FEWER GUNS, MORE GENOCIDE: EUROPE IN THE TWENTIETH CENTURY

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This Article compares the relative dangers of excessive gun ownership and of excessive gun control, based on the historical record of the twentieth century.

Part I presents homicide data for the United States and Europe during the twentieth century. First, the Article considers gun death rates from ordinary crimes—robberies, domestic violence, and so on. Based on certain assumptions that bias the figure upward, if the U.S. gun homicide rate from ordinary crime had been the same as Europe's, there might have been three-quarters of a million fewer deaths in America during the twentieth century. The figure is a data point for the dangers of insufficient gun control.

Next, Part II presents data on mass murders perpetrated by governments, such as the Hitler or Stalin regimes. In Europe in the twentieth century, states murdered about 87.1 million people. Globally, governments murdered well over 200 million people. The figure does not include combat deaths from wars. As will be detailed, the death toll of all the people killed in battle in the twentieth century is much smaller than the number of noncombatants killed by governments—such as the Jews murdered by Hitler, or the Ukranians murdered by Stalin. The mass murder by government figures are, arguably, data points for the dangers of excessive gun control.

Part III shows that totalitarian governments are the most likely to perpetrate mass murder. Part IV argues against the complacent belief that any nation, including the United States, is immune from the dangers of being taken over by a murderous government. The historical record shows that risks are very broad.

The record also shows that governments intent on mass murder prioritize victim disarmament. Such governments consider victim armament to be a serious impediment to mass murder and to the government itself, as described in Parts V and VI.

Finally, Part VII consider the efficacy of citizen arms against mass murdering governments. Citizen arms are most effective as deterrents. If a regime does initiate mass murder, rebellions seeking regime change usually fail. However, even without changing the regime, the historical record shows that armed resistance can accomplish a great deal, including the saving of many lives.

I.   EXCESS FIREARMS HOMICIDES IN THE UNITED STATES IN THE TWENTIETH CENTURY

If U.S. gun homicide rates were as low as European homicide rates in the twentieth century, how many lives might have been saved? The largest global dataset for firearms homicide was published by the Journal of the American Medical Association (*JAMA*) in 2018.[1] The relevant data are online in supplemental eTable9. In 1990, which was a very high year for firearms homicide (and for all crime) in the United States, the age-adjusted firearms homicide rate was 5.57 per 100,000 population (i.e., 557 firearms homicides per 10 million Americans).[2] The rate in Western Europe was 0.53; in Eastern Europe, it was 1.31.[3] The European average is 0.92. The difference between the European rate of 0.92 and the American rate of 5.57 is 4.65. In other words, there were about 465 more firearms murders per 10 million people in the United States than in Europe. The U.S. population in 1990 was nearly 249 million. Multiplying 24.9 (population in millions) by 465 (excess U.S. deaths) yields 11,785. This is the excess of U.S. firearms homicides in 1990 due to the higher firearms homicide rate in the United States.

Perform the same calculation for every year of the twentieth century, covering the years 1901 to 2000, and using the rate of 465 excess firearms homicides per 10 million U.S. population.[4]

Over the course of the century, the United States had 745,162 more firearms homicides than if the United States had the European rate of firearms homicides.

Assume that *every* excess American gun homicide would not have been a homicide if the United States had adopted European-style gun control. That is, assume that other lethal means would not have been substituted for firearms. Do not consider the American gun homicides that are justifiable self-defense. Do not consider data about how often nonfatal defensive uses of firearms prevent homicides or other crimes.

With the above assumptions, the failure of the United States to adopt European gun control was responsible for almost three-quarters of a million excess deaths in the United States in the twentieth century.

II.   HOMICIDES BY EUROPEAN AND OTHER GOVERNMENTS IN THE TWENTIETH CENTURY

Seven hundred and forty-five thousand is a very large number. It is, however, a much smaller number, by more than two orders of magnitude, than the number of Europeans killed by their governments in the twentieth century. International

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[1] M. Naghavi et al., *Global Mortality from Firearms, 1990-2016*, 320 JAMA 792 (2018).

[2] *Id.*

[3] *Id.*

[4] Of course, it would be ideal if the data started in 1901, rather than in 1990. By extrapolating from the 1990 U.S. vs. Europe homicide differential, this Article is biased toward a larger gap than might be found if precise year-by-year comparisons were available for the entire century, if such data were available.

For simplicity, the calculations assume a straight linear increase for U.S. population between one decennial census and the next.

homicide statistics usually only count murders by individuals or small groups. A serial killer may murder two dozen people over several years. A mass shooter may murder dozens at once. Murderers who use explosives or arson sometimes kill even more. Even in the aggregate, individuals or small groups perpetrate vastly less homicide than is perpetrated by criminal governments.

Government is a means to organize large numbers of people for collective action. Such actions can be benign or malign. When murder is the objective, a well-organized government can murder many more people than can murderously inclined individuals who lack massive resources. Murder statistics that do not count murder by government are missing most of the murders.

A comprehensive quantitative analyses of murder by government in the twentieth century was published in 1994, by the late University of Hawaii political science professor Rudolph J. Rummel. It covered the 15 most lethal regimes from 1900 to 1987.[5] Rummel had already written a trilogy covering each of the century's three deadliest regimes: Communist China, the Soviet Union, and National Socialist Germany.[6] Each of the books in the trilogy contains detailed tables and data sources. Data sources for the fourth through fifteenth deadliest regimes are provided in his book *Statistics of Democide.*[7]

The *Statistics* book also provides data sources and murder estimates for all other mass killings by other governments from 1900 to 1987, as well as Rummel's regression analysis of what factors are associated with democide. Much of Rummel's work, including the data, is available on his [University of Hawaii website, Power Kills](). Professor Rummel analyzed the causes of mass murder by government in all his books and synthesized and summarized the causes in *Power Kills: Democracy as a Method of Nonviolence* (2017) (1997).[8] His argument that public safety, prosperity, and peace thrive best under democratic governments is elaborated in *The Blue Book of Freedom: Ending Famine, Poverty, Democide, and War*.[9]

Not all of mass murders by government are "genocide" in the narrowest legal sense. At the insistence of the Soviet Union, the Convention on the Prevention and Punishment of the Crime of Genocide (1949) does not cover mass killings of economic classes, political dissenters, and so on. Rather, the Genocide Convention addresses only "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such."[10] Accordingly, Professor Rummel coined the word "democide" to denote all mass murder by government, regardless of whether the

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[5] R.J. RUMMEL, DEATH BY GOVERNMENT: GENOCIDE AND MASS MURDER SINCE 1900 (2017) (1994).
[6] R.J. RUMMEL, CHINA'S BLOODY CENTURY: GENOCIDE AND MASS MURDER SINCE 1900 (2017) (1991); R.J. RUMMEL, LETHAL POLITICS: SOVIET GENOCIDE AND MASS MURDER SINCE 1917 (1990); R.J. RUMMEL, DEMOCIDE: NAZI GENOCIDE AND MASS MURDER (1991).
[7] R.J. RUMMEL, STATISTICS OF DEMOCIDE: GENOCIDE AND MASS MURDER SINCE 1900 (1998).
[8] R.J. RUMMEL, POWER KILLS: DEMOCRACY AS A METHOD OF NONVIOLENCE (2017) (1997).
[9] R.J. RUMMEL, THE BLUE BOOK OF FREEDOM: ENDING FAMINE, POVERTY, DEMOCIDE, AND WAR (2006).
[10] Convention on the Prevention and Punishment of the Crime of Genocide art. 2 (1949).

victims were selected for ethnicity, politics, economics, or other reasons.[11] This Article uses "democide" and "mass murder" as equivalent terms.[12]

