



Gunfight: The Battle Over the Right to Bear Arms in America

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A provocative history that reveals how guns-not abortion, race, or religion-are at the heart of America's cultural divide.

Gunfight promises to be a seminal work in its examination of America's four-centuries-long political battle over gun control and the right to bear arms. In the tradition of *Gideon's Trumpet*, Adam Winkler uses the landmark 2008 case *District of Columbia v. Heller*, which invalidated a law banning handguns in the nation's capital, as a springboard for a groundbreaking historical narrative. From the Founding Fathers and the Second Amendment to the origins of the Klan, ironically as a gun control organization, the debate over guns has always generated controversy. Whether examining the Black Panthers' role in provoking the modern gun rights movement or Ronald Reagan's efforts to curtail gun ownership, Winkler brilliantly weaves together the dramatic stories of gun rights advocates and gun control lobbyists, providing often unexpected insights into the venomous debate that now cleaves our nation.

Gunfight: The Battle Over the Right to Bear Arms in America Details

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From Reader Review Gunfight: The Battle Over the Right to Bear Arms in America for online ebook

Jack says

This was an EXCELLENT book!!!! Winkler does a fantastic job of telling the story of how the Heller case made it to the Supreme Court of the United States (SCOTUS) and why the Court decided it the way it did. I also liked his narrative device in conveying lots of background information. For example, in his chapter on Gura's SCOTUS argument (Gura argued for Heller and for the recognition of the individual right to own a gun in DC), Winkler went back to 1960s California and the rise of the Black Panther party. Most interesting that lots of ideas about gun control come because conservatives were afraid of law-abiding Black Panthers carrying loaded weapons. Each chapter is like that. Tons of background by way of understanding the development of the Heller case.

Winkler seems to be a left-of-center guy who believes two things: there is an individual right to own a gun, but there's lots of Constitutional room for gun control - and an impressive American history of gun control laws. This approach appeals to my moderate preferences, but the one weakness to the book is that Winkler didn't give a fair enough accounting to those who reject the individual right (or "standard") belief and instead think the Second Amendment is more about militias. Perhaps the militia theory is incorrect, but it deserved a better telling, and people like Lawrence Delbert Cress and Jack Rakove wrote exemplary defenses of that theory. Finally, Winkler does a great job in recounting two frauds in the gun debate. On the left was Michael A. Bellesiles, who ended up getting fired from Emory University for his bad work. On the right is John Lott. Thanks to the standards of social science, both people have had to answer for their lies. Anyway, Gunfight is a GREAT book.

Savannah says

I started looking for a book on gun control after both of my constitutional law classes skipped right over the Second Amendment. I wanted something moderate, fair, and fact-based, which was (not surprisingly) difficult to find. I liked this one, though. I learned a lot about America's history with firearms, the author seemed relatively unbiased, and structuring the book around the *Heller* narrative was a good idea. Personally, I would've liked a more in-depth legal discussion, but since it was written for a more mainstream audience it makes sense that certain sections were a bit watered down. Overall, though, probably 3.5-4/5 stars and definitely worth the read for anyone struggling to find some reasonable perspectives amid the ultra-extremist debate these days.

Marianne (Mazziebee) says

I am European, but have lived in the US for many years now. I did not understand Americans' attachment to their guns...get rid of them, I thought! By reading this book I understand a little bit better about the American relationship with guns, and concede we are probably never going to get rid of them. But I also was glad to see that gun control is also as American as Apple Pie. We need to work to create EFFECTIVE laws...this book gave me hope that it is possible and a new way to both think about and discuss this issue.

Matt says

It takes a certain kind of courage to write a book on this topic. Gun control is like a donut: there is no middle. On the one side you have people who love guns, and if you disagree with them, they'll threaten to shoot you. On the other side you have people who detest guns, mainly out of fear of getting shot. It is an ideological death-match in which the voices of reason and compromise don't seem to exist. Or if they do, no one can hear them over the sounds of the shouting and posturing and the bumper-sticker slogans about cold dead hands.

If you have strong opinions about guns, Adam Winkler's *Gunfight: the Battle over the Right to Bear Arms in America* is probably not for you.

