second Amendment was a limitation on state laws, but had to deal with the problem of the state constitutional guarantees, which had been used in the Huntly decision, the year before. The 17th article of the 1776 North Carolina Constitution declared: That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power. [15] The Court asserted that: "We cannot see that the act of 1840 is in conflict with it... The defendant is not indicted for carrying arms in defence of the State, nor does the act of 1840 prohibit him from so doing." [16] But in Huntly, the Court had acknowledged that the restrictive language "for the defence of the State" did not preclude an individual right. [17] The Court then attempted to justify the necessity of this law: Its only object is to preserve the peace and safety of the community from being disturbed by an indiscriminate use, on ordinary occasions, by free men of color, of fire arms or other arms of an offensive character. Self preservation is the first law of nations, as it is of individuals. [18] The North Carolina Supreme Court also sought to repudiate the idea that free blacks were protected by the North Carolina Constitution's Bill of Rights by pointing out that the Constitution excluded free blacks from voting, and therefore free blacks were not citizens. Unlike a number of other state constitutions with right to keep and bear arms provisions that limited this right only to citizens, [19] Article 17 guaranteed this right to the people -- and try as hard as they might, it was difficult to argue that a "free person of color," in the words of the Court, was not one of "the people." It is one of the great ironies that, in much the same way that the North Carolina Supreme Court recognized a right to bear arms in 1843 -- then a year later declared that free blacks were not included -- the Georgia Supreme Court did likewise before the 1840s were out. The Georgia Supreme Court found in Nunn v. State (1846) that a statute prohibiting the sale of concealable handguns, sword-canes, and daggers violated the Second Amendment: The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all of this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is, that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this right, originally belonging to our forefathers, trampled under foot by Charles I. and his two wicked sons and successors, reestablished by the revolution of 1688, conveyed to this land of liberty by the colonists, and finally incorporated conspicuously in our own Magna Charta! And Lexington, Concord, Camden, River Raisin, Sandusky, and the laurel-crowned field of New Orleans, plead eloquently for this interpretation! [20] Finally, after this paean to liberty -- in a state where much of the population remained enslaved, forbidden by law to possess arms of any sort -- the Court defined the valid limits of laws restricting the bearing of arms: We are of the opinion, then, that so far as the act of 1837 seeks to suppress the practice of carrying certain weapons secretly, that it is valid, inasmuch as it does not deprive the citizen of his natural right of self- defence, or of his constitutional right to keep and bear arms. But that so much of it, as contains a prohibition against bearing arms openly, is in conflict with the Constitution, and void... [21] "Citizen"? Within a single page, the Court had gone from "right of the whole people, old and young, men, women and boys" to the much more narrowly restrictive right of a "citizen." The motivation for this sudden narrowing of the right appeared two years later. The decision Cooper and Worsham v. Savannah (1848) was not, principally, a right to keep and bear arms case. In 1839, the city of Savannah, Georgia, in an admitted effort "to prevent the increase of free persons of color in our city," had established a $100 per year tax on free blacks moving into Savannah from other parts of Georgia. Samuel Cooper and Hamilton Worsham, two "free persons of color," were convicted of failing to pay the tax, and were jailed. [22] On appeal, counsel for Cooper and Worsham argued that the ordinance establishing the tax was deficient in a number of technical areas; the assertion of most interest to us is, "In Georgia, free persons of color have constitutional rights..." Cooper and Worsham's counsel argued that these rights included writ of habeas corpus, right to own real estate, to be "subject to taxation," "[t]hey may sue and be sued," and cited a number of precedents under Georgia law in defense of their position. [23] Justice Warner delivered the Court's opinion, most of which is irrelevant to the right to keep and bear arms, but one portion shows the fundamental relationship between citizenship, arms, and elections, and why gun control laws were an essential part of defining blacks as "non-citizens": "Free persons of color have never been recognized here as citizens; they are not entitled to bear arms, vote for members of the legislature, or to hold any civil office." [24] The Georgia Supreme Court did agree that the ordinance jailing Cooper and Worsham for non-payment was illegal, and ordered their release, but the comments of the Court made it clear that their brave words in Nunn v. State (1846) about "the right of the people," really only meant white people. While settled parts of the South were in great fear of armed blacks, on the frontier, the concerns about Indian attack often forced relaxation of these rules. The 1798 Kentucky Comprehensive Act allowed slaves and free blacks on frontier plantations "to keep and use guns, powder, shot, and weapons, offensive and defensive." Unlike whites, however, a license was required for free blacks or slaves to carry weapons. [25] The need for blacks to carry arms for self-defense included not only the problem of Indian attack, and the normal criminal attacks that anyone might worry about, but he additional hazard that free blacks were in danger of being kidnapped and sold into slavery. [26] A number of states, including Ohio, Indiana, Illinois, Michigan, and Wisconsin, passed laws specifically to prohibit kidnapping of free blacks, out of concern that the federal Fugitive Slave Laws would be used as cover for re-enslavement. [27] The end of slavery in 1865 did not eliminate the problems of racist gun control laws; the various Black Codes adopted after the Civil War required blacks to obtain a license before carrying or possessing firearms or Bowie knives; these are sufficiently well-known that any reasonably complete history of the Reconstruction period mentions them. These restrictive gun laws played a part in the efforts of the Republicans to get the Fourteenth Amendment ratified, because it was difficult for night riders to generate the correct level of terror in a victim who was returning fire. [28] It does appear, however, that the requirement to treat blacks and whites equally before the law led to the adoption of restrictive firearms laws in the South that were equal in the letter of the law, but unequally enforced. It is clear that the vagrancy statutes adopted at roughly the same time, in 1866, were intended to be used against blacks, even though the language was race-neutral. [29] The former states of the Confederacy, many of which had recognized the right to carry arms openly before the Civil War, developed a very sudden willingness to qualify that right. One especially absurd example, and one that includes strong evidence of the racist intentions behind gun control laws, is Texas. In Cockrum v. State (1859), the Texas Supreme Court had recognized that there was a right to carry defensive arms, and that this right was protected under both the Second Amendment, and section 13 of the Texas Bill of Rights. The outer limit of the state's authority (in this case, attempting to discourage the carrying of Bowie knives), was that it could provide an enhanced penalty for manslaughters committed with Bowie knives. [30] Yet, by 1872, the Texas Supreme Court denied that there was any right to carry any weapon for self-defense under either the state or federal constitutions -- and made no attempt to explain or justify why the Cockrum decision was no longer valid. [31] What caused the dramatic change? The following excerpt from that same decision -- so offensive that no one would dare make such an argument today -- sheds some light on the racism that apparently caused the sudden perspective change: The law under consideration has