

# **GUN CONTROL IN NAZI-OCCUPIED FRANCE: TYRANNY AND RESISTANCE**

(STEPHEN P. HALBROOK)

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This is an academic monograph, rather than a work of propaganda or political inspiration. Those looking for a rabble-rousing polemic in the style of today's mass-popular conservative authors, or of a Wayne LaPierre speech, will be disappointed. What the reader gets instead is far more valuable: an understanding of modern history as it relates to gun control, and illumination of how gun seizures may work in practice if our own government turns criminal.

Stephen Halbrook has cornered the market on study of National Socialist gun control, not that he has gotten a lot of competition from other academics. He wrote the seminal work, *Gun Control in the Third Reich*. A small part of that lack of competition is that compared to other Nazi crimes, gun control seems like small potatoes, on a rough level with any other denial of core civil rights, such as freedom of religion, freedom of the press, and so on. The much larger part is that because they are leftist, most academics aggressively support the seizure of all private firearms as necessary to overcome the objections of the serfs to leftist tyranny, so they are willing to obfuscate and lie about history. The most glaring example is Michael Bellesiles's infamous work of fiction from the year 2000, *Arming America*, which purported to show that private firearms ownership in America was rare prior to the modern era. Bellesiles's book received massive nationwide coverage and he was awarded the Bancroft Prize, along with many other honors, but within a few months he had to drop from sight when it turned out he had made it all up. But Bellesiles was just caught pushing what most academics are happy to push—falsehoods to further tyranny, or, for those less intelligent, to further their own feeling of moral superiority and power over others. So, as the rare academic truth teller about gun control, Halbrook mostly has the field to himself.

That's not to imply he's taken the easy road. This book is exhaustively researched in foreign language primary sources and carefully parses Nazi (and Vichy French) gun control in France. The Germans, of course, were great record keepers, so a large amount of specific statistical primary

data exists, for those who go looking for it. Halbrook also surveyed veterans of the French Resistance for anecdotal accounts of how both resistance fighters and civilians responded to German gun control, weaving all the data together into a coherent whole. From this, he draws careful, measured conclusions, rather than sweeping political claims.

Halbrook begins with French history, noting that the right of the citizenry to keep and bear arms was omitted from the 1789 Declaration of Rights, despite attempts by some, especially Mirabeau, to include it. Thus, as is generally true in Europe (though not everywhere—exceptions include Switzerland and Finland), gun rights came to be seen as not rights at all, with any gun privileges granted by the government basically cancellable at its whim. In the 1930s, as Communist political violence increased in France, the government required registration of all guns, something that came in mighty handy when the Nazis arrived, but in the European context of the time, was not that surprising or controversial. It was a “common-sense gun safety measure.”

On a more philosophical level, gun registration was more plausibly a neutral way to address a real problem, political violence, in 1936 than it is now. Those who do not have history to learn from have more excuse. Just as it is understandable that people in Russia often welcomed, or at least did not fear, the Bolsheviks in 1919, and that Germans were enthusiastic for Hitler in 1933, gun registration, in and of itself, was not something obviously pernicious a century ago. Since then, though, seeing that every nasty regime in the entire twentieth century made it the first order of business to confiscate all private firearms; and that every time a registration scheme has been put into place in the free world it is quickly used to confiscate firearms in peacetime (as in England and Australia), we have no excuse for allowing firearms registration, any more than we would have an excuse for allowing registration of Jews (or, for that matter, Muslims). Now, granted a hard-bought perspective, all such types of registration deserve the same reaction from an armed populace—total non-compliance backed, if necessary, by armed rebellion.