Professor Rummel does not include battle deaths in his democide total. He *does* include military killings in violation of the 1977, 1949, and prior Geneva Conventions on the laws of war. These killings include "the intentional bombing of a hospital, shooting of captured POWs, using civilians for target practice, shelling a refugee column, indiscriminate bombing of a village, and the like."[13] Civilian deaths that occur as collateral damage to attacks on legitimate military targets, such as bombing a village "beneath which have been built enemy bunkers," is not a violation of the laws of war, and is not included in Rummel's definition of democide. The same is true for bombings that are aimed at a military target, but which hit a school or hospital because of navigation errors.[14]

Capital punishment with due process is not democide per se. "All extrajudicial or summary executions comprise democide. Even judicial executions may be democide, as in the Soviet show trials of the late 1930s. Judicial executions for 'crimes' internationally considered trivial or noncapital—as of peasants picking up grain at the edge of a collective's fields, or a worker telling an antigovernment joke," are democide.[15]

For each nation, Professor Rummel describes the various sources that have estimated particular killings. He then offers his own "prudent or conservative mid-range estimate, which is based on my reading of the events involved, the nature of the different estimates, and the estimates of professionals who have long studied the country or government involved."[16] He cautions that his estimates should "be viewed as rough approximations — as suggestive of an order of magnitude." He expects that future scholars might arrive at different estimates, based on further research.[17]

Tables 1 through 3, *infra* present some of Rummel's data for democides involving particular nations. Table 1 lists the 15 deadliest regimes of the century, each of which is covered by a chapter of *Death by Government*. Table 2 covers some major European

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[11] "Democide" is narrower than "genocide," in that the former includes only killing, whereas the latter can include intentional destruction of a group by other means, such as forbidding the practice of the group's religion, rape by out-group members for the purpose of preventing reproduction within the group, deporting group members from their homeland so that they dispersed and will be less likely to marry and reproduce with each other, and so on.

[12] Rummel's definitions are as follows: "Genocide: among other things, the killing of people by a government because of their indelible group membership (race, ethnicity, religion, language). Politicide: the murder of any person or people by a government because of their politics or for political purposes. Mass Murder: the indiscriminate killing of any person or people by a government. Democide: The murder of any person or people by a government, including genocide, politicide, and mass murder." Rummel, Death by Government, *supra*, at 31. This Article, however, uses "mass killing" or "mass murder" as equivalents for Rummel's neologism, "democide."

[13] RUMMEL, POWER KILLS, *supra*, at 98.

[14] RUMMEL, DEATH BY GOVERNMENT, *supra*, at 37-38.

[15] RUMMEL, DEATH BY GOVERNMENT, *supra*, at 41.

[16] RUMMEL, DEATH BY GOVERNMENT, *supra*, at xix.

[17] *Id.* at xvii.

democides that were not large enough to be listed in the global top-15. Table 3 lists some other 1900-87 democides on other continents.

The data cover only 1900-87. "This means that post-1987 democides by Iraq, Iran, Burundi, Serbian and Bosnian Serbs, Bosnia, Croatia, Sudan, Somalia, the Khmer Rouge guerrillas, Armenia, Azerbaijan, and others have not been included."[18] Likewise not covered is the 1994 Rwandan democide. Of course, twenty-first-century genocides are not covered.[19]

TABLE 1
Mega-Murders—Over 1 Million Victims

Regime	Years	Democide (000,000s)	Summary
Dekamurders (over 10 million victims)			
People's Public of China	1949-87	87.6	Mao et al. communist regime. Does not include 3.5 million murders by Chinese communists during the 1927-49 civil war.
Union of Soviet Socialist Republics	1917-87	61.9	Communist regime. Includes 54.8 million within the Soviet Union, plus 6.9 million in areas conquered by the USSR. Josef Stalin's rule (1929-53) accounts for 43 million. On an annualized basis, the pre-Stalin regime founded by Lenin was more murderous than the post-Stalin one.
Germany	1933-45	20.9	National Socialist German Workers (a/k/a Nazi) Party. Includes Hitler regime's murders throughout occupied Europe. Does not include WWII battle deaths.
China	1928-49	10.1	Kuomintang party.
Megamurders (over 1 million victims)			
Japan	1936-45	6.0	Military dictatorship. Principally, war crimes perpetrated by the Japanese army against civilians in occupied nations, such as China or the Philippines.
China	1923-49	3.5	Communist revolutionary army before victory in 1949.
Cambodia	1975-79	1.5	Khmer Rouge communist regime.

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[18] RUMMEL, DEATH BY GOVERNMENT, *supra*, at xxi.
[19] For current nations experiencing or at high risk of genocide, see the Genocide Watch website.

			Per capita, the largest democide against a domestic population. Includes murders of ethnic minorities, intellectuals, and dissidents, plus deaths from slave labor.
Turkey	1909-18	1.9	Young Turks regime. Military dictatorship killings of Armenians and other Christians.
Vietnam	1945-87	1.7	Communist regime. Includes 1.1 million in Vietnam and 0.6 million in Laos and Cambodia. Does not include battle deaths.
Poland	1945-48	1.6	Communist regime, post-WWII. Ethnic cleansing of German population, including in former German areas given to Poland after the war. Deaths mainly from subhuman conditions of deportation.
Pakistan	1970-71	1.5	Islamist military dictatorship. A 267-day military attack by West Pakistan on East Pakistan (which is now the independent nation of Bangladesh). The attacks were ended by Indian military intervention. The figure does not include battle deaths.
Yugoslavia	1944-63	1.1	Josip Broz Tito communist dictatorship. Mass killings of ethnic groups and non-communists in 1944-46, plus deaths in slave labor camps through 1963.

Suspected megamurders (data are less certain, so estimates are rougher)

North Korea	1948-87	1.7	Sung family's communist absolute monarchy. Includes killings of prisoners of war and civilian South Koreans during the Korean War (1950-53).
Mexico	1900-20	1.4	Porfiro Díaz authoritarian regime till 1911; revolutionary regimes and warlords thereafter. Deaths of Indians and peons on slave labor haciendas, plus massacres of civilians and conscription into slave labor by various forces in the civil wars of 1911-20.
Russia	1900-17	1.1	Czarist regime. Includes about 0.5 million from Russian Empire Armenian irregulars slaughtering Kurds in Turkey in WWI, in

| | | | reprisal for genocide of Armenians in Turkey. Most of the rest from deaths of prisoners of war in WWI. Some from Jewish pogroms. |
| Total: | | 203.5 million | |

TABLE 2
Next-Largest European Domestic Mass Murders

Regime	Years	Democide (0s)	Summary
Albania	1944-87	100,000	Communist. Ultra-totalitarian regime of Enver Hoxha.
Balkan Christians	1912-13	10,000	Targeted by various governments.
Bulgaria	1944-87	222,000	Communist.
Czechoslovakia	1945-48	197,000	Coalition government including democrats and communists. Primarily reprisals and ethnic cleansing of German-speaking population.
East Germany	1945-87	70,000	Communist.
Hungary	1919-44	138,000	Authoritarian. Includes 79,000 in Yugoslavia in areas temporarily annexed by Hungary in WWII.
Rumania	1941-87	919,000	Fascist then communist after 1944.
Spain	1936-75	452,000	Fascist Francisco Franco dictatorship. Mutual democide of 202,000 by Fascists and Republicans during Civil War. 250,000 by Franco thereafter.
Total:		2,108,000	

TABLE 3
Selected Centi-Kilomurders (over 100,000)

Regime	Years	Democide	Summary
Afghanistan	1978-87	483,000	Does not include battle deaths. Includes democides by pre-1979 regime, by the regime installed in 1979 by Soviet coup, by Soviet Union, and by other forces.