been attacked upon the ground that it was contrary to public policy, and deprived the people of the necessary means of self- defense; that it was an innovation upon the customs and habits of the people, to which they would not peaceably submit... We will not say to what extent the early customs and habits of the people of this state should be respected and accommodated, where they may come in conflict with the ideas of intelligent and well-meaning legislators. A portion of our system of laws, as well as our public morality, is derived from a people the most peculiar perhaps of any other in the history and derivation of its own system. Spain, at different periods of the world, was dominated over by the Carthagenians, the Romans, the Vandals, the Snovi, the Allani, the Visigoths, and Arabs; and to this day there are found in the Spanish codes traces of the laws and customs of each of these nations blended together in a system by no means to be compared with the sound philosophy and pure morality of the common law. [32] [emphasis added] This particular decision is more open than most as to its motivations, but throughout the South during this period, the existing precedents that recognized a right to open carry under state constitutional provisions were being narrowed, or simply ignored. Nor was the reasoning that led to these changes lost on judges in the North. In 1920, the Ohio Supreme Court upheld the conviction of a Mexican for concealed carry of a handgun--while asleep in his own bed. Justice Wanamaker's scathing dissent criticized the precedents cited by the majority in defense of this absurdity: I desire to give some special attention to some of the authorities cited, supreme court decisions from Alabama, Georgia, Arkansas, Kentucky, and one or two inferior court decisions from New York, which are given in support of the doctrines upheld by this court. The southern states have very largely furnished the precedents. It is only necessary to observe that the race issue there has extremely intensified a decisive purpose to entirely disarm the negro, and this policy is evident upon reading the opinions. [33] While not relevant to the issue of racism, Justice Wanamaker's closing paragraphs capture well the biting wit and intelligence of this jurist, who was unfortunately, outnumbered on the bench: I hold that the laws of the state of Ohio should be so applied and so interpreted as to favor the law-abiding rather than the law-violating people. If this decision shall stand as the law of Ohio, a very large percentage of the good people of Ohio to-day are criminals, because they are daily committing criminal acts by having these weapons in their own homes for their own defense. The only safe course for them to pursue, instead of having the weapon concealed on or about their person, or under their pillow at night, is to hang the revolver on the wall and put below it a large placard with these words inscribed: "The Ohio supreme court having decided that it is a crime to carry a concealed weapon on one's person in one's home, even in one's bed or bunk, this weapon is hung upon the wall that you may see it, and before you commit any burglary or assault, please, Mr. Burglar, hand me my gun." [34] There are other examples of remarkable honesty from the state supreme courts on this subject, of which the finest is probably Florida Supreme Court Justice Buford's concurring opinion in Watson v. Stone (1941), in which a conviction for carrying a handgun without a permit was overturned, because the handgun was in the glove compartment of a car: I know something of the history of this legislation. The original Act of 1893 was passed when there was a great influx of negro laborers in this State drawn here for the purpose of working in turpentine and lumber camps. The same condition existed when the Act was amended in 1901 and the Act was passed for the purpose of disarming the negro laborers and to thereby reduce the unlawful homicides that were prevalent in turpentine and saw-mill camps and to give the white citizens in sparsely settled areas a better feeling of security. The statute was never intended to be applied to the white population and in practice has never been so applied. [35] Today is not 1893, and when proponents of restrictive gun control insist that their motivations are color-blind, there is a possibility that they are telling the truth. Nonetheless, there are some rather interesting questions that should be asked today. The most obvious question is, "Why should a police chief or sheriff have any discretion in issuing a concealed handgun permit?" Here in California, even the state legislature's research arm--hardly a nest of pro-gunners--has admitted that the vast majority of permits to carry concealed handguns in California are issued to white males. [36] Even if overt racism is not an issue, an official may simply have more empathy with an applicant of a similar cultural background, and consequently be more able to relate to the applicant's concerns. As my wife pointedly reminded a police official when we applied for concealed weapon permits, "If more police chiefs were women, a lot more women would get permits, and be able to defend themselves from rapists." Gun control advocates today are not so foolish as to openly promote racist laws, and so the question might be asked what relevance the racist past of gun control laws has. One concern is that the motivations for disarming blacks in the past are really not so different from the motivations for disarming law-abiding citizens today. In the last century, the official rhetoric in support of such laws was that "they" were too violent, too untrustworthy, to be allowed weapons. Today, the same elitist rhetoric regards law-abiding Americans in the same way, as child-like creatures in need of guidance from the government. In the last century, while never openly admitted, one of the goals of disarming blacks was to make them more willing to accept various forms of economic oppression, including the sharecropping system, in which free blacks were reduced to an economic state not dramatically superior to the conditions of slavery. In the seventeenth century, the aristocratic power structure of colonial Virginia found itself confronting a similar challenge from lower class whites. These poor whites resented how the men who controlled the government used that power to concentrate wealth into a small number of hands. These wealthy feeders at the government trough would have disarmed poor whites if they could, but the threat of both Indian and pirate attack made this impractical; for all white men "were armed and had to be armed..." Instead, blacks, who had occupied a poorly defined status between indentured servant and slave, were reduced to hereditary chattel slavery, so that poor whites could be economically advantaged, without the upper class having to give up its privileges. [37] Today, the forces that push for gun control seem to be heavily (though not exclusively) allied with political factions that are committed to dramatic increases in taxation on the middle class. While it would be hyperbole to compare higher taxes on the middle class to the suffering and deprivation of sharecropping or slavery, the analogy of disarming those whom you wish to economically disadvantage, has a certain worrisome validity to it. Another point to consider is that in the American legal system, certain classifications of governmental discrimination are considered constitutionally suspect, and these "suspect classifications" (usually considered to be race and religion) come to a court hearing under a strong presumption of invalidity. The reason for these "suspect classifications" is because of the long history of governmental discrimination based on these classifications, and because these classifications often impinge on fundamental rights. [38] In much the same way, gun control has historically been a tool of racism, and associated with racist attitudes about black violence. Similarly, many gun control laws impinge on that most fundamental of rights: self-defense. Racism is so intimately tied to the history of gun control in America that we should regard gun control aimed at law-abiding people as a "suspect idea," and require that the courts use the same demanding standards when reviewing the constitutionality of a gun control law, that they would use with respect to a law that discriminated based on race.