On a side note, in Halbrook’s technical legal discussion one notices that criminal sentences in the West in the recent past were far shorter than they are nowadays. I’ve noticed this before, in many legal contexts. The maximum 1936 French punishment for possessing any quantity

of military firearms, in a time of active Communist insurrection, was two years. And even two-year sentences were apparently non-existent. Possessing an unregistered firearm was in fact very rarely punished, and when punished, incurred sentences such as “a fine of sixteen francs.” Now, the equivalent under American federal law would be thirty or forty years, or even life; the threat of which would be used to deny the accused the right to a trial, rather extracting a plea bargain for ten or fifteen years without possibility of parole. This gross disproportionality between the statutory sentence and the crime results from a ratchet effect, whereby politicians view it as an aid to re-election to be seen as “tough on crime,” and nobody in power has any reason to cut sentences or reduce lengthening them, for fear of being painted as “soft on crime.” Yet another failure of democracy. (The same basic reason underlies the practice in many states of permanently denying voting rights to all felons. I think we should have a greatly restricted franchise, but as long as we do have a universal franchise, denying civil rights to those who have served their sentences is nakedly political, unmoored from justice, and, moreover, has racially discriminatory effects which further corrode society. Sure, the Left wants to end this practice to get more votes—but that doesn’t mean they are wrong on the principle.) I suspect that many in the professional-managerial elite, especially conservatives, oppose sentencing reform for reasons that seem to boil down to “it’s not going to affect me, and they’re bad people, and this is how we keep the crime rate down.” In actuality, our current system of wildly excessive sentences is one of many bipartisan reasons to cut our Cthulhu State down to size.

The rest of the book narrates the Nazi years in France. There are two overarching themes in the book. First, although the Nazis allowed no private gun ownership by conquered peoples, and the first order of business in occupied France was to require the turning in of all firearms under threat of the most severe punishments, including death, this was not enforced in any aggressive way until later in the war. Yes, some Frenchmen were executed in 1939 through 1942 for firearms possession, but they were often condemned in combination with some other crime of resistance. Unsurprisingly, there was an overlap between illegally keeping one’s guns and the catchall crime, “anti-German activity.” In some other cases, men were condemned for gun ownership

because they were known to be subversive, but it was easier to prove gun ownership, and unlike Communists, the Nazis preferred to convict people for actual crimes (leaving aside the treatment of Jews and others targeted for other reasons). (This use of a specific crime to punish known undesirables who could not be caught in specific subversion was similar to Nazi treatment of homosexuals. The Nazis sent a few thousand homosexuals in total to concentration camps not primarily because they were homosexual, which would have sent plenty of SS men there too, but because they were political troublemakers, although now the myth pushed for propaganda purposes is that homosexuals were a major Nazi target.) From 1942 on, though, as the Resistance became more active and the Nazis more grimly determined to impose their will in France, hundreds were executed in France for the mere possession of non-military firearms.

The second theme that comes through in the book is that despite the draconian penalties, most guns in France were never turned in. Halbrook estimates about 800,000 of three million hunting guns were turned in. Military guns (which mostly meant guns not considered military now, such as bolt-action rifles) were far less common in private hands, but many of those were also not turned in. (Given that registration was legally required, it's pretty obvious most people ignored the earlier registration laws, or all the guns would have been collected.) Seeing the failure of their demands, the Nazis, and the French collaborators who administered local law, repeatedly alternated amnesties for gun possession with dire threats, until later in the war they realized that they were getting diminishing returns and stopped bothering offering amnesties. That they offered amnesties at all suggests they knew threats weren't working very well, but in any case compliance was often minimal. Instead, most guns were hidden, often buried, as Resistance figures Halbrook corresponded with noted. (My own family has experience with something like this—one of my Hungarian relatives buried his officer's sword in the garden after the Communists seized power; sadly, when he dug it up years later, it had rusted away. Cosmoline is your friend.)