Angola	1975-87	125,000	By communist regime following independence from Portugal.
Burundi	1964-87	175,000	Tutsis vs. Hutus.
China	1917-49	910,000	Warlords.
			Independent warlord regimes not under the control of the Republic of China or of the communist revolutionaries.[20]
Ethiopia	1941-74	148,000	Haile Selassie monarchy.
Ethiopia	1974-87	725,000	Communist.
Guatemala	1956-87	122,000	Military.
Indonesia	1965-66	509,000	Killings of communists by the military, the select militia, and others following a failed communist coup attempt.
Indonesia	1965-87	729,000	Against East Timor secessionists.
Iraq	1968-87	187,000	Ba'ath party.
Mongolia	1916-87	100,000	Communist.
Mozambique	1975-87	323,000	198,000 by communist regime after 1975 independence from Portugal. Remainder by opposition RENAMO forces (Resistência Nacional Moçambicana).
Nigeria	1967-70	777,000	By government and Biafran forces during Biafra's failed war of independence.
Sudan	1956-87	627,000	Islamist military dictatorship. Against various ethnic or racial minorities.
Turkey	1919-23	878,000	Atatürk regime. Post-WWI attacks on Armenians and other minorities.
Uganda	1971-79	300,000	Idi Amin military regime. Mainly against minority tribes and Ugandans of Asian descent.
Uganda	1979-87	255,000	Post-Amin regimes.
Total:		7,373,000	

Sources: Except as noted below, the figures in the above tables are from R.J. Rummel, Death by Government: Genocide and Mass Murder Since 1900 (2017) (1994) and R.J. Rummel, Statistics of Democide: Genocide and Mass Murder Since 1900 (1998). The data are also on Professor Rummel's University of Hawaii website, Power Kills, which in some cases adjusts the estimates slightly.

The figures differ from Rummel for two nations. For Cambodia, Rummel estimated 2 million deaths. Later research suggests 1.5 million. *See* BEN KIERNAN, THE POL POT REGIME: RACE, POWER, AND GENOCIDE IN CAMBODIA UNDER THE KHMER ROUGE, 1975-79, at 456-65 (3d ed. 2008). The Communist China total is detailed in Kopel, ____.s

[20] Estimate from Rummel, *Power Kills*; higher than the estimate in his earlier book *China's Bloody Century*.

The figure of 87.1 million Europeans mass-murdered by government in the twentieth century is follows: All the Turkish democide is omitted from the European total. Although a small part of Turkey is in Europe, and some of the Turkish genocide was perpetrated there, including against the Greek population, most of the Turkish mass murder was perpetrated against Armenians and other Christians in Asian Turkey.

The communist regime in the Union of Soviet Socialist Republics murdered about 5.6 million Eastern Europeans. The rest of its mass murders were within the USSR. As of 1940, the population of the Soviet Union was 194 million. Of that total, about 25.2 million lived in "republics" in Asia (Uzbek, Kazakh, Georgian, Azerbaijan, Georgian, Kirghiz, Tadzhik, Armenian, and Turkmen Soviet Socialist Republics). The Russian Soviet Federated Socialist Republic was by far the largest in area and population (110 million as of 1940), and spanned Europe and Asia. Based on the common figure that about three-quarters of the Russian SFSR population is in Europe, about 27.5 million of the Russian SFSR population was Asian. So of the USSR's 194 million population, about 52.7 million was Asian. Therefore, about 73 percent of the USSR population was European. Accordingly, of the 56.3 million Soviet murders within the USSR, 73 percent are assigned to Europe. The Soviet European democide is thus 41.1 million internally plus 5.6 million in Eastern Europe. Of the Russian Czarist regime's 1.1 murders in 1900-17, half a million were in Asian Turkey with the remainder in Europe.

The total European democide is: USSR 61.9 million + Russian Czars .6 million + Nazis 20.9 million + Poland post-WWII ethnic cleansing 1.6 million + other lesser European democides (Table 2) 2.1 million = 87.1 million. The figure does not include the mass murder of about 8,000 Bosnians by the Serbian government in the early 1990s.

The European twentieth-century democide of 87.1 million is over a hundred times larger than the highest possible estimate of American twentieth-century excess gun homicides of 745,000. At the least, the data indicate that over the long run, one's risk of being murdered is much lower in the United States than in Europe. It is not surprising that migration between the two has always been very heavily in one direction!
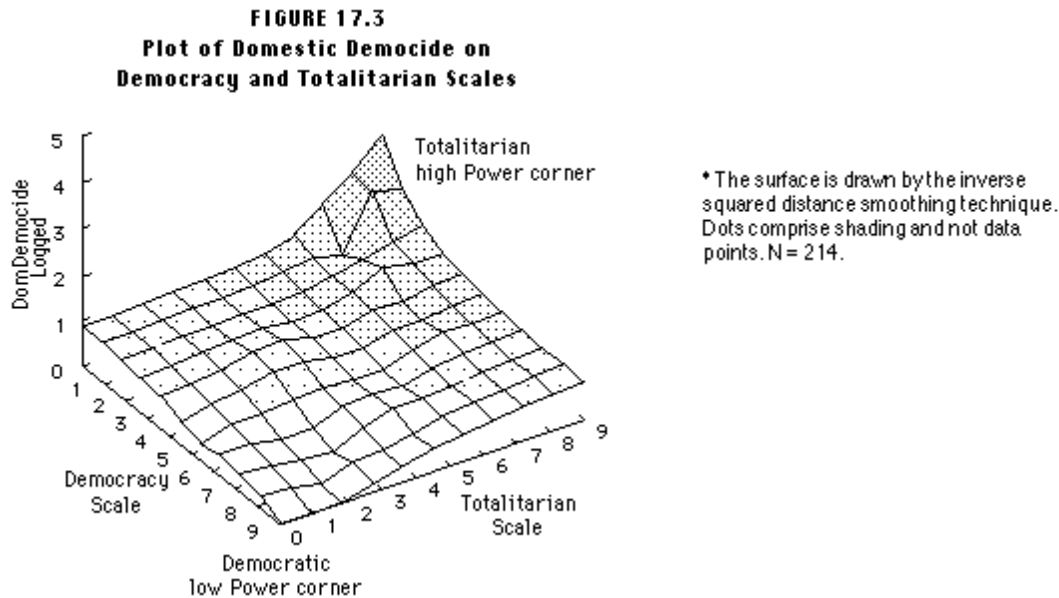
I am alive to write this essay because my Jewish German and Lithuanian ancestors migrated to the United States in the nineteenth century. By moving to the United States, they increased their risk of being shot by an individual criminal and drastically reduced their risk of being murdered by criminal governments. The risks did, in fact, materialize in Germany under the Nazis and the communists, and in Lithuania under the Czars, the Nazis, and the communists. Because governments are so much more effective at killing than are individual criminals (even the aggregate of all individual criminals), the United States was much safer than Europe in the twentieth century.

As noted above, the democide figures do not include battle deaths. The toll of battle deaths worldwide from 1900 to 1987 was about 35.6 million. As Rummel shows, democracies almost never start wars with each other. Conversely, the less democratic

a regime, the greater the foreign violence, although individual exceptions can be found.[21] The same conditions that gravely increase the risk of mass murder of civilians—namely, nondemocratic regimes—also gravely increase the risk of wars and ensueing combat deaths.