#### Racism is the foremost impact – it makes all ethical action impossible

Albert Memmi, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165 2000

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is ‘the truly capital sin. It is not an accident that almost all of humanity’s spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. Bur no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall.” says the Bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

#### Time is cyclical, not linear – the aff is doomed to repeat the racial violence of the past

Baucom, 2005 [Ian, Buckner W. Clay Dean of the College and Graduate School of Arts & Sciences, University of Virginia, “Specters of the Atlantic: Finance Capital, Slavery, and the philosophy of History", p.\_\_]

**If the late twentieth century inherits, repeats, and intensifies the late eighteenth, then it does so** quite precisely, James Chandler suggests, **by resituating as one of the dominant epistemologies of “its” age a historicist sensibility that was a dominant feature of eighteenth-century intellectual practice. It is not,** on this account, **simply history that repeats itself, but historicism.** On a general level of abstraction Chandler’s argument indicates that **history repeats itself not as a sequence of recurrent events but through the reanimation of antecedent intellectual methods and genres of knowing.** The eighteenth century, he more particularly argues, carries itself into and writes itself upon the late twentieth century precisely to the extent that this “subsequent” moment reappropriates and refashions the generic protocols of that historicist method which helped to define eighteenth-century intellectual culture. This is, obviously enough, a Jamesonian argument, one which relies both on Jameson’s analysis of the uncanny, nonsynchronous persistence of generic forms from one moment to another and on the conception of historicism as a “genre” of knowledge. It is also, and equally evidently, an argument which corresponds with my account of the dialectical recuperation and intensification of an eighteenth-century what-has-been within a late-twentieth-century “now”—and is thus, also, at the broadest level, amenable to a Benjaminian reading of history. Where Chandler differs from the account I have thus far provided is in his field of evidence and his object of emphasis, in his suggestion that we should look to the workings of historicist method rather than to the operations of finance capital for evidence of a “repetition” between “the post-French-Revolution period in Britain and the critical categories of our own moment” **(a “repetition” that I have further been suggesting we should regard less as a repetition from one moment to another than as the rearticulation at either end of a single, long-durational moment of a common and period-defining set of epistemological and capital protocols**).13 That the field of evidence which is Chandler’s object of inquiry and the field which I have thus far emphasized can, in fact should, be articulated in relation to one another; that the concurrent rise of historicism and finance capital at either end of a “long twentieth century” should be regarded as something other than a coincidence; **that historicism and finance capital serve as one another’s mutual, dialectical, conditions of possibility; that finance capital, a particular type of historicism, and a particular form of novelistic discourse collectively articulate a “theoretical realism” which I hold to be the key component of the speculative culture with which the long twentieth century begins and ends,** are also parts of my argument. For the moment however, I want to emphasize just two points. The first is that like “the novel,” the term “historicism,” contains a number of variant sub-forms, two of which are central to my account: the “romantic historicism” that is Chandler’s primary object of inquiry, which he suggests arises at roughly the same time as and is formally analogous to the historical novel, and which he indicates is recuperated by the “new historicism” of the late twentieth century; and what, for convenience, I will call an **“actuarial historicism,”** which arises in the half century immediately prior to a romantic historicism, is roughly analogous in its fundamental epistemological protocols to the early- and mideighteenth-century realist novel (and, in Michael McKeon’s terms, to that “naive empiricism” characteristic of the early realist novel), and **finds itself refashioned and rearticulated within the “High Theory” (both structuralist and deconstructive) of the quite recent “past.**”14 **Actuarial historicism, the realist novel, and high speculative theory operate within the epistemological domain of “theoretical realism” and can be seen**, in varying ways and to varying degrees, **to function as counterparts and secret-sharers of finance capital. Romantic historicism, the historical novel, and the new historicism, conversely, articulate themselves as antagonists of a globalizing finance capital.** To the extent that they are “realist,” they share a melancholy realism. 15 The second point worth emphasizing is that **despite their differences, what holds a romantic and an actuarial historicism together**—what, indeed, permits us to speak of them as variant forms of a common genre—**is their common investment in the “period,” the “situation,” and the “type.” To “historicize” any given event, text, or phenomenon**, as Chandler maintains, is, at first glance, **to place that thing within its determinate moment, to “situate” it**, in Lukács’s terms, **within the “peculiar historical” confines of “its age,”** and then to read the character of that thing as, to some lesser or greater degree, determined by its situation, to read it thus as both a type for and typical of its situation (the immediate and connotatively thick-descriptive form of the period or age).16 In order to do so, however, a historicist method requires a detailed knowledge of the situation, period, or age in question. More fundamentally, **it requires the very concept of the situation or period of time as an abstract category of analysis.** A fundamental preliminary to the act of placing an object within its situation, Chandler thus suggests, is the invention of the categories of the situation and the period themselves. **Absent those categories historicist method could not exist.** **Historicism’s fundamental task is then dual: to place objects within their situations and to invent situations and periods of time in which to place objects.**17 Its tendency, however, is to mask this second (in fact, preliminary) operation, to treat situations not as artificial forms of time which it has invented but as natural entities it has discovered. The construction of the category of the situation and the period and the work of detailing the content of particular situations or periods are, nevertheless historicism’s precondition. And it is in the early and middle decade of the eighteenth century, according to Chandler, that we can see the preconditional category of the “situation” beginning to emerge. He discovers this within a set of enterprises devoted to documenting the “state” of Britain within a given time frame, generally a single year, as is the case with the series of volumes The Political State of Great Britain, first published in 1711, and subsequent annuals such as William Burke’s series The Annual Register: Or a View of the History, Politics, and Literature of the Year, which Burke began editing in 1758.18 But the same situationalist mindset also apprehends the reduced time frames of the month (particularly in the form of the metropolitan periodicals fundamental to the emergence of a public sphere whose animated, contentious discourse constellated itself around an ongoing autohistoricizing portraiture of the contemporary state of society) and the day: above all in the newspapers whose parallel-column printing of the news contributed, as Chandler following Benedict Anderson argues, to a simultaneity and contemporaneity effect utterly apposite to a historicist framing of time.19 To this list of those cultural forms whose typicalizing, situational discourse licenses the emergence of a historicist consciousness, Chandler also adds that novelistic “commitment to contemporaneity” that J. Paul Hunter associates with the early English novel, and I would add the practice of insurance, whose actuarial science and invention of the “average” and the typical perhaps most clearly reveal a preromantic historicism’s intimate entanglements with the operations of finance capital. This is important for at least two reasons. The “figure… of the culturally representative type” is vitally significant to Chandler because it is the enduring significance of the typical to historicist method that provides him with the crucial link between a postrevolutionary romantic historicism and a broadly contemporary historicist practice.23 The typical is the link that secures his genealogy of historicism, that permits him to trace a line of connection from Scott to Jameson via Lukács. “Thus,” he notes, “when Jameson takes up the key question of ‘typicality’ in Lukács’s theory of the historical novel he stresses that for Lukács, ‘realist characters are distinguished from those in other kinds of literature by their typicality; they stand in other words for something larger and more meaningful than themselves, than their own isolated individual destinies.’ “24 The typical which Jameson finds in Lukács, who in his turn had discovered it in Scott, then becomes for Jameson, Chandler insists, the crucial concept “that links precisely the issues of historical situationism and historiographical constructivism into a single problematic, which Jameson associates, precisely, with Lukács’ account of the historical novel and with the emergence of what might be properly called a ‘Marxist Criticism.’ “25 A central, recurrent, ideologeme in Chandler’s history of the generic persistence of historicism from the late eighteenth century to the late twentieth, the typical is also crucial to my account, both because I follow Chandler in indexing an overarching historicism to the figures of the situation, the period, and the type, and because **a more specific history of the typical is crucial to the distinction I have made between an actuarial and a romantic historicism.**26 **Both of these are discourses on and of the type, but they construct different types of “type.” The types on which and with which an actuarial historicism goes to work function as the measurable, abstract, aggregate representatives of what are taken to be contemporaneous, extant phenomena**: the “Britain” whose contemporary state is gauged in a series of annual registers as the implied aggregate of all the news and events these texts report; the London criminal class, whose “culturally representative type” is Defoe’s Moll Flanders; the sugar, tobacco, slaves, indeed the full range of eighteenth-century commodities which, in the memorable phrase of John Weskett’s 1781 A Complete Digest of the Theory, Laws, and Practice of Insurance, “have at some time become the subjects of insurance,” and which exist for insurance not as individual material things but as the numeric contents of one or other table of “averages.”27 **The romantic type, conversely, functions as the representative of something that no longer exists, something that once existed but, by the moment it enters historicist awareness, is now lost**: most famously, perhaps, the “Highlanders” who inhabit Scott’s texts not as the representative types of a contemporary Scotland but as the typical representatives of a lost time, as a “horde of ghosts,” in Saree Makdisi’s terms, “issuing forth from the past.”28 In either case, the type is the form of existence of an amaterial, nongraspable entity, a substitute. In one case the type substitutes an average abstraction for a variegated array of actually existing things (“Sugar” for all the actual sugar granules circulating through the circum-Atlantic economy, “Moll Flanders” for all the pickpockets roaming the streets of London); while in the other case the type substitutes a representative phantom for an entity which once existed but is now lost (Scott’s “Old Mortality” for all those Covenanting Scottish Presbyterians vanquished in the Highlands). **As representative substitutes, both the actuarial and the romantic type are thus implicated within a representational economy of exchange, though again, in quite different ways: the actuarial type endorses the exchange of the “real” for the “theoretical” life of things by avowing the real existence of theoretical abstractions** (hence “theoretical realism”); **the romantic type, oppositely, implicitly resists the exchange of life for death by seeking to return dead things to life and insisting on the affective reality of the exemplary ghosts it calls from the vasty deeps** (hence what I am calling “melancholy realism”). **It is as the former, actuarial type of “type” that I am suggesting the Zong slaves would have existed for William Gregson, for a finance capitalism trained to acknowledge the real existence of the abstract value they represented and for the insurance contract that endorsed that value prior to its confirmation in some “actual” market of commodity exchange.** And it is as such a type of “type” that I am arguing Gregson and the slaves, in part, exist for us, as, through the historicizing operations of this text, I attempt to abstract some measure of their “real” existence from the general “historical trends” of their moment, attempting at once to know them by reading their “isolated, individual” destinies off the typical situations in which they were encompassed and to know their moment by positing the voyage of the Zong as precisely the type of event in which the “peculiar historical characteristics” of that moment are revealed. \* **The problem of the typical, as we shall see, is not only a problem of method (for historicism),** business (for insurance), or characterization (for the novel). **It is also a problem for memory and for ethics,** a problem most intense, in the case at hand, on the far side of the voyage of the Zong, a problem for Granville Sharp in his letter to the Lords Commissioners, for William Wilberforce in the 1806 slave trade debates in the House of Commons, for J. M. W. Turner in his celebrated 1840 canvas Slavers throwing overboard the dead and the dying, and for a wide range of later artists and writers, all of whom, in their different ways, have struggled to understand what it means to remember the events that took place aboard the Zong as a singular or as a typical atrocity. The minor ironies I have been discussing pale before the more brutal irony that for most of these figures, and frequently for this text also, the value of the Zong to an ethics of historical memory depends on its being remembered as an abstractly typical rather than a singular atrocity, that, in this case at least, **historical memory tends to insure the value of what it remembers by submitting its knowledge of the world to the mind of insurance, by discovering in the particularities of this event “the typically human terms in which great historical trends become tangible.**”29 To find that William Gregson survives his death as little more than one of those typical lives he spent his career buying, selling, underwriting and, if he was a consumer of his age’s novels, reading about, is one thing: only the slightest revenge for irony. To discover that so many projects of remembrance have held the fate of the slaves aboard his ship worth recording because of the “great historical trends” their deaths typify is quite another. For **the more the value of such recollection depends, to paraphrase my own earlier formulation, on “seeing within the particularities of this event the typical structures of knowledge, exchange, or history that circumscribe it, operate as its historically peculiar circumstances,” and situate it within the great historical trends of its moment, is the more this form of remembrance models its theory of value on the evaluative protocols of that insurance business which underwrote the value of** these **slaves to their “owners” and demanded that that value would survive their deaths.** This irony, this ironic triumph of what Hegel more generally called “the cunning of reason” (that operation by which, as the Absolute works itself out through history, the “too trifling value” of the “particular” and the “individual” invariably find themselves “sacrificed and abandoned” to the “general idea [that]… remains in the background”) is something this text must struggle to keep in mind even as it seeks to understand the events that took place on the Zong by situating them within the “great historical trends” of their extended “moment.”30 And perhaps that minor reformulation is in fact key.