If, on the other hand, you are able to avoid getting an erection at the sight of an Uzi, or can listen to Wayne LaPierre without every vessel in your head exploding at once, you will probably find *Gunfight* to be a breezy, relatively brief trip through America's relationship with firearms.

The spine of Winkler's book is the US Supreme Court's decision in *District of Columbia v. Heller*, which held that the 2nd Amendment to the Constitution included an individual right to bear arms, un-tethered to involvement in a state militia. Instead of devoting a chapter to *Heller* either at the beginning or end of his book, Winkler stretches his description of the case – the choosing of the plaintiffs, the lower court decisions, the final decision – throughout the text. He will begin a chapter talking about *Heller*, and then use that case as a springboard to discuss other topics, including guns in the Revolutionary era, the Wild West, and Prohibition.

Winkler's writing style is anecdotal. He is more interested in telling a good, illustrative story than in attempting to prove a thesis using rigorous statistical analysis. This is probably a good tactic, since both pro-and-anti gun writers have run into trouble when attempting to prove their respective positions using math. (The lesson, of course, is that math sucks).

I wouldn't say I learned anything that inalterably changed what I already knew about history, but there were interesting factoids here and there. I was amused with the idea that some Revolutionary era laws *required* people to own guns. (Individual mandate!). It was also enlightening – and saddening – to see the evolution of the NRA from a true sportsmen's club supportive of reasonable gun control to the shrill, extremist lobbyist it is today.

As I noted above, Winkler bends over backwards to be judicious and fair to both sides of the issue (which might be impossible, by definition, since many of the players refuse to compromise). In one chapter, Winkler (who nevertheless has been savaged by enlightened gun enthusiasts on Amazon.com) relentlessly mocks anyone who thinks that we could ever get rid of guns in America. He also states – oddly, based on his later chapters – that draconian gun control laws found in places like Washington D.C. and Chicago don't work.

In terms of sheer numbers – there are millions and millions of guns in America – Winkler is right that they'll never disappear. And his support for the individual rights view of the 2nd Amendment is intellectually supportable. But his mockery is out of place. It also doesn't help that in making the pro-gun argument, he ignores obvious rebuttals, chiefly that the reason gun laws don't work is because the NRA won't let them work. That is, patchwork gun control laws, covering only a city or a state, are designed to fail.

After parroting the pro-gun side, Winkler gently describes the “gun nuts.” This chapter is a rather tepid rehash of the gun-show loophole that facilitated the Columbine massacre, and the obvious tension between “law-and-order” conservatives (who strongly support police and law enforcement) and the “guns for everyone” conservatives (who argue that Kevlar-piercing bullets are a God-given right).

I didn't want or expect any kind of vicious attack against this position; obviously, Winkler was going for something completely different. But I would've appreciated a deeper understanding about a culture that – out of all the rights given in the Bill of Rights – cares about guns the most. Why can't you get excited about the 3rd Amendment instead?

Ultimately, Winkler's position is reasonable, since all he's asking for is logical gun control. That is nearly an unassailable position. It's like wanting world peace, and just as likely to ever happen.

The problem is that Winkler's equivalency between pro-and-anti gun groups is a false equivalency. He cites a few people who want to get rid of guns completely, and replace them with walkie-talkies ala Spielberg in *E.T.*. But most anti-gun groups aren't asking for the moon. They're asking for things like machine gun bans, or assault weapons bans, or bans on concealed weapons.

Pro gun groups, though, aren't listening. Because when you say *control* they hear prohibition. To them – and this is simply their stated position vis-à-vis the NRA – any law regulating guns is unacceptable. When President Obama was elected, the NRA's LaPierre predicted that Obama would ban guns within the first year. Whenever Eric Harris or Dylan Klebold or Seung-Hui Cho or Jared Loughner or James Holmes loads up with guns and unleashes a massacre, gun sales in gun-country goes up out of fear the government might take their precious weapons.