III. THE RELATIONSHIP BETWEEN FREEDOM AND DEMOCIDE

The best means to reduce the risk of democide is not to have a totalitarian government. And, especially, not to have a communist government. As the data above indicate, communist regimes are responsible for the very large majority of democide in the twentieth century. The record of communism is detailed in *The Black Book of Communism*.[22] As the next chart, by Rummel, illustrates, mass murder by government is concentrated in the least democratic, most totalitarian nations.

FIGURE 17.3
Plot of Domestic Democide on
Democracy and Totalitarian Scales

* The surface is drawn by the inverse squared distance smoothing technique. Dots comprise shading and not data points. N = 214.

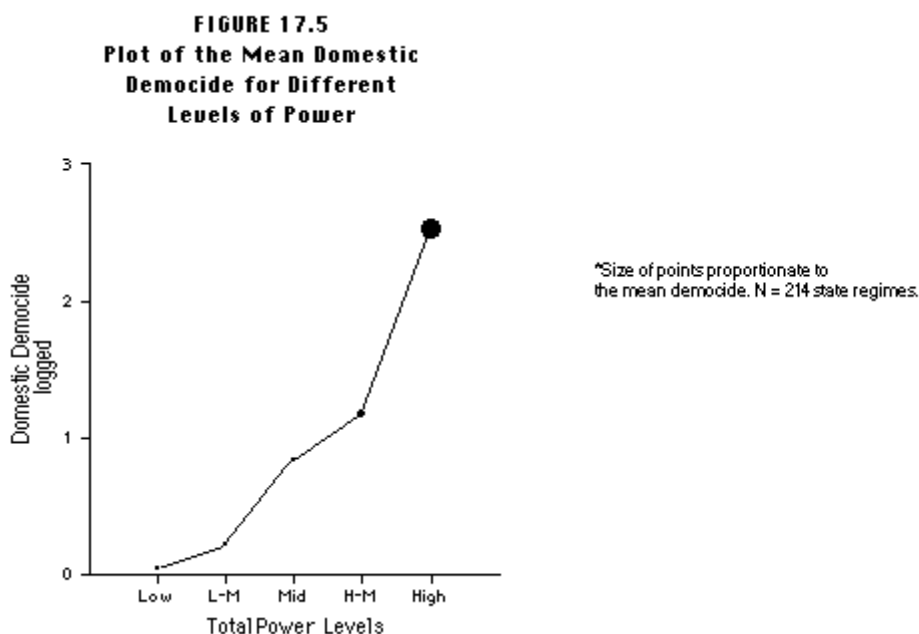Source: Rummel, Statistics of Democide, at 379 fig. 17.3.

As Rummel's data show, the less free the government, the more likely it is to perpetrate domestic democide. Totalitarian regimes perpetrate by far the most democide, authoritarian regimes less so, and democratic ones least of all.[23] The very strong relationship between total regime power and domestic democide is not changed by other variables such as diversity, culture, or society.[24]

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[21] RUMMEL, POWER KILLS, *supra*, at 59-80.
[22] STÉPHANE COURTOIS, NICOLAS WERTH, JEAN-LOUIS PANNÉ ET AL., THE BLACK BOOK OF COMMUNISM: CRIMES, TERROR, REPRESSION (Jonathan Murphy & Mark Kramer trans., Harv. Univ. Pr. 1999) (France, 1991) (examination of communism in many nations, which special attention to the Soviet Union, which was the foundation and model of other communist states)
[23] RUMMEL, POWER KILLS, *supra*, at 91-98.
[24] RUMMEL, STATISTICS OF DEMOCIDE, at 419.

FIGURE 17.5
Plot of the Mean Domestic
Democide for Different
Levels of Power

*Size of points proportionate to
the mean democide. N = 214 state regimes.

Source: Rummel, Statistics of Democide, at 381 fig. 17.5.

No democratic government has committed democide against an enfranchised population.[25] As long as true elections are allowed, governments do not mass murder voters.

The democide total in Table 1 indicated about 203.5 million democides from the 15 regimes that killed over a million each. The other democides listed in Tables 2 and 3 bring the global total to around 213 million. This compares to a total of 36.5 million battle deaths in the entire world for the entire period. According to a poster that debuted in 1966, "War is not healthy for children and other living things." This is certainly true. According to the data presented here, murderous governments are six times deadlier than war, making them very dangerous indeed. The data further indicate that just about the only means of avoiding the risk of high-volume murder by government is to live in a democracy.

IV. IT CAN'T HAPPEN HERE

If it is expected that a particular government will always be free, then there would be no need in the particular nation for citizen arms to deter or resist democide within that nation. Free governments could enact any sort of gun control without worrying that citizens might need guns to resist a future government that was trying to kill them *en masse*.

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[25] Rudolph J. Rummel, *Democracy, Power, Genocide and Mass Murder*, 39 J. CONFLICT RESOL. 3 (1995).

But what if one's predictions about the future are wrong? What if the good government that one hoped would endure forever is taken over by totalitarians? This is what happened in Germany.[26]

In 1928, the democratic government of the Weimar Republic was concerned about political street violence, perpetrated mainly by Nazi[27] and communist gangs. The democratic legislature passed a law requiring a license to acquire a firearm or ammunition. Further legislation authorized the states to impose retroactive registration of all firearms.

At the time, some persons in the Weimar government had worried about the dangers of registration lists falling into the hands of extremists. For example, if Nazis or communists obtained the registration list for a town, they would know which homes to burglarize to steal guns. Both groups had an established record of criminal violence, including by armed gangs using illegally obtained guns.

In January 1933, after winning a plurality in a free election, Adolf Hitler was lawfully appointed Chancellor of Germany. Not only the registration lists, but the government itself fell into the hands of extremists. Almost immediately upon seizing power, the Nazis began using the registration lists to seize guns, knives, and other arms from members of other political parties, especially the Social Democrats, and from Jews.[28]

The Nazi policy over the next five years was "forcing into line"—bringing all elements of civil society under party control. For example, independent gun or shooting sports clubs were outlawed. Instead, clubs were to be registered with the state and ruled by a Nazi political officer. Many clubs disbanded instead.

The Weimar gun control laws worked well for the Nazis, and so they were not revised until March 1938. Although the 1938 law was presented as a liberalization, in practice it further narrowed lawful ownership to only the Nazis and their politically reliable supporters. In October 1938, arms registration lists were used to complete the disarmament of the Jews, including even knives. Shortly thereafter, on November 9-10, 1938, the Nazis unleashed *Kristallnacht*—government-orchestrated mob violence against the Jews.[29]

Something similar happened in France. Founded in 1871, the French Third Republic was the glory of Western civilization. In 1936, Prime Minister Pierre Laval led enactment of a gun registration law, which exempted some sporting long guns. In May-June 1940, France was conquered by Nazi Germany, and the French gun registration lists fell into Nazi hands. Laval, meanwhile, had turned a traitor, and

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[26] STEPHEN P. HALBROOK, GUN CONTROL IN THE THIRD REICH: DISARMING THE JEWS AND "ENEMIES OF THE STATE" (2014).

[27] "Nazi" was a shorthand for the party's formal name, *Nationalsozialistische Deutsche Arbeiterpartei (NSDAP)*—National Socialist German Workers Party.

[28] *See, e.g.*, *Permission to Possess Arms Withdrawn from Breslau Jews*, N.Y. Times, Apr. 23, 1933, at E1.

[29] *Kristallnacht* is literally translated as "crystal night," but often referred to as the "night of broken glass." The attacks were led by the Nazi Party's paramilitary force, the SA (*Sturmabteilung*, lit. "Storm detachment"; often called "brownshirts"). Many civilians participated.

maneuvered himself into becoming the second in command of Vichy—a fascist rump state in southeastern France.[30]

A prudent constitutional order aims to reduce the risk of tyranny. Tyranny prevention mechanisms include regular elections, military subordination to civilian government, restraints on executive power, free press, an independent judiciary, and guarantees of personal freedoms. Such constitutional protections are often effective.