### Turns Neolib

#### Gun control is tied to a neoliberal agenda that marginalizes poor minorities

Blanchfield 15 [(Patrick, PhD in Comparative Literature from Emory University, journalistic writing about US culture, gun violence, and politics) “Safe Spaces: Guns in Neoliberal America” Oct 17] AT

It’s been a few months since I’ve written anything here. Writing for publications is great, but there are also ways in which that kind of work can exist in tension with more open-ended thinking. This blog is a space where I can tackle that kind of thing. And where I can talk about something that I’m not seeing many other people talk about much, if at all: the place of gun violence and gun control against the landscape of contemporary American neoliberalism. This is an immensely complicated issue, and I’m planning on unpacking it with more focus and at length elsewhere. But I think we need to start talking seriously about how the American appetite for guns relates to our contemporary market, political, and affective landscape. Because whatever you may think of it, we already have “gun control.” We just have it in a very precise neoliberal sense, complete with its own rhetoric of freedom of choice, consumer rights, and individual responsibility. Likewise, America’s booming market for guns exists in no small part thanks to deregulation, a collapse of faith in public institutions, the widespread pillaging of social services, the redistribution of resources upwards, and more. But what’s driving that market is neoliberal affect as well. I think that the current tenor of many American gun cultures (and, yes, there is more than one) can be directly tied to the ethos of the militarized surveillance state, to the operations of the security state, and to the same forces that have given us a privatized carceral state. This state is a behemoth that simultaneously generates fear as its reason for being and outsources monetization of that fear at every possible turn. These forces don’t operate in a vacuum – they’re deeply related to one another. A case in point: if you follow headlines and watch political speeches, you’ve probably noticed a growing shift in rhetoric from advocating for “gun control” to talking about “gun safety.” You don’t need to be George Orwell to see “control” and “safety” as two sides of the same coin, and you don’t have to be Michel Foucault to see appeals to “safety” as also being very much about ideologically coding people’s relationships to one other and to the state, stoking, legitimating, and channeling their fears even as it promises to alleviate them. I’m not taking any policy advocacy stance here, but I do think we need to be honest that, beyond the slogans, we’re dealing with institutions, practices, and attitudes that are durable and interrelated with each other. Moreover, since this America, these factors are embedded within a deep matrix of white supremacy, gendered violence, and other forms of oppression as well. Forget the epiphenomenal dog-and-pony show of the primaries: whatever future “gun control” (or “gun safety”) we may eventually wind up getting will necessarily emerge from that backdrop, and be constrained by its horizon of possibilities. We need to confront that possibility rather than just bemoan how “other countries don’t have this problem.” That’s true – they don’t, and they never did. But we do. How does this play out, for us, in America, in our contemporary neoliberal moment? Well, one way to think about gun control and gun violence in general involves emphasizing spaces, and the flows of things through them. Spaces can be literal (streets, schools, offices, etcetera) but also metaphorical, just public “space” in general. The things can be guns, bodies, capital, attention, fear and “safety” itself. Today, in American academic spaces, there seems to be more attention to safety than ever. I’m not just talking about active shooter safety drills, or “gun free zones,” or absurd anti-shooter countermeasures, but about the idea of schools or class rooms as “safe spaces” or spaces that should be safe. Safe not just from gun violence, from physical violence, from sexual violence, but from other modes of violence as well. But gaze at the national landscape and you see a sudden apparent paradox. In the name of making schools “safe spaces,” some students, faculty, and activists will clamor for a student paper to be boycotted or a controversial teacher to be fired; elsewhere, in the name of making a campus “safe,” students, faculty, and activists will insist on expanding concealed carry rights to campuses so that everybody can bring guns with them to class. We could mine this juxtaposition for all sorts of reductive thinkpiece fodder (“PC Culture Run Amok in Our Schools!” or “Gun Culture Run Amok in Our Schools!” – take your pick) and draw a lot of fine-grained, ultimately bullshit comparisons, but I think we should just let the juxtaposition sit for a minute. Let’s just contemplate, for a moment, how the safety of faculty and students boils down to regulating the presence and flow of ideas – and of weapons. What’s at stake here? An emotional undercurrent runs through all of it: a sense of fear, of precariousness. This emotion is no less real even if some of its expressions may strike us as exaggerated or pernicious. Because whether or not they are safe in practical terms, campuses are not experienced as safe. Empirically speaking, they certainly don’t offer everybody equal grounds for the same sense of safety: it’s hard to overstate how much campuses are already saturated with emotional stress, abuse, and financial precarity for practically everyone on them. And so people reach for what guarantors of safety they can, be they slogans or sidearms or both. I’m going to be teaching again in the Spring. I find myself half-jokingly contemplating a scene where I begin a class by saying “Trigger warning: gun violence!” and a jumpy student pulls out a Glock and starts shooting. It’s an absurd scene, but, in honesty, what isn’t absurd at this point? Guns and bodies; capital and souls. Thinking and writing about guns for a decade now, it seems to me that most folks don’t care about the flow of lead and blood in spaces they don’t live in or care to think about on the regular. Straw-purchased guns drop bodies in Chicago and Baltimore and most people don’t care. But suddenly guns and bodies appear in places they do care about, or that they could see being inhabited by people they know or who look like them — now, that’s a five-alarm fire. Untraceable guns killing socially marginalized people in the streets? That’s where they’re supposed to be, the implicit logic goes, killing whom they should. But legally bought guns killing people in spaces that disrupt the precious flow of human capital? A national crisis. Our unique brand of white supremacy and neoliberalism may well be able to tamp that crisis down. We certainly have the technology and profit motive to make everybody we deem valuable stakeholders in the American enterprise feel safer, or at least, feel just safe enough that we can continue to monetize their generalized sense of fear in other ways (analogies to the War on Terror are more than incidental here). But can America – in 2015, or 2016, or ever – offer much in the way of a corrective to the deeper structure, to the underlying, fundamentally unequal distribution of who-gives-how-many-fucks-about-whom? Your guess on that one is as good as mine. I came across this phenomenal piece by Robert Reece at Still Furious and Brave. It’s called Shared Victimhood and Redemption Through Racism and is about the similarities between Shellie Zimmerman, the soon-to-be ex-wife of the killer of Trayvon Martin, and Carolyn Bryant, the wife of one of the murderers of Emmett Till. Like Bryant, who stood by her husband during his trial, Shellie Zimmerman aided her husband in his — to the point of committing perjury. Also like Bryant, who went on to divorce her husband, Shellie Zimmerman is now seeking separation from hers. And in her bid to divorce him – and presumably also to gain some media exposure – Shellie Zimmerman is invoking his killing of Martin much in the same way as Carolyn Bryant did her husband’s killing of Till: as evidence of her abusive partner’s capacity for violence. In other words, both represent cases of (white) women leveraging their husband’s killing of black children — outrages that went shamefully unredressed by the criminal justice system — in bids to claim victim status and exert their own right to vindication and compensation in a court of law. As Reece devastatingly puts it: “Zimmerman and Bryant opportunistically use the boys’ murders as proof of their husbands’ capacity for abuse when they benefit from shared victimhood, but they uphold their husbands in court through their testimony when they seek to defend white supremacy.” Reece’s piece is absolutely on-point and raises a ton of deeply complicated, nuanced questions. Without gainsaying the legitimacy of Bryant and Zimmerman’s status as victims of domestic violence, Reece forces us to confront not just the irreducibility of different experiences of suffering modes of white patriarchal oppression — violence against women versus violence against non-whites and blacks in particular — but also the ways in which the former exists in relation to the latter. What are we to make of a situation wherein white women — who are undeniably victims of violence and oppression themselves — can capitalize on the undeniable, unavenged victimization (murder!) of black children as a means of liberating themselves from the immediate violence of white patriarchy in their households — while simultaneously doubling-down on and reinforcing its injustice? The women themselves seem quite aware that this situation is a delicate one. Their tarrying with white patriarchal violence requires what Reece calls a “colorblind abuse picture” – both Zimmerman and Bryant “openly wonder about the details of each event, but they stop short of saying that the murders were racially motivated or that their husbands should have gone to prison.” They must do this not just because the analogies between themselves and the boys their husband killed is deeply faulty — they are alive and advocating for themselves in the court of law, not dead and failed by the justice system — but also because, on a much deeper level, the narrative of the potential victimization of white women is constantly marshaled as a pretext for violence against black males. As Reece puts it, “If they [Zimmerman and Bryant] chose to acknowledge the racialized elements of their husbands’ actions they would be forced to come to terms with the fact that they are responsible as white men’s violent outbursts against people of color are often patriarchal attempts to protect white women.” I think this is totally right. The narrative of white women qua potential victims of black male violence — a fantasized, imaginary, paranoid fear that says more about the white men who cultivate and are dominated by it than it does about actual day-to-day reality — is indeed deeply ingrained in American history (as Reece himself has chronicled). Moreover, and here’s where my own research interests come into play – this narrative is also, I think, pervasive in much of contemporary American gun culture.\* It is a manifest but frequently under-appreciated fact that the dominant contemporary “Second Amendment advocacy” / firearms industry lobbying group – the National Rifle Association – owes its current, aggressively far-right incarnation to an organizational transformation in the late 1970s that was driven in large part by a rise in crime rates and white fear of nonwhites and of urban blacks in particular. Moreover, the man who more or less singlehandedly engineered that transformation – Former NRA President Harlon Carter – was himself responsible for shooting and killing a 15-year old Latino boy. By the same token, much of contemporary gun advertising trades heavily in themes of patriarchal masculinity. Gun ownership is a sign of virility, a way to “Get Your Man Card Back.” The paradigmatic exercise of this virility is for a man to protect “his” womenfolk – wives, girlfriends, daughters – and this represents a constant trope in the burgeoning internet boards devoted to “Defensive Gun Use” stories. Guns are pitched to men as devices for protecting women — from whatever or whomever it is those men fear, rationally or otherwise. If, in the general American imagination, one of the primary things guns are for is for men to protect women, then it also entirely makes sense that nowadays women can and are encouraged to use them to protect themselves. Guns are ever more frequently marketed to women directly, fashion accessorized and all. And when it came to the (successful) pushback against a possible renewed Assault Weapons Ban only a month after Sandy Hook, it was a female lawyer and activist, Gayle Trotter, who took to the Senate floor to conjure an entirely fabricated scenario wherein a totally hypothetical woman would need a tricked-out, “scary looking” combat rifle to fend off no less than five “hardened criminal” attackers all at once. In light of this, I have a question or two. First, some caveats. I am in no way challenging a woman’s right to carry a weapon to protect herself or others. Nor am I denying the existence of entirely reasonable, totally understandable circumstances and experiences that could lead her to make that choice – and righteously so.\*\* Nor still am I challenging the right of anyone – men included – to choose to own a gun to protect themselves or those who need protection. That right is and remains law ratified by the Supreme Court. But I must ask: When white American men (and, increasingly women) buy guns to protect themselves, what color is the attacker that they fear? What faces do they give the imaginary home invaders when they hear the white Gayle Trotter’s ludicrous story – are they the ruddy Cornish farmhands from Sam Peckinpah’s Straw Dogs or are they are something several shades darker? I fear that we already know what far too many of the answers would be. For my part, much of the hate-mail I’ve received from my writing about my personal experiences with firearms – testosterone-fueled, vitriolic tirades that are not just sexist and homophobic but also thoroughly racist – has left me with little illusion on that score. And I’ll ask something else, even though I’m eager to be proven wrong: Why aren’t there any glossy ads for handguns featuring a black woman – even her hand? And I fear we know the answer to this too: because when a black woman even threatens to exercise the right we so ghoulishly bestow on George Zimmerman, she doesn’t even get the chance of becoming Shellie Zimmerman. She becomes Marissa Alexander. Here’s the upshot, what I’m driving at, and what I’ve been thinking about since reading Robert Reece’s provocative and brilliant piece. We live in a country where both the claim to victim status and the right to legally threaten and exercise violence are all too often the prerogatives of white supremacy, and are appropriated from inflicted and upon black folks. Denying or ignoring this state of affairs only reaffirms it – and capitalizing on it, as I think Shellie Zimmerman is doing, and also as, in their way, the NRA and many gun manufacturers do – only makes the suffering, and, yes, the violence, worse.

