

# Popular revolt – for gun control? Really?

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A U.S. Senator said yesterday that he expected a popular revolt in favor of gun control. This would happen, he said, if the Supreme Court struck down certain gun control laws he favors. Is he honest-to-God serious? If so, he clearly hasn't thought his statement through – for what he proposed cannot possibly succeed, *if* it starts.

## What does he mean – a popular revolt?

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Senator Chris Murphy (D-Conn.) made that remark yesterday morning on NBC's *Meet the (De)Press(ed)*. He made several remarks about gun control in the last third of his interview with correspondent Chris Todd.



Watch Video At: <https://youtu.be/HtCb9MzqmWg>

Politico.com had excerpts of his remarks, including this quote:

If the Supreme Court eventually says that states or the Congress can't pass universal background checks or can't take these assault weapons off the streets, I think there's going to be a popular revolt over that policy.

Senator Murphy knows the Supreme Court might rule exactly that way. In *New York State Rifle and Pistol Association v. Bruen*, 597 U.S. \_\_\_\_ (2022), the Court changed the gun-law rules. Justice Clarence Thomas, writing for the Court, threw out the two-step test of constitutionality of gun control. Now only the historical tradition of gun regulation – specifically laws existing at the time of adoption of the Second Amendment – will govern.

In keeping with that historical tradition, Judge Robert Payne of the U.S. District Court for the Eastern District of Virginia (Richmond Division) ruled that a federal law barring persons younger than twenty-one from buying handguns, is unconstitutional. *Fraser et al. v. BATFE et al.*, 3:22-cv-410 (May 10, 2023).

Judge Payne found that all adults (18 or older) have the right to purchase firearms – period, end of memo. He also found that *Bruen* definitely applied, and forbidding 18-20-year-old adults to buy guns *is not* a practice grounded in long-standing history.

## Does Murphy care?

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This ruling came from a District Court, not the Supreme Court. *The Washington Post* says the Justice Department in all likelihood *will appeal*.

Nevertheless, Murphy confidently predicted that gun control was a winning issue for Democrats, and that the Democratic Conferences have momentum. But he referred to the passage of a gun-control law last year. That was then; this is now, with a new Congress with a flipped House.

More to the point, Murphy seemed to dare the Supreme Court to uphold the Richmond District Court in *Fraser*. After all, that minimum age of 21 for buying handguns has been on the books for decades. But no such law was in force or effect *at the time of ratification of the Bill of Rights*. So – barring an unforeseen accident if the Fourth Circuit Court of Appeals reverses Judge Payne, the Supreme Court will likely issue one of its frequent Grant, Vacate and Remand orders. That is, they’ll tell the Fourth Circuit, “Look up *New York State Rifle and Pistol Association v. Bruen*.” And that will settle that. (And if the Fourth Circuit affirms Judge Payne, the Supremes will deny review.)

So Senator Murphy calls for a popular revolt if the Supreme Court upholds its own precedent – and the Constitution. He even challenges the legitimacy of the Court, though he gives no supporting evidence or further detail.

| Judge: Are you trying to show contempt for this court?

| Diamond Lil: No, Your Honor; I was doin’ my best to hide it.

| Actress Mae West as “Diamond Lil”

## Is he kidding?

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So: is Senator Murphy serious? He would seem to be. His remark doesn’t *quite* rise to the level of outrageousness of, say, Jane Fonda threatening “murder” to defend the “right” of abortion. And we have seen State legislators get themselves (temporarily) expelled from their chambers for encouraging guests in the galleries to disrupt their own chambers’ proceedings.

So let us suppose a popular revolt takes place. Who’s going to lead it? Whom do they think they’d be fighting? To answer that, ask yourselves this: *who owns most of the guns?* A popular revolt would fall almost at once – before those same law-abiding gun owners. We’re back to Admiral Yamamoto warning the Japanese Imperial Staff that:

| You cannot invade the mainland United States. There would be a rifle behind every blade of grass.

It is almost elementary games theory to assume that Senator Murphy knows this. Every bill he has proposed or sponsored on this subject has been an incremental step to one goal. That goal is to bring about a state of affairs in which no person, except:

- A law-enforcement officer,
- An active-duty military service member,
- A Very Important Person, or
- His or her bodyguard,

shall own, carry, or so much as touch, much less discharge, a firearm. In this context, his threat of popular revolt suddenly is not funny anymore, if it ever was. Quite simply, it ill befits a Senator to talk that way.