Gun control is a no-brainer. There have always been bans or regulations on certain types of weapons. The laws in Dodge City and Tombstone in the 19th century are the same as in 21st century New York. Moreover, the fact that bearing guns is now an individual constitutional right changes nothing. Trace your finger down the first ten amendments and you will see that every right is listed without exception, and that every right has an exception (except maybe that pesky 3rd Amendment). The 1st Amendment says no law shall infringe free speech, but everyone who's read *Lady Chatterley's Lover* knows that's a crock of crap. The government can and does regulate obscenity, and allows for laws covering defamation and slander. The 4th Amendment requires a warrant for the government to go searching your person and property, but the Supreme Court has validated so many exceptions that a warrant is now the exception, rather than the rule.

Gun control is dictated by history and logic and practice, but that doesn't matter to many people. To which I say: Somalia has no gun control laws. Go nuts.

Personally, I'm more interested in the psychology underlying guns than the go-nowhere policy debates requested in *Gunfight*. I have no objection to someone having a gun. I sort of want a gun.

Mainly, I just want to know why certain gun owners get so worked up about being gun owners. What kind of fear do you have in your life that you feel it necessary to go heeled everywhere you walk? You're far more likely to be taken to your rest by cancer or a teenage driver texting on an iPhone than you are to engage in a duel at high noon. And what kind of ego do you have to have to think that you – the armed citizen – is going to stop the next Aurora theater massacre when, last week, trained policemen showed the world that their ratio of bad-guys-shot-to-good-guys-shot is 1:9?

And why concealed weapons? Isn't it uncomfortable? I don't even like carrying my wallet or keys in my

pocket. Besides, if you're trying to intimidate people from messing with you, why make them guess? Wear your gun proudly. Are you embarrassed or something? If you want to carry a gun to the PTA meeting or into Hardees, just wear it on your hip. Then everyone can give you a wide berth, nod to you very politely, and wonder at the size of your penis.

Winkler's *Gunfight* is an inoffensive book. It is clearly and engagingly written. He has taken time to cover the story from all angles (the acknowledgments show that he's interviewed both sides of the *Heller* decision). It does a good job of translating legal concepts into plain English. And as I said before, it comes to a perfectly sensible conclusion.

The trouble, then, is not that *Gunfight* isn't a polemic. I'm glad that it's not. The trouble, I think, is that it needed to be passionate in its moderateness. It is not. Unfortunately, that lack of passion sort of means ~~you're just shooting blanks~~ your argument is going to get lost in the wind.

Jade Haydock says

I actually learned a lot from this book and I think my ambivalence may have to do with it not taking the discussion where I would have liked it to go. It ultimately reads mostly as a contextualizing and defense of the Heller decision and doesn't do much to address some interesting (compelling) questions that it raises - in particular the rise of the gun rights movement as a consequence of the persecution/prosecution of the Black Panther Party and how/whether gun control disproportionately impacts vulnerable minorities (that is, how much gun control is aimed at disarming black men, basically.) I think there is a lot of truth in the author's position that there are too many guns in America for getting rid of a meaningful number of them to be viable in the short or even medium term but I was disappointed that he didn't have much at all to say about what other policies might helpfully be pursued (other than keeping guns out of the hands of "gangbangers" and criminals; fair to say I wasn't blown away by his... wokeness.)

Abbie Simons says

An informative and well-written history of guns and gun control in America. This isn't a book that necessarily "takes a side", other than to argue that gun control has been around just as long as guns have, and that the sooner the "gun grabbers" and "gun nuts" are able to compromise, the better. Winkler runs through several court cases involving gun legislation and explains how the interpretation of the second amendment has evolved and risen to prominence, and the contexts in which it did so. It also covers the evolution of the NRA from a gun enthusiast/safety organization, to a major legislative lobbying organization that became absolutist interpreters of the second amendment only after a drastic leadership change in the late 70s.

Would definitely recommend this book to anyone looking to get a comprehensive history of how American opinions on guns have evolved over time, and through what contexts these evolutions took place/what drove them.

Eric_W says

Not yet read, but a general comment. I think it's a mistake to conflate love of guns with the Republican Party. The fact remains that many Democrats love their guns also. Hence Bernie Sanders' position in Vermont. What the Democrats need to do is stop ceding the language to the opposition. Just the phrase "gun control" strikes fear into the hearts of those who like their guns. Yet I suspect a majority of gun owners would rally to a campaign that said "let's keep guns out of the hands of criminals and the mentally ill." A campaign thusly phrased would be hard for anyone to oppose including an NRA that at one time favored background checks, and it might lead to substantive discussions.