### A2 Incarceration Now

#### Misses the point – the disad is linear. Even if mass incarceration is high now, a handgun ban would massively expand state control over populations and incarcerate millions

### A2 Ban Reduces Violence

#### Guns reduce crimes in Black neighborhoods

Johnson 13 [Nicholas J. Johnson, 2013, law professor, Fordham, Connecticut Law Review, 2013, July, Gun Control Policy and the Second Amendment: Lead Article: Firearms Policy and the Black Community: An Assessment of the Modern Orthodoxy, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1534&context=faculty_scholarship> DOA: 12-3-15, p. 1600-2]

b. A Race-specific Assessment The studies summarized above are broad measures that do not specify distinct racial trends. There is, however, a study of this issue in the specific context of the black community. The Rose and McClain study from 1981 started with data sets about black homicides. n634 It then traced the victims and offenders and interviewed people who knew them, people familiar with the episode, and the parties involved (including perpetrators or survivors of the altercations). n635 The results show how armed self-defense by the Parker/McDonald class could be good policy. In a sample of selected American cities, Rose and McClain found that "[r]obbery homicide is the most frequently occurring pattern among stranger homicides in our sample cities, where it accounts for approximately two-thirds of all stranger homicides." n636 But the next finding is surprising: "[y]oung adult black men who are robbery homicide victims are more often persons described as the robber than the robbed. This pattern appears to prevail in each of the primary sample cities . . . ." n637 This pattern was not unbroken. In Detroit, for example, "between 1970-72 the majority of the victims were identified as robbers, but in 1973 and 1974 the robbed exceeded the robbers in total annual victimizations." n638 The next assessment is vital for our purposes: "[g]iven the higher percentage of robber homicide victimizations in the early years of the interval, one might assume that targets posing a higher homicide risk for the offender were abandoned in favor of safer targets." n639 Note that the idea of hardening targets against the aggressive microculture is the core theme of arguments that an armed citizenry is a disincentive to crime. n640 The researchers concluded that over a six-year period in Detroit, the robbery homicide was nearly as likely to result in the death of the robber as the robbed and that "[t]he defensive efficiency of those who are successful in thwarting a robbery attempt probably exceeds that of the criminal justice system." n641 This is difficult territory. One can imagine why policy makers would not embrace these data or advance affirmative policies exploiting this trend. But from the perspective of the Parker/McDonald class-people living in the midst of clear threats and state failure-these data are a welcome affirmation of the benefits of private firearms in the hands of good people. The Rose and McClain study underscores that message with this summary: The previous evidence illustrating the riskiness of becoming a victim if choosing to engage in robbery is a point seldom made. One must exhibit caution not to overstate the case, considering the low clearance rate for this offense. Yet it appears that robbers are indeed sensitive to the risk associated with the choice of robbery targets. This is evident in the changing ratio of commercial to non- commercial targets. Young black males who are insensitive to the risks associated with the choice of a robbery target clearly increase the probability that they will become homicide victims. n642 The Rose and McClain study suggests that not only is there a distinct criminal microculture within the community, it also suggests that the criminal class responds to disincentives that make violent crime more risky. Based on the broader data it is fair to believe arming the Parker/McDonald class is one of those disincentives. n643 I have not attempted a comprehensive assessment of social science. That will require far more time and many more viewpoints. My aim here is only to demonstrate the case that arms in the hands of the Parker/McDonald class can generate results that compete easily with the modern orthodoxy's combination of promising symbolism and practical failure.