But not always. Europe is the birthplace of democracy in a formal sense, in the city-states of ancient Greece. Yet in the twentieth century, almost all European nations were conquered by Germany, the USSR/Russia, or both, or were ruled for some time point by local dictatorships friendly with Hitler, Stalin, or the Czars. On the European continent, Sweden and Switzerland are the only exceptions.[31]

The list of nations to have both (1) maintained independence for the entire time since 1900 and (2) maintained free government during that time is short. There are no such nations in Asia, Africa, South America, or Central America. The full list is: Australia, Canada, Iceland, Sweden, Switzerland, New Zealand, the United Kingdom, and the United States—that is, 8 nations out of the 196 nations in the world.[32]

Over a century, the odds are low that a nation will enjoy independent and free government for the entire time. Considering free government during the time after a particular nation became independent in the twentieth century, there are several

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[30] *See* STEPHEN P. HALBROOK, GUN CONTROL IN NAZI OCCUPIED-FRANCE: TYRANNY AND RESISTANCE (2018); *cf.* WILLIAM SHIRER, THE COLLAPSE OF THE THIRD REPUBLIC: AN INQUIRY INTO THE FALL OF FRANCE IN 1940 (1969) (tracing the collapse to the moral exhaustion of the French people, and to the torpor and incompetence of successive French governments).

[31] As a neutral in World War II, Sweden freely traded with the Axis, providing the essential iron ore for the Axis war machine. There was no Axis military benefit from invading Sweden. Unlike Norway, Sweden has no Atlantic ports from which Nazi submarines could harass British shipping.

Switzerland also conducted business, primarily banking, with both the Axis and Allies. One reason Germany did not invade this relatively small nation was Switzerland's militia system. With a gun in nearly every home on Switzerland's difficult terrain, the cost to the German military of taking and holding the country would have been excessive.

Finland was part of Czarist Russia until Czar Nicholas II was overthrown in 1917. Thereafter, Finland has maintained its sovereignty and freedom. In 1939-40, the Finns beat back an attempted conquest by Stalin's Red Army, although Finland eventually did have to cede substantial territory to the Soviet Union. *See generally* VESA NENYE, PETER MUNTER & TONI WIRTANEN, FINLAND AT WAR: THE WINTER WAR 1939-40 (2018).

Two European microstates maintained self-government throughout the twentieth century. Liechtenstein is a tiny principality between Austria and Switzerland; it was left alone by the Nazis and the Soviets. The Holy See (a/k/a Vatican City) comprises a few blocks within Rome. Pursuant to the 1929 Lateran Pacts between the Holy See and Mussolini's Fascist Italy, the Italian government recognized the political independence of Vatican City. During World II, Mussolini attempted to coerce the Vatican but did not invade Vatican City. Meanwhile, Pope Pius XXIII used his independence to organize an anti-Nazi network of priests in Germany, to transmit German military secrets to the Allies, and to support plots to assassinate Hitler. *See* MARK RIEBLING, CHURCH OF SPIES: THE POPE'S SECRET WAR AGAINST HITLER (2015).

[32] Counting Taiwan, which has been independent of China since 1948, but over which China continues to make claims. Also counting Palestine, which the United Nations treats at a non-member observer state.

additional nations that have maintained free post-colonial government. The largest is Israel, which won independence in 1948. There are also some islands in the Caribbean and the Pacific that have had free governments throughout their independence.

The majority of the nations that have maintained independence and freedom are part of the Anglosphere. The last proto-totalitarian ruler of England was King James II, who was deposed in the Glorious Revolution of 1688. H. Within the United Kingdom today, there are worrisome signs. One of the two major political parties was recently led by Jeremy Corbyn, a long-time supporter of Soviet totalitarianism and of Hamas and other similar entities devoted to exterminating Jews. A polity that is well vaccinated against supporters of mass murder would never elevate such a person to major party leadership.

Only a foolish version of American exceptionalism would imagine that the United States has been granted some sort of permanent immunity from the dangers of totalitarianism. "It can't happen here," people have often told themselves. Yet it did happen almost everywhere in Europe, including in democratic, economically advanced, and socially progressive nations such as Germany. The American Founders were acutely concerned about the dangers of American tyranny, and the Constitution was their best effort to prevent it. It has worked fairly well so far, but constitutions have force only so long as they are cherished in the hearts and minds of the people.

Today in America, as in the 1930s, many persons are openly hostile to the Constitution. Political fights concentrate on a President who will rule by decree. Although there are no Hitlerist professors in American higher education, there are many Marxists. As applied, the difference between Hitlerism and Marxism is slight—other than the higher murder count of the latter.[33]

As detailed by the Canary Mission, Jew-hating student leaders are common on American college campuses. Like their national socialist German ancestors of the 1920s, they use violence and intimidation to suppress speech in favor of Jews or by Jews.

Today, millions of Americans believe that the current President is like Adolf Hitler. Some Americans said the same about previous Presidents. Even if one dismisses such rhetoric as fervid partisanship, there are worrisome trends that began well before January 2017 and have grown worse since then: disrespect for the rule of law; hostility to constitutional restraints on power; congressional abdication of responsibility to govern, ceding decisions to a hyperexecutive; growing hostility toward freedom of speech and religion; growing tolerance for political riots and violence against people based on political opinions; acceptance of anti-Semites and other haters as legitimate political actors and their election to high offices. *E pluribus unum* is giving way to division between warring social and cultural tribes. Such ills can be found in many contemporary democracies.

Persons of any political persuasion can easily point to political opponents who embrace malignity, hatred, and authoritarianism. The fingerpointing is accurate. The

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[33] *Cf.* Arthur M. Schlesinger, Jr., The Vital Center (1948) (observing that the communist far left and the fascist far right are the same in practice).

problem is not just one side of the political spectrum; civil society as whole is deteriorating.[34] The people of Rome had an outstanding republic that had endured for centuries, and then they lost it.[35]

While historians may always debate about why the Roman Republic fell, the historical fact is that it was established in 509 B.C. and breathed its last gasp in 27 B.C., after a long period of decline. The fall of a republic hundreds of years old, holding immense territory and global power, should caution Americans who fantasize that a republic established in 1776 is guaranteed perpetual existence.

No one knows the future of the United States. Over past decades, the party in power has alternated, but the overall trend has been centralization of executive power. Where today's hyperpartisan centralization will lead in a decade or a half-century is unknown. Perhaps the constitutional order will prevent the worst from happening. Perhaps not. Germany in 1900 was a progressive democracy and one of the most tolerant places in the world for Jews; in any country, things can change a lot in a few decades.

V. ARMS MONOPOLIES PROMOTE KILLING WITH ARMS, AND KILLING BY OTHER MEANS

Democide is not always directly perpetrated with firearms. It is possible to commit mass murder with machetes, as in the Hutu genocide of 800,000 Tutsis in Rwanda in 1994. It is likewise possible to perpetrate mass murder with advanced technology, as in the gas chambers of the Nazi extermination camps. Or a government can kill millions by deliberately causing a famine, as Stalin did in Ukraine in the 1930s.[36]

Even so, the direct toll of government mass murder by firearms is enormous. For example, Nazi genocide of Jews and Gypsies (Roma) was initially carried out by mass shootings. As soon as the Nazi invasion of the Soviet Union began on June 22, 1941, special SS units called *Einsatzgruppen* were deployed for mass killings.[37] All the Jews or Gypsies in a town would be assembled and marched out of town. Then they would all be shot at once.[38] Within a year, the three thousand *Einsatzgruppen*, aided by several thousand helpers from the German police and military, had murdered

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[34] *See, e.g.*, JONAH GOLDBERG, THE SUICIDE OF THE WEST: HOW THE REBIRTH OF TRIBALISM, POPULISM, NATIONALISM, AND IDENTITY POLITICS IS DESTROYING AMERICAN DEMOCRACY (2018).

