

Letters to my Member of Parliament re the Dunblane Murders

Below is an exchange of letters with my Member of Parliament, Alistair Darling (Labour) about the Dunblane massacre, below that a letter I sent to "*The Scotsman*" newspaper.

Re-reading these in early 2002 (prompted by an email about them) I was struck as to the extent that the two sides of the debate remain unmoved and that I can stand behind what I wrote so many years ago. Those who forget history are condemned to repeat it.

Johnny, *March 2002*

15 March 1996

Dear Mr. Darling,

The tragic events at Dunblane prompt me to write to you yet again on the issue of "gun control".

You have not replied to various of my letters, but I have them on file. In them I pointed out some of the many shortcomings of current "gun control" legislation and asked you to examine things in a much more objective and balanced way with a view to providing a meaningful, and more to the point, useful framework of law.

Of course, the problem is, as ever, the maniac who perpetrated this act, since surely he could have killed multiple children as a serial strangler or rapist, or by subjecting a school to an arson or bomb attack – and undoubtedly such has been the case in the past and will be in the future.

The response to the Hungerford outrage was the passing of "gun control" legislation which manifestly failed to address the problems and the issues – as I wrote and informed you at the time, and as is demonstrated by the recent events at Dunblane.

In the case of Hamilton, the Dunblane killer, as with Ryan, in hindsight his mental instability is identified. Yet he received no treatment or proper identification of his problem, and even managed to obtain a firearm certificate. This is after the Hungerford incident should have clearly revealed to any sensible and objective analysis that society fails to deal with psychopaths and the mentally disturbed in any useful and meaningful way in a large number of cases. Again, the focus is on the guns and whether they can be banned. Clearly for the politicians and police this is the easy option, blame can be shifted to inanimate objects and innocent gun-owners. Public opinion is appeased and the real issues are swept under the carpet – the real issues such as:

- how do we protect society and ourselves as individuals from the mentally unstable and violent criminals;
- what protection can and do police really offer the ordinary citizen from criminals/madmen/terrorists;
- in a "free society" how far can fundamental rights be cynically sacrificed to expediency by politicians?

A particularly important point that I have urged you to take seriously before, is that of the considerable waste of valuable police time, money and man-power that the current "gun control" system represents – quite apart from the considerable yet needless inconvenience and expense that it puts lawful gun-owners to. In the light of the most recent events the failure of politicians and police to properly address these issues is, to put it

mildly, disgraceful.

The problem now is that informed debate will be well-nigh impossible thanks to the tabloid press and ill-informed public opinion. As ever, yet more thoroughly useless and potentially damaging measures will be passed as a sop to public opinion, without any sensible analysis of the issues and outcomes desired or achieved. As for the Firearms Consultative Committee, it has only reinforced my view that these standing committees are a political ploy to avoid doing anything meaningful with what is perceived as an intractable problem, and shift the blame from the machinery of the House, Government and Party from any short-comings of important legislation.

I hope I shall receive communication in the near future that actually addresses my points.

And Alistair Darling, MP's reply (dated 21 March 1996, reproduced in full) --

Dear Mr Pate

Thank you for your letter of 15 March. I have no note of receiving any letters from you in the recent past, but my recollection is that all your letters were replied to, although I quite accept that you may not accept what I said on each occasion. However, if there are letters which you wrote to me in which you did not receive either an acknowledgement or a reply, then please let me have them and I will do my best to answer the points you make.

My recollection, and I am dictating this letter without the benefit of the file of correspondence in front of me, is that we disagreed as to the what approach we should take with regard to legislation covering the holding and use of weapons.

Whilst you correctly state that there are some people who would like guns to be banned, that is not the view that I share. However, I recollect that we disagree about the need for control of those who hold weapons. I do agree with you that it doesn't matter what legislation there is on the Statute Book, one can never prevent someone like Hamilton from murdering people. All we can do is to try and make such an event less likely.

As you know, the Government has asked Lord Cullen to conduct the Fatal Accident Inquiry and to make recommendations. For my part, I intend to withhold any further judgement until I see what Lord Cullen has to say.