### A2 Blanket Ban Solves

#### Misses the point – even if the law is on face color-blind, empirics and history prove that its enforcement will not be. Police will concentrate their attentions on marginalized communities and disproportionately arrest, charge, and incarcerate people of color

#### It won't be a blanket ban – the historical racism inherent to past gun control laws shows that the wording of the law will contain implicit biases – they get to fiat *what* passes, but not *how* it happens

### 2NR Gun Control = Racist

#### Empirics prove – gun control will be selectively enforced and hurt people of color

Blanks 6/22 (Jonathan Blanks, Research Associate in Cato's Project on Criminal Justice and Managing Editor of PoliceMisconduct.net, "Gun Control Will Not Save America from Racism," Vice, 22 June 2015,  <http://www.vice.com/read/gun-control-will-not-save-america-from-racism-622)> AZ

The desire to do "something" after a tragedy is normal. Indeed, politicians often count on public outcry to enact new legislation. In [his statement responding to the attack on Emanuel African Methodist Episcopal Church](https://www.whitehouse.gov/blog/2015/06/18/latest-president-obama-delivers-statement-shooting-charleston) last Thursday, President Barack Obama made the familiar allusion to gun control. "We don't have all the facts, but we do know that, once again, innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hands on a gun," he said. But as politicians call for new gun laws in the wake of this racist attack, lawmakers ought to take a look at the origins and effectiveness of similar gun control measures that have passed, and their consequences—especially for black people. And in an era where blacks and other minorities continue to [suffer from over-policing](http://www.nyclu.org/news/analysis-finds-racial-disparities-ineffectiveness-nypd-stop-and-frisk-program-links-tactic-soar) and disproportionately suffer [the abuses of law enforcement](http://www.nyclu.org/news/analysis-finds-racial-disparities-ineffectiveness-nypd-stop-and-frisk-program-links-tactic-soar), any new criminal laws should be carefully considered. Like many criminal laws, gun control legislation has disproportionately affected black people and contributed to sky-high rates of incarceration for minorities in the US. As Radley Balko [wrote in the Washington Post](http://www.washingtonpost.com/news/the-watch/wp/2014/07/22/shaneen-allen-race-and-gun-control/) last year: Although white people occasionally do become the victims of overly broad gun laws...the typical person arrested for gun crimes is more likely to have [black] complexion.... [Last year,](http://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2013/Table04.pdf) 47.3 percent of those convicted for federal gun crimes were black — a racial disparity larger than any other class of federal crimes, including drug crimes. [In a 2011 report](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter_09.pdf) on mandatory minimum sentencing for gun crimes, the U.S. Sentencing Commission found that blacks were far more likely to be charged and convicted of federal gun crimes that carry mandatory minimum sentences. They were also more likely to be hit with "enhancement" penalties that added to their sentences. In fact, the racial discrepancy for mandatory minimums was even higher than the aforementioned disparity for federal gun crimes in general.

#### Handgun bans result in antiblackness. Gun control disproportionally criminalizes black people and entrenches racism – the ATF will selectively apply the law

Balko 14 [Radley (Opinion blogger) “Shaneen Allen, race and gun control,” Washington Post, July 22nd 2014<https://www.washingtonpost.com/news/the-watch/wp/2014/07/22/shaneen-allen-race-and-gun-control/>]

Last October, Shaneen Allen, 27, was pulled over in Atlantic County, N.J. The officer who pulled her over says she made an unsafe lane change. During the stop, Allen informed the officer that she was a resident of Pennsylvania and had a conceal carry permit in her home state. She also had a handgun in her car. Had she been in Pennsylvania, having the gun in the car would have been perfectly legal. But Allen was pulled over in New Jersey, home to some of the strictest gun control laws in the United States. Allen is a black single mother. She has two kids. She has no prior criminal record. Before her arrest, she worked as a phlebobotomist. After she was robbed two times in the span of about a year, she purchased the gun to protect herself and her family. There is zero evidence that Allen intended to use the gun for any other purpose. Yet Allen was arrested. She spent 40 days in jail before she was released on bail. She’s now facing a felony charge that, if convicted, would bring a three-year mandatory minimum prison term. At first blush, much about Allen’s case seems counterintuitive. When we think about the gun control debate, we typically picture progressive pundits, politicians and activists arguing with white, conservative activists and politicians representing rural interests. When I first posted her story to Twitter, a couple of progressive responders predicted that because Allen is a black single mother, the gun rights community would all but ignore her. But that hasn’t been true at all. In fact, Allen has become something of a rallying point for gun rights activists. She is being represented by Evan Nappen, an attorney who specializes in gun cases and is a gun rights activist himself. Some conservatives have similarly accused progressives of ignoring Allen’s case because she stands accused of a gun crime. It’s certainly true that her case has received much more attention from the right than the left. But Nappen says he has seen plenty of support for her from racial justice groups, too. As it turns out, Allen’s case isn’t unusual at all. Although white people occasionally do become the victims of overly broad gun laws (for example, see[the outrageous prosecution of Brian Aitken](http://reason.com/archives/2010/11/15/brian-aitkens-mistake), also in New Jersey), the typical person arrested for gun crimes is more likely to have the complexion of Shaneen Allen than, say, Sarah Palin. [Last year,](http://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2013/Table04.pdf) 47.3 percent of those convicted for federal gun crimes were black — a racial disparity larger than any other class of federal crimes, including drug crimes. [In a 2011 report](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter_09.pdf)on mandatory minimum sentencing for gun crimes, the U.S. Sentencing Commission found that blacks were far more likely to be charged and convicted of federal gun crimes that carry mandatory minimum sentences. They were also more likely to be hit with “enhancement” penalties that added to their sentences. In fact, the racial discrepancy for mandatory minimums was even higher than the aforementioned disparity for federal gun crimes in general: Some on the law-and-order right will argue here that the disproportionate number of arrests, convictions and mandatory minimum sentences for black offenders is merely a reflection of the fact that black people are disproportionately likely to commit these sorts of crimes. Progressives will argue that the disparity reflects institutional racism in the criminal justice system. There’s some truth to both. But there’s no disputing the figures. Much of this boils down to professional discretion. When a person victimizes another person with a gun, the offending person has already committed a crime. And in nearly every state and under federal law, it is already an additional crime to use or possess a gun while doing something that is already a crime. So when gun control advocates say we need to crack down on gun offenders, or when they propose that we create new gun crimes, they aren’t suggesting we crack down on people who use guns to rob banks or to commit murders. We already go after those people. What they’re proposing is that we target people who possess, sell or transport guns not because they want to hurt people with them, but for reasons ranging from what most reasonable people would believe to be justifiable (like Shaneen Allen) to what gun control proponents would likely consider objectionable (the gun shop owners and gun manufacturers who make money selling weapons). If you’re an advocate for gun control, you could certainly argue that the tradeoff here is worth it. There’s an argument to be made that we still need to target irresponsible gun owners and gun merchants, even if they aren’t using guns to victimize people, because their guns could end up in the hands of people who do. But if you’re going to make that argument, you also need to understand that prosecuting people under these circumstances means that we’ll be putting more people in prison. And who those people are will reflect all of the biases, prejudices and predispositions present in the laws we already have. It will also mean giving a lot more discretion to law enforcement officials and prosecutors. When someone robs a bank with a gun or kills someone with a gun, there’s no debate about who needs to be investigated and prosecuted. When a police agency is charged to seek out and prosecute people who are illegally possessing or transferring guns, they’re required to use their own discretion when it comes to what communities to target and what methods they’ll use to target them. Inevitably, this will manifest as sting operations against communities with little political clout. (Or, just as troubling, deliberately targeting people for political reasons.) Just this week, [an incredible investigation](http://www.usatoday.com/story/news/nation/2014/07/20/atf-stash-house-stings-racial-profiling/12800195/) by USA Today reporter Brad Heath demonstrated just how this plays out in the real world: The nation’s top gun-enforcement agency overwhelmingly targeted racial and ethnic minorities as it expanded its use of controversial drug sting operations, a USA TODAY investigation shows. The Bureau of Alcohol, Tobacco, Firearms and Explosives has more than quadrupled its use of those stings during the past decade, quietly making them a central part of its attempts to combat gun crime. The operations are designed to produce long prison sentences for suspects enticed by the promise of pocketing as much as $100,000 for robbing a drug stash house that does not actually exist. At least 91% of the people agents have locked up using those stings were racial or ethnic minorities, USA TODAY found after reviewing court files and prison records from across the United States. Nearly all were either black or Hispanic. That rate is far higher than among people arrested for big-city violent crimes, or for other federal robbery, drug and gun offenses. The ATF operations raise particular concerns because they seek to enlist suspected criminals in new crimes rather than merely solving old ones, giving agents and their underworld informants unusually wide latitude to select who will be targeted. In some cases, informants said they identified targets for the stings after simply meeting them on the street. Heath points out that a federal judge recently accused the agency of “trolling poor neighborhoods” in search of patsies. In some cases, the ATF — the federal agency that exists to fight gun crime — actually supplied its targets with the guns the agents would then arrest them for using to rob stash houses — which were also set up by the ATF.