Joseph Ribera says

As a lawyer and gun owner, I really enjoyed this book. Adam Winkler analyzes the legal history underlying the recent U.S. Supreme Court decision in *Heller vs. District of Columbia*, that held for the first time that the Second Amendment to the Constitution guarantees the rights of individuals to keep and bear arms for self defense, not just in the context of a militia.

Winkler does not espouse either the "gun nuts" or the "gun grabbers" points of view and does a wonderful job of describing each and their history.

This is a current, timely and complete review of the legal history of both gun rights and gun control since before the birth of the nation.

In conveying this history, Winkler demonstrates that both sides in the debate are right and wrong. There has always been a right for the individual to keep and bear arms and there have always been limits on that right.

Jonathan says

I feel like this is one of the first non-fiction books I want to keep on the shelf to hand out to other people. I don't like the state of most gun/gun control "debate" — it seems to quickly devolve into accusatory tribalism that appears light in fact and unlikely to advance either agenda — so it is refreshing to see this kind of nuanced, detailed, and (shockingly) balanced discussion of how this issue came to occupy the space it does in our cultural consciousness.

Where-ever you stand on this issue, i think this book would leave you better informed on its roots, the motivations of those who have argued it throughout American history, and the depth and complexity of its historical underpinnings.

Kusaimamekirai says

America has over the last few decades in particular become a hyper polarized country where on a variety of issues, there is seemingly no middle ground. Gay marriage, abortion, and perhaps more than any other, guns. As such, it's difficult to conceive of a book that can take this topic and analyze it objectively. Yet much to

the author's credit, this is exactly what he does with "Gunfight". It's an astonishingly fair and nuanced look at America's history with gun ownership and its ever present corollary, gun control. Perhaps most wouldn't be surprised that going back to the 18th century, America has been awash with guns. More surprisingly however, particularly in today's anti-regulation climate, is how many restrictions were placed on them. Laws were made requiring registration, safe storage of ammunition, and a host of other restrictions that would've sent modern day gun rights advocates into apoplectic shock.

Up until the late 1960's in fact, America seems to be quite comfortable with gun ownership so long as it was moderated with sensible regulation. Take the words for example of Karl Frederick, president of the NRA in the 1930's:

"When Frederick testified in congressional hearings over Homer Cummings's proposed National Firearms Act, he commended the states for the recent wave of gun laws restricting the carrying of guns. 'I have never believed in the general practice of carrying weapons', he said. Although in special situations one might need a firearm for self defense, 'I do not believe in the general promiscuous toting of guns. I think it should be sharply restricted and only under licenses.' "

Or the the governor of Texas:

"As Governor James Stephen Hogg of Texas said at the time, 'the mission of the concealed deadly weapon is murder. To check it is the duty of every self-respecting, law abiding man.' "

Or J. Edgar Hoover:

" 'What excuse can there possibly be for permitting the sale of machine guns?', Hoover asked."

It wasn't until the rise of the Black Panthers and the fear and racism they inspired in the late 1960's, as well as their willingness to openly carry weapons that more draconian gun control laws began to see the light of day. At the forefront of the crackdown on guns was the governor of California at the time and everyone's favorite bleeding heart liberal Ronald Reagan who on the day a group of armed Panthers showed up on the steps of the capitol in Sacramento decided he was a staunch supporter of gun control:

" 'There's no reason why on the street today a citizen should be carrying loaded weapons'. Guns, he said were 'a ridiculous way to solve problems that have to be solved among people of good will.' "

From this point however, America began to see a backlash, spurred on by an ever increasingly militant NRA, which led in a straight line to where we are today. The premise of this book, and one that is argued incredibly persuasively, is that guns need not be a zero sum game. As the author points out, there are approximately 280 million guns in America, almost one per person. Any gun control movement geared toward confiscating or making all those guns illegal is doomed to failure both practically and emotionally. In a violent world, the majority of gun owners have a gun to protect themselves or their families. At the same time, semi automatic weapons that fire 100 rounds a minute surely aren't necessary for this objective.