[35] EDWARD J. WATTS, MORTAL REPUBLIC: HOW ROME FELL INTO TYRANNY (2018) (centralization, inequality, venal politicians, public's neglect in protecting republican institutions); MIKE DUNCAN, THE STORM BEFORE THE STORM: THE BEGINNING OF THE END OF THE ROMAN REPUBLIC (2018) (covering 146 B.C. to 78 B.C.; breakdown of the "unwritten rules, traditions, and mutual expectations collectively known as *mos maiorum*, which means 'the way of the elders'").

[36] See ROBERT CONQUEST, THE HARVEST OF SORROW: SOVIET COLLECTIVIZATION AND THE TERROR-FAMINE (1986).

[37] *SS* was short for *Schutzstaffel* (Protection Squadron). The SS included élite military units, but it was better known as Hitler's secret police, displacing the SA from its previous spot as key enforcer of Hitlerism. *Einsatzgruppen* means "task force."

[38] YEHUDA BAUER, JEWISH RESISTANCE IN THE UKRAINE AND BELARUS DURING THE HOLOCAUST, IN JEWISH RESISTANCE AGAINST THE NAZIS 485-93 (Patrick Henry ed. 2014).

roughly one million people, concentrating on small towns in formerly Soviet territory.[39]

Because of the psychological damage to the members of the *Einsatzgruppen*, the Nazis attempted to replace mass shootings with mobile gas vans.[40] But herding people into the gas vans required even closer contact with the victims than did mass shooting. So the Nazis invented extermination camps with huge gas chambers, which were more efficient at mass killing, and which created a larger physical (and, consequently, psychological) distance between the murderers and their victims.

Possession of arms by victims is a serious nuisance to totalitarian police, such as the Nazi SS or the Soviet NKVD and KGB. If frontline forces of totalitarianism can get shot for doing their jobs, the result is not necessarily the overthrow of the totalitarian regime. But necessarily, the possibility of being shot encourages caution and circumspection. When the political police do not have an arms monopoly, their efficiency is reduced. The more secret police who end up dead or wounded, the harder it is to recruit replacements. It is harder to round up people for shipment to slave labor camps or gas chambers if the intended deportees will shoot some of the secret police who are coming to take them to the train station.

Aleksandr Solzhenitsyn, the Russian author of the most influential exposé of the communist slave labor camps under Lenin and Stalin, recalled his and his fellow prisoners' feelings:

> And how we burned in the camps later, thinking: What would things have been like if every Security operative, when he went out at night to make an arrest, had been uncertain whether he would return alive and had to say good-bye to his family? Or if, during periods of mass arrests, as for example in Leningrad, when they arrested a quarter of the entire city, people had not simply sat there in their lairs, paling with terror at every bang of the downstairs door and at every step on the staircase, but had understood they had nothing left to lose and had boldly set up in the downstairs hall an ambush of half a dozen people with axes, hammers, pokers, or whatever else was at hand? ... The Organs [of the state] would very quickly have suffered a shortage of officers and transport and, notwithstanding all of Stalin's thirst, the cursed machine would have ground to a halt! If ... if ... We didn't love freedom enough. And even more—we had no awareness of the real situation.... We purely and simply deserved everything that happened afterward.[41]

It is no surprise that people in extermination camps, slave labor camps, and other persecution camps are not allowed to be armed. During the Holocaust, the Sobibor

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[39] HILLARY EARL, THE NUREMBERG SS-EINSATZGRUPPEN TRIAL, 1945-1958, at 4-8 (2009); REUBEN AINSZTEIN, JEWISH RESISTANCE IN NAZI-OCCUPIED EASTERN EUROPE 222-25 (1974)

[40] EARL, *supra*, at 7.

[41] 1-2 ALEKSANDR I. SOLZHENITSYN, THE GULAG ARCHIPELAGO 1918-1956: AN EXPERIMENT IN LITERARY INVESTIGATION 13 n.5 (Thomas P. Whitney trans. 1973) (brackets added, ellipses in original).

and Treblinka extermination camps were permanently shut down by prisoner revolts, when the prisoners managed to steal some weapons from the guards, and then use those weapons to take some more. Few prisoners survived the revolts, but they were all going to die anyway; their heroism saved many by putting the death camps out of business permanently.[42]

Statistically speaking, mass shootings occur predominantly in gun-free zones—that is, places where the population has been disarmed. Hitler's *Einsatzgruppen* shot a million, and Mao's 1949-51 Great Terror shot 1.5 to 2 million more. Even one of these examples shows that mass shootings by government far outnumber mass shootings by individuals. Successful societies suppress shootings by individual psychopaths and prevent psychopaths from obtaining government power. As the history of the twentieth century indicates, this is easier said than done.

Whatever the means, murder is most frequent when governments have arms and victims do not. Guns are frequently used to coerce the conditions for mass murder by other means. For example, after the Khmer Rouge communist regime took over Cambodia in 1975, the cities were depopulated as Cambodians were marched at gunpoint to rural slave labor camps. There, they were forced to work at gunpoint. Many Cambodians were shot, but many more were worked to death in the camps or died of starvation. Armed guards patrolled in search of Cambodians who were trying to flee, such as by escaping to Thailand.[43]

Similarly, in the Ukrainian famine created by Stalin, the people being starved to death had to be stopped from fleeing to areas where food was available. "Under the direction of the OGPU, *militsiia* [Stalin's select militia] were deployed to liquidate kulaks [peasants who owned land] and quell opposition from other rebellious peasants during the collectivization of agriculture. And when the collectivization drive led to a mass exodus out of the countryside, the *militsiia* were assigned responsibility for enforcing a rigid internal passport and registration system to deprive the peasantry of geographical mobility."[44] The same occurred in communist China.

VI. THE PERPETRATORS' VIEWPOINTS IN TYRANNY AND MASS MURDER

Most people have never plotted to become a national tyrant, and so they have not evaluated strategy from a dictator's perspective. But consider persons who have. In 1923, Adolf Hitler attempted to lead a coup to take over the German state of Bavaria and from there, the entire nation. The coup failed and Hitler and his co-conspirators were put on trial. Thanks to widespread public support, they received light sentences.

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[42] DAVID B. KOPEL, THE MORALITY OF SELF-DEFENSE AND MILITARY ACTION: THE JUDEO-CHRISTIAN PERSPECTIVE 108-11 (2017).

[43] RUMMEL, POWER KILLS, *supra*, at 195-96, 201.

[44] ELIZABETH J. PERRY, PATROLLING THE REVOLUTION: WORKER MILITIAS, CITIZENSHIP, AND THE MODERN CHINESE STATE 323 (2007). The OGPU were the communist secret police. Formally, Joint State Political Directorate under the Council of People's Commissars of the USSR (Объединённое государственное политическое управление при СНК СССР). Later reincorporated as the NKVD (People's Commissariat for Internal Affairs) and still later the KGB (Committee for State Security).

