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“All For the Want of a Nail”

“For want of a nail, the shoe was lost,
For want of a shoe, the horse was lost,
For want of a horse, the rider was lost,
For want of a rider, a message was lost,
For want of a message, the battle was lost,
For want of a battle, the kingdom was lost,
And all for the want of a nail!”

I’m sure you recognize the idea behind this famous piece of wisdom: even a small mistake in one place, compounded over time, can mushroom into something very large in its consequences. Many science fiction stories of time travel (both great and mediocre) are built around this same assumption—the traveler who stops a building fire in 1882 New York City prevents Cuba from going communist;¹ the accident that kills a butterfly in the Cretaceous Period prevents a particular mammal from reproducing, and suddenly, the intelligent life of our time suddenly changes to something reptilian.

The same is true for the published word. Near the close of the nineteenth century, the Russian secret police published *The Protocols of the Learned Elders of Zion*. It purports to be a transcript of the plans of Jews to take over the world. I can’t imagine that anyone, except, perhaps, for the willfully stupid, would find it persuasive. Why, oh why, if you planned to take over the world, would you take a transcript of your meeting—and do it in language that shows that *you* believe that you are doing evil?

¹ Jack Finney, *Time and Again* (New York: Simon & Schuster, 1970).

Yet in spite of a very effective demonstration in 1921 by a journalist with the London *Times* that this purported “secret plan” was actually plagiarized from two mid-nineteenth century novels, *The Protocols* continues in circulation today. In the Arab world, it is still being published, not as an historical curiosity, but as fact. Egyptian television made it into a 41 part miniseries—with *Arabs*, not the Russian secret police, playing the lead role in its discovery and publication. Nonsense, no matter how obviously nonsense, and no matter how thoroughly debunked, seems to live forever.

Professor Eugene Volokh at UCLA Law School recently noticed that the U.S. Department of State published a book on their website about the U.S. Constitution that grossly misrepresents the Second Amendment to the rest of the world.² The book is Melvin Urofsky’s *Rights of the People: Individual Freedom and the Bill of Rights*. It makes many claims that seem to have come from Michael Bellesiles’s *Arming America*—the greatest piece of fraudulent history in recent memory.

I won’t go over Urofsky’s claims in detail; some of my previous articles, and my upcoming book cover this material in excruciating detail. The essential claims, however, are straight from Bellesiles: that poor whites and Jews were prohibited from owning guns in many states after the American Revolution; that only members of the militia were allowed to own guns; that less than 14 percent of the white male population actually owned guns, as demonstrated by probate inventories; state governments conducted “gun

² Eugene Volokh, “State Department-distributed publication opposes individual rights view of the Second Amendment,” *Volokh Conspiracy*, March 15, 2004, available at http://volokh.com/2004_03_14_volokh_archive.html#107922492621639407, last accessed March 15, 2004.

censuses” in the nineteenth century, counting all guns in private hands; that guns in the colonial period were kept in armories, and only issued to the militia when needed.³

This might have been an honest mistake, if Urofsky had written this in 2001 or even 2002. Every historian or law professor working in the field of early America, guns, or the Second Amendment by 2003 knew that Bellesiles’s work was at least “controversial.” By the summer of 2003, it was clear that Bellesiles’s work was not surviving any sort of serious scholarly inquiry—too many journal and popular articles had been published listing not just errors, but outright fraud.

Even worse for Urofsky is that having clearly relied on Bellesiles’s work, he then listed “For further reading,” four works—and Bellesiles isn’t in the list. It isn’t like Urofsky picked one or two points from Bellesiles, and therefore decided not to bother listing a minor source. The first half of this chapter by Urofsky relies entirely on Bellesiles’s claims—claims that no one else had the *chutzpah* to make.

Bellesiles’s *Arming America* was the nail; Urofsky’s grossly inaccurate description of the history of the right to keep and bear arms is the shoe. The Department of State is the horse. What the rest of the world thinks of the right to keep and bear arms, may well be the rider, or the message, with respect to the freedoms that we export to the rest of the world.

Historical fraud, like the genie, once out of the lamp, is devilishly difficult to get back inside. Bellesiles’s nonsense has been cited in court decisions, in other scholarly works, and now in a grossly incorrect portrayal of the Second Amendment to the rest of

³ Melvin Urofsky, *Rights of the People: Individual Freedom and the Bill of Rights*, available at <http://usinfo.state.gov/products/pubs/rightsof/arms.htm>, last accessed March 15, 2004.

the world.⁴ Mark Twain is often given as the source for the witticism, “A lie can travel half way around the world while the truth is just putting on its shoes.” This is very true; thanks to the Internet, Melvin Urofsky, and the Department of State, Bellesiles’s lies have traveled the *entire* way around the world, with the approval of the U.S. government.

Postscript: As I prepared to submit this article, I was heartened to see that it is possible for truth to eventually catch up with lies. Within two days of Professor Volokh publicizing Urofsky’s chapter, the Department of State replaced the entire chapter with one sentence: “(The accompanying essay is under review.)”⁵ How many copies of Urofsky’s nonsense have already been printed and used by students to explain the Second Amendment? The battle about the right to keep and bear arms requires gun owners to remain attentive, and prepared to respond to nonsense as soon as we find it.

Clayton E. Cramer is a software engineer and historian. His last book was *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* (Praeger Press, 1999). His web site is <http://www.claytoncramer.com>.

⁴ *State v. Hirsch*, 2001 WL 133835 (Or. App.); *Silveira v. Lockyer* (9th Cir. 2002), footnote 37, available at [http://www.ca9.uscourts.gov/ca9/newopinions.nsf/661116A4ECB1A7BE88256C8600544DCB/\\$file/0115098.pdf?openelement](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/661116A4ECB1A7BE88256C8600544DCB/$file/0115098.pdf?openelement), amended version that deletes reference to Bellesiles, without correcting the false statement that Bellesiles made at [http://www.ca9.uscourts.gov/ca9/newopinions.nsf/CB340BA134E0B81688256CBB005A9417/\\$file/0115098.pdf?openelement](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/CB340BA134E0B81688256CBB005A9417/$file/0115098.pdf?openelement), both last accessed March 15, 2004. See Howard Bashman, *How Appealing!* At http://appellateblog.blogspot.com/2003_01_01_appellateblog_archive.html#90240330 for discussion of Judge Reinhardt’s amending of the decision.

⁵ *Ibid.*, <http://usinfo.state.gov/products/pubs/rightsof/arms.htm>, last accessed March 16, 2004.