#### The affirmative speaks from a positon of well-protected privilege – racially enforced laws target minorities – empirics prove

Tahmassebi 91 [Stefan B. Tahmassebi (lawyer in Fairfax, Virginia), "GUN CONTROL AND RACISM," George Mason University Civil Rights Law Journal Vol. 2 (1991): 67] AZ

Even today firearms regulations target minorities or other unpopular groups. For instance, present Massachusetts law still makes possession of guns by aliens a criminal offense.[57] Present federal statutes make it a felony for one dishonorably discharged, or having renounced American citizenship to purchase or possess a firearm.[58] This federal statute is surely a punitive measure against those who have trespassed certain norms of acceptable behavior even though there is no indication of violent criminal tendencies. The worst abuses at present occur under the mantel of racially neutral laws that are, however, enforced in a discriminatory manner. [Page 81] In many jurisdictions which require a discretionary gun permit, police departments have wide discretion in issuing a permit, and those departments unfavorable to gun ownership, or to the race, politics, or appearance of a particular applicant frequently maximize obstructions to such persons while favored individuals and groups experience no difficulty in the granting of a permit.[59] In St. Louis permits are automatically denied . . . to wives who don't have their husband's permission, homosexuals, and non-voters . . . As one of my students recently learned, a personal 'interview' is now required for every St. Louis application. After many delays, he finally got to see the sheriff - who looked at him only long enough to see that he wasn't black, yelled 'he's alright' to the permit secretary, and left.[60] Although legislatures insist that permits are necessary for a variety of reasons, such arbitrary issuance of gun licenses should not be tolerated. Permit systems which vest wide discretion in public or police officials have been used on numerous occasions to stymie civil rights efforts. In 1969, the U.S. Supreme Court held unconstitutional a provision in the General Code of Birmingham which made it an offense to participate in any "parade or procession or other public demonstration" without first obtaining a permit from the City Commission.[61] The case arose out of a march in Birmingham by "52 people, all Negroes . . . led . . . by three Negro ministers . . . to protest the alleged denial of civil rights to Negroes in the City of Birmingham."[62] The marchers were arrested by the Birmingham Police for violating the above- noted law. Not surprisingly, the record revealed that this racially neutral law "had been applied in a discriminatory fashion" by the authorities.[63] Petitioner had in fact attempted to acquire a permit on a number of occasions which had been refused each and every time. "The petitioner was clearly given to understand that under no circumstances would he and his group be permitted to demonstrate in Birmingham."[64] [Page 82] New York's infamous Sullivan law, originally enacted to disarm Southern and Eastern European immigrants who were considered racially inferior and religiously and ideologically suspect, continues to be enforced in a racist and elitist fashion "as the police seldom grant hand gun permits to any but the wealthy or politically influential."[65] New York City permits are issued only to the very wealthy, the politically powerful, and the socially elite. Permits are also issued to: private guard services employed by the very wealthy, the banks, and the great corporations; to ward heelers and political influence peddlers; and (on payment of a suitable sum) to reputable 'soldiers' of the Mafia . . . .[66] If such permit schemes are to be employed at all, they should be implemented on a non-discriminatory basis. Although it may seem ironic, New York's leading handgun prohibitionists, extremely well-off people who live and work in high security communities and receive the best police protection possible, lecture those citizens in high crime areas to give up the means to protect their family on the grounds that handguns are useless and dangerous; useless and dangerous except, of course, to people like themselves who have the political influence to secure a permit. A beautiful example of this hypocritical elitism is the fact that while the New York Times often editorializes against the private possession of handguns, the publisher of that newspaper, Arthur Ochs Sulzberger, has a hard-to-get permit to own and carry a handgun. Another such permit is held by the husband of Dr. Joyce Brothers, the pop psychologist who has claimed that firearms ownership is indicative of male sexual inadequacy.[67] Thus, while the New York Times has editorialized that "the urban handgun offers no benefits,"[68] its publisher, apparently deserving of more rights and protection than other citizens, is among the few privileged to possess a New York City permit to carry one at all times . . . . Although such permits are officially available only on a showing of 'unique need' to carry a defensive weapon, the list of permit [Page 83] holders is composed of people noted more for their political influence than for their residence in high crime areas.[69]