Yours sincerely

My reply dated 23 March 1996

Dear Mr Darling,

Thank you for your letter dated 21 March 1996 regarding the Dunblane tragedy and gun law.

Firstly I must point out that in one respect at least we appear to be in agreement. The aim of the legislation resulting from this incident should be to make the recurrence of such a nightmare event less likely. The point I have been trying to make in my previous submissions to you is that the current, and proposed laws to "control ... those who hold weapons", as you characterise them, will in no way achieve this aim. (Weapons is a rather more generalised term than firearms, is this significant?) The only evident purpose of the firearms legislation of this country is to disarm the general public and make it illegal to own or use a firearm for the purposes of self defense. In so far as events like Hungerford and Dunblane occur, this can only make things worse rather

than better. Given the current framework of British Law and the legislative response to Hungerford in banning semi-automatic rifles, it is hard to see how any response other than the banning of legally held handguns can be the result of new legislation. Indeed, in a disarmed society, legally held weapons do represent a threat to public safety rather than a benefit. I have no more wish to face a gun attack than you do, and indeed, I appreciate far better the lethal potential of firearms. In many ways, a bolt-action, telescopic-sighted medium-calibre rifle is the most formidable personal weapon available to an individual, if that person is skilled in its use. A double barrelled ejector shot gun is capable of a far higher rate of sustained fire than any other type of personal weapon apart from one with a continuous-feed mechanism such as a belt-fed machine gun.

That the current scheme of licensing individuals to own firearms does not work is amply demonstrated by the case of Hamilton, and before that, Ryan. Yes, the mentally incompetent should be legally disqualified from acquiring and owning firearms. But our current baroque and expensive "controls" have no bearing on that. British laws and society in general are currently clearly unable to identify the mentally incompetent and separate them from the normal individual. In so far as being a disarmed society gives the psychopath a freer hand in perpetrating his mad schemes, we should either be a truly disarmed society (unlikely to possible in any case) or, and by far the best solution, the individual right to keep and bear arms should be recognised. That does not imply that there should be no laws governing the possession and use of firearms – but they should be sensible, and targeted at achievable outcomes, and in the context of promoting responsible use of firearms amongst the population.

In saying that you did not reply to my previous letters there is obviously some confusion in our respective concepts of what "reply" means. I am not claiming I did not get a letter acknowledging my communication. There is however, a world of difference between that and replying.

We both await the Cullen Report with interest, and whilst I have no disrespect for Lord Cullen, indeed I don't know of him at all (though I have spoken to Lord Clyde on a couple of occasions) I doubt whether in the context of the current attitude towards firearms he will be able to make a properly objective examination. No blame can rest on him for this, the blame rests squarely with Parliament, whatever they do with Cullen Report. You personally have taken on the task of guaranteeing my personal safety when you acquiesced in the continuing denial of a persons right to self defense, and I hold you, and people like you who have framed Britain's laws over the past sixty to seventy years, personally to account for every helpless victim of crime.

I trust I shall receive a reply, and if any of my arguments are unclear or you do not agree with them, then we may be able to have a meaningful debate. I remain to be persuaded that your viewpoint is a reasonable one, but I am a reasonable man.

Alistair Darling, MP's letter (dated 3 April 1996 reproduced in full)

Dear Mr Pate

Thank you for your letter of 23 March. As I think I have said to you before, I don't accept that there is an individual "right to keep and bear arms". However, I am pleased to see that you do believe that there should be some legislation governing the possession and use of firearms. It would be helpful if you could let me know what legislation you would envisage in this regard.

As I indicated to you, I intend to await the outcome of Lord Cullen's report before reaching a concluded view as to what we ought to do.

Yours sincerely,

My letter dated 6 April 1996

Dear Mr. Darling,

Thank you for your letter dated 3rd April about "firearms controls".