Perhaps the author, and myself after reading this book, are too optimistic about the possibility that common ground can be found where people can own guns while being subjected to moderate restrictions like Americans have for most of their history. However if Americans ever do decide they are going to talk, this important book provides a good template for fruitful conversations in that direction.

Chris says

This book is a treasure trove of information.

The central element is the 2008 Supreme Court case *District of Columbia v Heller* in which the Supreme Court ruled by a 5-4 margin that DC's handgun ban was unconstitutional and that the right to bear arms applies to the individual, rather than in relation to strictly militias. He weaves the story of how the case came about and the progression of it with the history of firearms within our country, from the revolutionary and civil wars to the wild west frontier and the black panther party.

The authors main contention is that America will never be gun free but that the Supreme Court left open in the above ruling that restrictions are constitutional and limits can be put in place. He further argues that when we look back at our history this has been the case from the very beginning, frontier towns requiring people passing thru to "check their guns" at the sheriffs office, regional laws restricting Catholics and Blacks from possessing firearms (He even states that the KKK initially started as an organization to confiscate guns from freed slaves).

It is a meaty read which requires attention at all times, but you'll be rewarded with a broad overview and small details with capture the imagination.

Jared Martin says

An interesting review of the history of gun rights and regulations in the US. Seemed fairly balanced by presenting positives and negatives of both arguments (although reading the negative reviews you'd think the author was arguing for gun prohibition, which he never once does). The author is an academic scholar so he obviously takes a more nuanced and data-informed view of the second amendment. For me, the take home message of the book was that gun rights and gun regulation have always existed hand-in-hand though-out our history. Also, since the supreme court decision, *D.C. vs Heller*, was pivotal in forming the "individual right" to buy guns, the author does into great historical detail in the inner workings of the supreme court itself, which was fascinating.

Aaron Cooley says

Adam Winkler's even-handed and fair approach to the history of the Second Amendment is a refreshingly sober alternative to the extreme rhetoric filling the halls of Congress since Newtown. I highly recommend not looking up the result of the Supreme Court decision the book is framed around (*Heller v. District of Columbia*); Winkler shows dramatic prowess in keeping our appetites whet by mixing in frequent check-ins with the cast of lawyers and litigants in that case amongst his historical weavings. The only slight drawback in this scholarly work is that it already feels a bit dated in the wake of Sandy Hook, but writing it in a time not dripping so heavily in rancor from both sides of the gun control war clearly gave Winkler the distance to craft a neutral work that is fair to both sides. (His frequent contributions to *THE DAILY BEAST* don't hew so close to the middle ground.)

Wendy says

Very readable look at the legal and historical dimensions of gun ownership in the US. Takes an in-depth look

at the landmark DC v. Heller case, interspersed with a really interesting collection of moments in US gun history. It's pretty balanced, finding issue with extremist "gun nuts" and "gun grabbers" both, though it's evident the author leans toward the promise of moderate and effective gun control (ie, if you feel strongly about a totally unfettered right to bear arms, this book will probably make you angry).

Dawn Tessman says

An informative read on a difficult and, often, emotional topic. I enjoyed this book quite a bit and appreciated the author in particular for his even-handed telling of the facts. The narrative is engaging and flows with ease. The behind-the-scenes look at the court case, interesting in its own right, is interrupted at regular intervals as the author leads us past-to-present in a fascinating chronicle through colonial times, frontier days, the Civil War, Prohibition, the civil rights movement, the Black Power movement, and Columbine before finally bringing us back full-circle to DC's controversial gun law case as it's being decided. I liked this writing style, as it added some suspense. And, I found the book to be insightful. It has certainly helped firm up my views on the subject. It is a fascinating thing...how law drives our actions, but also how actions can drive law.

If you are looking to become educated on the history of guns and gun law via a fair and impartial voice, I recommend this book. If, however, you are looking for a one-sided, militant account to further support an extreme right-wing or left-wing viewpoint you already hold, go fish.