Burying weapons didn't help fight the Nazis, though. Despite that many guns still existed in private hands, the Resistance was always critically short of weapons. After all, buried guns aren't useful for much, and even if you dig them up, hunting guns aren't great for fighting when

your enemy has limitless MP44s. Moreover, most of those who hid their guns weren't Resistance members (who were very few until late in the war); they were just people, mostly rural, who valued their guns and didn't want to lose them. As a result, the vast majority of weapons actually used by the Resistance were air-dropped by the Allies, and supplemented with weapons captured from Nazis or collaborators (as always with gun control, a select few favored by the government were allowed to have guns). So it's not like those hidden weapons were used for anything worthwhile, although many were brought out and brandished in the final days of the German occupation of France, and a few used to shoot German soldiers in the back when the chance of being caught or reprisals resulting was gone. This book is not a chronicle of French heroism, unfortunately.

Whether Americans would be heroes in a similar situation is unknowable, even if we like to think we would be. It certainly seems unlikely that America is going to be occupied anytime soon, so we're not going to find out how we'd resist a foreign occupier. Let's use it as a thought experiment, though. It'd be a lot different for technical reasons, along with cultural reasons, because, in the matter of firearms, 1939 France isn't remotely comparable to 2019 America. True, America already has a de facto type of national registration, in that all new guns, around twenty million a year, are sold through dealers, who are required to permanently keep a record (Form 4473), which could easily be assembled by the government into a complete database. (If they haven't been already, even though it's explicitly illegal to do so. When has that ever stopped the Left and their Deep State allies from doing what they want, knowing the chances of punishment are nil?) Still, that database wouldn't cover private resales or other transfers, which do not require recordkeeping in free America (though they do in unfree America, where the requirement is, unsurprisingly, mostly just ignored). Not to mention that it's been decades since most guns were first sold, and many, if not most, have changed hands.

Thus, the amount of resources needed simply to track down owners of guns would be very great. Resources needed would be far greater on a per capita basis than in 1939 France, because, leaving aside the American culture of guns and the firm belief of gun owners they have an inalienable right to keep and bear them, the best estimates of guns

in private ownership in the United States range around 600 million. Most of these are far more durable and far more lethal than the guns of 1939 France, and they could easily be supplemented in large numbers by “acquired” military weapons. Also in play would be new guns, since modern metalworking allows the relatively easy manufacture of basic firearms, and 3D printing may soon make it even easier. Certainly, an occupier today could threaten draconian punishments, up to and including execution. That didn’t work in France, though—why would it work here? It seems unlikely it would, and I would expect the occupiers would collect relatively few guns, although I wouldn’t count on spontaneous armed rebellion, either, any more than in France.

But what if the occupier is our own government, which already, for the most part, treats us like serfs, and especially treats the classes that tend to own guns as serfs? What if the government was willing to spend years slowly grinding down firearms ownership through total bans and spottily enforced harsh penalties, while preventing the transmission of gun knowledge and culture? Certainly, the mainstream Democratic Party, not just the progressive Left, now openly supports total confiscation of firearms, and it’s no secret that they’ve always wanted to confiscate every single firearm in private hands, their lies to the contrary notwithstanding. They know, as do all of their ilk, that their ideological program of utopian conformity cannot be imposed upon the population if the population has any ability to resist. Their thought process is no different than that of Lenin, who announced in the very first days of his power that anyone found in possession of any illegal firearm, i.e., anyone not in arms under Bolshevik command, would be executed on the spot. (This is often denied. The deniers are ignorant or liars. See Sean McMeekin’s recent *The Russian Revolution*, on page 265: “Later that day [August 31, 1918] the head of the Cheka, [Felix] Dzerzhinsky, and his assistant, Jan Peters, ordered that ‘anyone caught in illegal possession of a firearm will be immediately executed.’”) Let’s not kid ourselves. If other solutions would not work, or not work fast enough, the Democrats and the Left would be happy with Lenin’s solution. Omelet, eggs, and all that.

The mechanics wouldn’t start there, though. They’d start with required registration, to make later confiscation easier, and with the incremental yet inexorable banning of certain classes and types of

weapons, until all are banned. In fact, we have, at this very moment, an example of how the latter would work, in the move to ban “bump stocks,” simple add-on mechanical devices that allow rapid fire in semi-automatic weapons, used in the 2017 Las Vegas mass shooting.