Hitler's closing speech to the trial court explained that he was born to be a dictator, and, no matter what, he would never stop trying: "My opinion is that a bird sings because it is a bird.... The man who is born to be a dictator is not compelled, but wills; he is not driven forward but drives himself…. The man who feels compelled to govern a people has no right to wait until they summon him. It is his duty to step forward."[45]

While serving several months in prison in 1924, Hitler wrote a book of political theory, *Mein Kampf* (My Struggle), which frankly set forth his ideas and plans, including totalitarian rule and elimination of the Jews. Having learned from his 1923 failure, Hitler no longer attempted to destroy German democracy by force; instead, he decided to destroy democracy from within, by participating in the political process. In less than a decade, he succeeded. Notwithstanding criticism of him by Germany's free press, he won a plurality in the 1933 election, and was appointed Chancellor, under the mistaken belief that other people in the government could control him. By 1942, his empire stretched from France's Atlantic Coast to deep inside Russia.

In creating what he called "the New Order" in his empire, Hitler explained the necessity of disarmament:

> The most foolish mistake we could possibly make would be to allow the subjugated races to possess arms. History shows that all conquerors who have allowed their subjugated races to carry arms have prepared their own downfall by so doing. Indeed, I would go so far as to say that the supply of arms to the underdogs is a sine qua non for the overthrow of any sovereignty. So let's not have any native militia or native police.[46]

Tyrants past and present are diverse, found on every continent, and comprising all races and many different ethnic groups. Their ideology might be communist, fascist, extremist religious, or absolute monarchist. Or they might have no ideology at all. Despite the diversity, mass murderers and other tyrants are united by many common practices, all of which were implemented by Hitler, Lenin, Stalin, Mao, the Pol Pot and many other democidal regimes. They do not allow freedom of the press. They attempt to bring religion under state control. Courts are not independent. And these governments attempt to acquire a monopoly of force. This was true, for example, in Darfur, Sudan, in the twenty-first century; in Indonesia's ethnic cleansing of East Timor in the 1970s; in Srebenica, Bosnia, in the 1990s; in Kenya and Uganda from the 1960s onward; in Ethiopia against the Anuak in the twenty-first century; and on the Pacific Island of Bougainville. Disarmament was also the condition precedent for the mass murders of Jews by Nazis, of Armenians by Turks, and of Chinese by Mao.

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[45] JOHN DORNBERG, MUNICH 1923: THE STORY OF HITLER'S FIRST GRAB FOR POWER 336 (1982).

[46] HITLER'S TABLE TALK, 1941-1944 (H.R. Trevor-Roper ed., Gerhard L. Weinberg transl., 2d ed. 2007) 321 (statement from between February and September 1942). Hitler's concern about native police was well founded. Because Denmark surrendered almost immediately when Germany attacked it, the nation was not put under direct military rule. Instead, it was, for a while, treated as a friendly "protectorate" of Nazi Germany. Accordingly, the Danish police remained intact. The armed Danish police were essential in the night-time boat lift of Denmark's Jews in September 1943, to prevent the Germans from seizing them and sending them to camps. KOPEL, MORALITY, *supra*, at 400-04.

As Ronald Reagan observed, "When dictators come to power, the first thing they do is take away the people's weapons. It makes it so much easier for the secret police to operate, it makes it so much easier to force the will of the ruler upon the ruled."[47] Thus, "[t]he gun has been called the great equalizer, meaning that a small person with a gun is equal to a large person, but it is a great equalizer in another way, too. It insures that the people are the equal of their government whenever that government forgets that it is servant and not master of the governed."[48] Search the history of world from ancient times to the present, and one will not find tyrants who deviated from the principle that the state must be stronger than the people.

A government that wants to be stronger than the people does not necessarily have to prohibit all arms possession by its subjects. Hitler, Mussolini, and the Soviets allowed the politically correct to possess sporting arms. A government may even encourage armament by an allied group that is carrying out the government's wishes. For example, the Bashir dictatorship in Sudan ignored its own very severe gun control laws, and fostered armament of the Arab *Janjaweed*, who were carrying out the government's plan to mass murder the African Dafari people in western Sudan.[49] Mao tried a similar policy during the Cultural Revolution in 1967-68, distributing arms to his supporters on the far left in an effort to topple less-extremist communist leaders.

Throughout human history, totalitarians have always disarmed their subjects. This indicates that they considered widespread citizen armament to be a serious danger to their regimes. Tyrants are evil but not stupid. A population that is well armed is much harder to tyrannize and to kill *en masse*. Often, tyranny and arms confiscation are imposed as soon as a regime seizes power—such as Mao in China in 1949, Castro in Cuba in 1959, or the Khmer Rouge in Cambodia in 1975.[50]

In other nations, circumstances may require aspiring tyrants to move more gradually in disarming the population and achieving absolute power. Venezuela under Chávez and Maduro, and seventeenth-century Great Britain under Charles II and James II are examples. The pattern is long-standing, observed by Aristotle and Plato.[51]

Although tyranny requires disarmament, disarmament does *not* always lead to tyranny. There are many countries, such as today's Luxembourg and the Netherlands, where the population has been completely or almost completely disarmed, and which are not tyrannies. In the short to medium run, a disarmed nation can remain free. Whether that is so in the long run is more questionable, according to the twentieth century's political history. A person who removes the seat

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[47] Ronald Reagan, *The Gun Owners' Champion*, GUNS & AMMO, Sept. 1975.

[48] *Id.*

[49] *See* David B. Kopel, Paul Gallant & Joanne D. Eisen, *Is Resisting Genocide a Human Right?*, 81 NOTRE DAME L. REV. 1275 (2006).

[50] For China, see Section D.3.c. For Cuba, see Miguel A. Faria, America, Guns, and Freedom: A Journey Into Politics and the Public Health & Gun Control Movements 258-62, 267, 318-319 (2019); Miguel A. Faria, Cuba in Revolution: Escape From a Lost Paradise 62-64, 415-18 (2002).

[51] *See* Aristotle, Constitution of Athens, ch. XV (Thomas J. Dymes trans. 1891); PLATO, THE REPUBLIC 353 (Book VIII) (Benjamin Jowett trans. 1928) (360 B.C.).

belts and air bags from his or her automobile, and is conscientious in driving safely, may never be impacted by the decision to remove last-resort safety equipment. Likewise, a people that thinks that its nation is permanently immune to dictatorship or conquest may remove its last-resort safety tools. History suggests that this would be a gamble.

VII. EFFICACY OF CITIZEN ARMS IN PREVENTING MASS MURDER

A. Deterrence

Regime change is difficult once a tyrant has taken power. So as an anti-tyranny tool, widespread   citizen arms ownership works most effectively when it functions as a deterrent. "The power of the people is not when they strike, but when they keep in awe: it is when they can overthrow every thing, that they never need to move."[52] In England, the very existence of a well-armed population during the reign of Henry VIII deterred the despotically-inclined king from pushing things so far as to cause a national uprising. During World War II, one reason there was no Holocaust in Switzerland was because the Swiss people were heavily armed in a very well-regulated militia. The very strong deterrent effect of armed victims is demonstrated by the consistent behavior of tyrants in waiting to start mass murder until the victims have been disarmed.

Incipient tyrants can sometimes solve the problem of deterrence by disarming the public in gradual stages, so that people do not recognize tyranny until their chains have been fettered. In England in the late seventeenth century, by the time it became clear to many people that the Stuart kings intended to impose French-style absolutism, the disarmament program was already well advanced. Whether the English people could ever have liberated themselves is uncertain. They had the good fortune to be saved in 1688 by an invasion from the Netherlands, which provided the occasion for General John Churchill to lead half the British army in switching sides.

