

## **GUNS AND THE HOLOCAUST**

Quite appropriately, right after the Passover holiday, we will be observing Yom Hashoah, Holocaust Remembrance Day. This will take place on April 19, 2012. It is natural that the observance comes right after the “Festival of Freedom” for Jews and the rebirth of Jesus for Christians. Yom Hashoah not only represents the low point of humanity but also the survival of the Jews who gave to the world Monotheism, the Divine, the Bible, and at least two of the other great religions in the World today.

One of the sad aspects of the modern observance of Yom Hashoah is how many other people and groups attempt to hijack it for selfish purposes. It is not uncommon, for example, for those with little knowledge to write that had the Jews in the Warsaw Ghetto been protected by an American style Second Amendment, they could have fought off the Germans and survived. The experience in the Warsaw Ghetto is frequently cited by Second Amendment advocates as an example supporting the unrestricted ownership and use of guns. Some even go further and lecture the Jewish people about Jewish politicians who do not support a particular view on the Second Amendment shared by gun advocates.

The Warsaw Ghetto uprising does represent one of the great triumphs of the Jewish spirit. Encircled by the Third Reich, “They Fought Back.” The Jewish partisans were doomed from the beginning. The uprising was supported by no nation, by no funds and by virtually no arms. The problem for the Jewish fighters in the Warsaw Ghetto was not that Poland lacked a law permitting people the right to bear arms. No civilians were permitted fighting weapons in nations controlled by the Nazi juggernaut.

The Jews in the Warsaw Ghetto died, heroically, because they were sold out by Polish partisans who were rank anti-Semites. The Freedom Fighters lacked international support and in fact many would argue that Adolph Hitler was given the green light to slaughter the Jewish population of Europe when the likes of American Ambassador Joseph Kennedy, along with the British, rejected Hitler’s proposal to accept 300,000 Jews from Germany before the war. The Americans refused to bomb the rail lines leading to Auschwitz Death Camps in 1944. The Americans claimed that their bombers were not in the vicinity of Auschwitz death camps when in fact they were bombing the nearby Auschwitz factories daily. Further the American State Department, filled with its own cadre of anti-Semites,

claimed that the best way to save Jewish lives was by doing nothing since efforts at rescue of the burning Jewish population might further enrage the Germans!

It is a sad but troubling truth that the Jews of the Warsaw Ghetto and the Nazi Empire were killed by hate, utilizing the instrument of guns, bullets and poison gas. The fact that an American Jewish politician or Supreme Court Justice may believe that the Second Amendment to the United States Constitution does not guarantee the personal ownership of handguns or AK-47s, does not in any way undermine the reality of the reasons accounting for the ultimate failure of the Warsaw Ghetto uprising.

One writer has enjoined Jewish people to teach “ your” children about the Warsaw Ghetto uprising and preaches against “dangerous Jews” who allegedly undermine our Second Amendment rights. It is that type of offensive, insulting and wholly unsupported use of words which is dangerous to the Jewish people. Jewish politicians have a right to be on the conservative, liberal or moderate side of any question. The Second Amendment is without question unclear as to whether it supports the right to an organized militia or whether it pertains to the individual ownership of guns. This is why the Supreme Court of the United States has been so dramatically split on the issue. Our Framers could have been more precise but a study of history shows that they were divided in their own views on the question of individual gun ownership.

However, there is no question about the Sixth and Seventh Amendment right to trial by jury. Interestingly, those on the right who call themselves conservatives vote to eliminate the right to trial by jury in every session of every Congress and the State Legislature. The drive to impose arbitrary caps on legitimate damages and to force corporate arbitration on consumers continues unabated. The blatant violation of the Constitution in this respect is ignored by virtually everyone. The “Disappearing American Jury Trial” has been written about in academic circles but is ignored by the politicians.

I challenge my friends on the left and right and members of the Tea Party to say out loud why they will not support the basic American system of justice guaranteed by the right to trial by jury. Is it possible that on this important question, those who claim a literal reading of the Second Amendment, the right to own guns, do not read the Sixth and Seventh Amendments quite so literally? I will not hang by my fingertips waiting for an answer, but I sure would like one.

Waters & Waffenschmidt  
161 West Third Street  
Williamsport, PA 17701  
(570) 323-8711 (telephone)  
(570) 323-4192 (facsimile)

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.