Machine guns are not illegal to own in America. You only have to get a relatively expensive and tedious license to own one. But no machine gun manufactured after 1986 is allowed to be licensed, so machine guns are relatively rare and very expensive. (I think it should be an absolute right to own nearly any man-portable infantry weapon, including crew-served machine guns, but I admit that is a minority opinion. And even I might be willing to countenance a licensing scheme for machine guns, or explosives, though never for any other type of firearm. That said, machine guns are never used in crimes, even though they are relatively easy to make; you can actually kill more people with a semi-automatic if you’re competent. So there is little or no legitimate governmental reason to limit machine guns in private hands.)

Anyway, as to bump stocks, they are a silly toy for people with too much money and time (the money is in the ammunition fired; bump stocks are cheap). I don’t own any, nor have I used any, but as I understand it, they make the gun fire rapidly while making it almost impossible to control. They thus have no tactical use (and therefore no substantial implication of the Second Amendment). They are also trivially easy to make at home. Whatever their use, the relevant federal government body (the ATF, an administrative agency, part of the Department of Justice) ruled some time ago that bump stocks did not meet the statutory definition of “machine gun,” and so were irrelevant from a regulatory perspective. After the Las Vegas shooting, though (the only time bump stocks have ever been used in a crime), even the NRA and Donald Trump suggested they be banned.

Instead of Congress passing a law to change the definition of “machine gun,” though, as should be done in a democracy, the ATF has merely creatively completely reversed their earlier holding, not because of new information, but because of new political goals (which are supposed to be irrelevant to administrative agencies). This week the ATF issued their final rule. The effect of the rule, given that all new machine guns are necessarily illegal, is to make bump stocks equally illegal, with penalties of up to ten years for mere possession of a single one. (Actually much

more than ten years, when the government gets done stacking up other charges they pick out at will from the tens of thousands of federal crimes, many without any *mens rea* element and not meaningfully tied to the core crime. For example, they can add twenty years for “wire fraud” if you bought your machine gun, or bump stock, over the telephone or internet. No, that is not an exaggeration. Again, Cthulhu state.) The new rule, which is not appealable in any meaningful way because the administrative state rules us, takes effect soon (when, we don’t know, since as of today the date shown online is “12/00/2018,” whatever that means. Incompetent Cthulhu state.). By their own estimates, which, like all government cost estimates, are always falsehoods to the low side since there is no penalty whatsoever for lying, it will destroy \$100 million in purchased bump stocks, and impose over \$200 million in other costs. These costs are “regulatory takings,” for which there will be no compensation of any type, and they apply to all bump stocks currently in existence.

Is this a tragedy, or meaningfully tyrannical? Not really. The individual dollar cost isn’t high. It does not reduce the ability of the people to defend themselves, against criminals or the government. But it provides a template for the future. The next time a Democratic President is in office, all he has to do is order the ATF to reclassify semi-automatic guns of a particular class as “machine guns,” and there you go. No need to involve Congress, which, after all, doesn’t want to be involved. It’ll be incremental, of course—the old Communist tactic of salami slicing. First it’ll be .50 caliber guns, then anything with more than ten rounds, etc. Each time there will be some protest, but not enough to matter, and, naturally, each action will be timed to coincide with some tragedy (that would not have been prevented by the rule change) and coordinated with a nationwide propaganda campaign run by all media, in which children are used extensively as puppets and opponents are cast as murderers (when the real murderers, in all instances, from France in 1936 to today, are those who push gun control). This future is entirely predictable. It is also probably entirely unavoidable given the current distribution of power in our country, both in terms of government and in the media, combined with the general lack of virtue and excessive emotivism and illogic of the masses. I think there’s probably a way around that, or



through that, which will unveil itself, but unfortunately, it's likely to result in a very big omelet, whether we want that or not.