A key reason that the American Revolution began in April 1775, when the British started forcible gun confiscation, was the American fear that waiting longer would leave them disarmed and unable to resist. As Patrick Henry put it, "They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house?" As a 1789 history of the American Revolution explained, Americans "commenced an opposition to Great-Britain, and ultimately engaged in a defensive war, on speculation. They were not so much moved by oppression actually felt, as by a conviction that a foundation was laid, and a precedent about to be established for future oppressions."[53] It is dangerous to start a revolution based on speculation. But as modern Venezuela illustrates, it may also be dangerous not to.

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[52] J.L. DE LOLME, THE CONSTITUTION OF ENGLAND 219 (John MacGregor ed., J. Cuthell 1853) (1775).

[53] 1 DAVID RAMSAY, A HISTORY OF THE AMERICAN REVOLUTION 105-06 (Lester H. Cohen ed., Liberty Fund, 1990) (1789).

B. *Rebels Often Lose*

Once a tyrant has established power, armed rebels will not necessarily be able to change the regime. In Nazi Germany, Jews constituted less than 1 percent of the population. Even if every Jew had been armed, they had no chance to remove the Hitler regime unless a significant number of other Germans were willing to join them in fighting. A mass German armed revolt against Hitler might have had a chance in 1933-34, but by 1936, it was too late. Hitler's program of "forcing into line" had brought almost all of civil society under the National Socialist jackboot.

History is full of examples of fighters who had a just cause and who were destroyed by a superior army. The American revolutionaries started with an unusual advantage: functioning state governments to organize and lead the rebels, and the best-armed population in the world. Even so, the Revolution repeatedly came close to being crushed.

Geography also helped the American rebels. Although the British could seize any city they chose, the American interior was so vast that it could not be controlled by Britain's finite manpower. Rebels and defenders have better odds when the terrain is favorable. During World War II, the marshes and forests of eastern Poland provided hiding places for Jewish resistance fighters, whereas the plains of western Poland did not. Likewise in Czechoslovakia, the mountainous regions of Slovakia helped make possible a scale of resistance that was impossible in the plains and urban areas of the Czech region, to the west.

Anti-tyranny rebels may fail without outside support. The American Revolution depended on arms imports from the French, Dutch, and Spanish, and then on the assistance of the French navy and army. Albania was the only nation in World War II that expelled Italian and German occupiers without any need for Allied boots on the ground, but even the Albanians needed arms supplies from the Allies.

Sometimes, democides are terminated because the democidal regime makes itself so obnoxious to its neighbors and to other nations that they invade and depose the regime. That is what happened to Idi Amin in Uganda, when his mass murders were finally stopped by an invasion from Tanzania.[54] The same happened to the genocidal Khmer Rouge in Cambodia; four years into the largest per capita democide in the history of nations, Vietnam invaded Cambodia and dethroned the Khmer Rouge.

Counting on foreign rescue is foolish. The international community undertook extensive handwringing after its failures to stop the mass murders in Rwanda and Bosnia in the 1990s. Examining conditions since then, Professor Deborah Mayersen considers whether there would be effective international action if a new genocide, similar to the one in Cambodia, were found to be taking place at present. She

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[54] *See* David B. Kopel, Paul Gallant & Joanne D. Eisen, *Human Rights and Gun Confiscation*, 26 QUINNIPIAC L. REV. 383 (2008) (examining human rights abuses in gun control programs in Kenya, Uganda, and South Africa).

concludes that it is "highly likely" that there would be no effective international response.[55]

She was right, unfortunately. Chinese communist genocide against ethnic and religious minorities in Xinjiang is taking place right now.

Historically, foreign military intervention has been the most common reason that mass killings by government end, although the foreign interventions sometimes have their own negative consequences. Surveying several nations, each with multiple episodes of mass murder, scholars have pointed out the diversity of why mass killings end. Sometimes, the regime stops because it has accomplished its objectives. Other times, a regime may desist because of internal political or practical considerations: military resources might be stretched too thin; the domestic political situation might have changed. There is, as yet, no particular set of policy approaches by other nations, such as sanctions, that appear to reliably lead to better outcomes.[56]

C. *Saving Lives Without Changing the Regime*

The most effective means by which arms stop mass murder by government is deterrence. But sometimes people find themselves in a position where the possibility of deterrence is long past.

Even after genocides and other mass murders have already begun, when victims obtain arms, they can save lives. Overthrowing a democidal tyranny is not the only means to resist democide. As noted *supra*, the Nazi extermination camps of Sobibor and Treblinka were shut down forever because Jewish prisoners stole guns from the guards and led mass revolts. How many lives were saved because the revolts disrupted the functioning of the Nazi machinery of death? Persons who use arms against concentration camp guards or secret police are unlikely to survive, but they may save others—sometimes many others.

Although rebels usually lose, on occasion they prevail even under desperate circumstances. The Sudanese government's genocide campaign in the Nuba Mountains failed because well-trained defenders were better fighters than the government's militias. "Throughout the early 1990s, the Nuba SPLA [Sudan People's Liberation Army] was cut off from the world. There was no resupply: they had no vehicles, had no heavy weapons, and sometimes only had a handful of bullets each. There was no humanitarian presence in the SPLA-held areas at all. There was no news coverage. Facing collective annihilation and with nothing but themselves to rely on, the Nubu people found the necessary determination and reserves of energy." Although they lost territory, "a mountainous base area remained impregnable."[57]

To the Sudanese example may be added several others, none of which had the capacity to effectuate regime change:

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[55] Deborah Mayersen, *"Never Again" or Again and Again*, in GENOCIDE AND MASS ATROCITIES IN ASIA: LEGACIES AND PREVENTION 190 (Deborah Mayersen & Annie Pohlman eds. 2013).

[56] *See* Bridget Conley-Zilkic, *Introduction*, in HOW MASS ATROCITIES END: STUDIES FROM GUATEMALA, BURUNDI, INDONESIA, THE SUDANS, BOSNIA-HERZEGOVINA, AND IRAQ 1 (Bridget Conley-Zilkic ed. 2016).

[57] Alex de Waal, *Sudan: Patterns of Violence and Imperfect Endings*, in *id*. at 121, 129-32.

During World War I, the Ottoman Empire perpetrated genocide against Armenians, Assyrians, and other Christians in Turkey. Armed resistance made it possible for over 200,000 potential victims to escape to Russia. In fortified towns, monasteries, and other defensible positions, the besieged Christians often were starved out and killed, eventually. But sometimes the attackers retreated and a village survived.

During World War II in Eastern Europe, a single Jewish partisan unit, the Bielski Brothers, saved over a thousand Jews. Armed revolts in the cities, most famously the Warsaw Ghetto Uprising, didn't save the lives of the fighters. But they did show the world that the Jews were not just victims; they were allies fighting in the common cause against Hitler, and they deserved a share of the post-war settlement. There is a direct line between the Warsaw revolt and the 1948 establishment of the State of Israel—a state where the Jewish people are well-armed, and which in 1948 and thereafter has defeated wars of Jewish extermination launched by nearby tyrants.

Tibet, after many years of self-government, was invaded and conquered by Communist China in 1951. Armed resistance began almost immediately, and greatly intensified after the communists announced a gun registration program, which was universally understood as a prelude to confiscation. By mid-1958, most of the land of Tibet had been liberated. Ultimately, China's overwhelming numerical superiority finally defeated the Tibetans. But in the meantime, 80,000 Tibetans escaped. Among them was the Dalai Lama. As refugees in India, the Tibetans kept their religion and culture alive, and have brought global attention to Tibet's rights of self-government against Chinese imperialism.

There is no certainty that armed resistance will defeat tyranny. There is certainty that every mass-murdering tyrant fears armed victims and tries assiduously to disarm those whom he intends later to subjugate and murder.