I am sure that there is little point me giving an exposition on the way I believe firearms laws should be organised whilst you fail to recognise the right to keep and bear arms. I believe you are a barrister by profession. I can recommend that you start by a perusal of William Blackstone's *"Commentaries on the Laws of England"*. Frankly, I am confused as to how anyone with an understanding of history can seriously doubt that the right to keep and bear arms is one of the fundamental rights of a free man. Of course, with the way the British legal and constitutional system is organised, British subjects really do not have any rights in a legal sense except as Parliament sees fit to dole out – perhaps that is why the European Court delivers so many judgements against Britain.

Press reports of statements by Members of Parliament have left me seriously confused. If you care to contact the Home Office statistical department you will find that the number of Firearm and Shot Gun Certificates on issue has been in decline over the past ten years (in fact giving a negative correlation between legally held weapons numbers and recorded violent crime). However, it is reported Members of Parliament believe some kind of "gun culture" is under development and only "tightening controls" on the ownership of legally held weapons can counter this. Perhaps you could enlighten me as to what this is all about. Quite why the holding of weapons at home is perceived as such a danger to public safety, bearing in mind the relatively small number of deaths attributable to firearms in this country, and how changing the storage arrangements could affect the misuse of firearms, is also beyond me.

My fundamental problem with trying to address the issue of "gun control" is that the arguments of the "gun controllers" are not based on reason. It is therefore impossible to debate the matter. You have never given me even the beginning of an indication of what the current "controls" are supposed to achieve, and any justification for the "controls" as measured against external reality, other than very nebulous statements about the desirability of "controlling" the ownership of firearms. Are the "controls" supposed to in some way reduce violent crime? They have not. Are the "controls" intended to reduce the number of firearms legally owned? That they certainly have done. Why is this believed to be desirable? Are the "controls" intended to deny a person the right to use firearms in self-defence? Clearly that is one purpose that they achieve, quite why you perceive that to be desirable is another matter. Can you assure me that your "improved gun controls" will lead to a reduction in violent crime and greater public safety? Are you saying that violent crime would be worse, and there would be more multiple slayings by psychotics if we did not have our "gun controls" and the proposed "tightening up"? That is not an argument you can support with facts. Nor will any meaningful attempt be made to measure the efficacy or otherwise of the "gun controls" (particularly since there is no indication as to what they are actually supposed to achieve in the real world).

Fundamentally, the issue of "gun control" is actually irrelevant to the actions of a maniac like Hamilton, or Ryan before him. But, your desire to disarm the British public when put in a historical context is much more significant, and you are so very wrong in what you are doing. Further, I am appalled at the outrageous infringements of civil liberties that you are willing to accept in the name of fighting terrorism. Is this really the Britain that was the heart of democracy and freedom? It is more like a police state. Instituting the machinery of a police state is a dangerous thing, even in a democracy (maybe even especially in a democracy), and that is exactly what you are conniving in. I will be charitable and assume it is a sin of omission rather than deliberate malice.

Alistair Darling, MP's letter (dated 15 April 1996 reproduced in full)

Dear Mr Pate,

Thank you for your letter dated 6 April. As I indicated to you in earlier correspondence, I propose to reserve judgement as to what further steps may be required until Lord Cullen reports.

I can't comment on press reports of statements made by other Members of Parliament. It is for them to explain themselves rather than me to do so.

I agree with you that no amount of legislation would ever stop someone like Hamilton or Ryan. With regard to your general point, the whole point about having legislation controlling firearms is to ensure that there is a limit on the number of weapons in circulation and to try and ensure, in so far as is possible, that those people who hold weapons are responsible. There are many aspects of our life that are "controlled" – the use of a car, the keeping of dangerous animals and so on. Most people accept that some degree of control is inevitable.

Yours sincerely

My letter dated 18 April 1996

Dear Mr Darling,

Thank you for your letter dated 15 April 1996. In this letter you finally make some firm statement as to what you believe "firearms controls" are aimed at. This gives me an opportunity to pose some questions in the light of your comment that the aim of "legislation controlling firearms" is to "ensure that there is a limit to the number of weapons in circulation and to try and ensure, in so far as is possible, that those people who hold weapons are responsible."

- Why is it taken as an axiom that the "number of weapons in circulation" should be reduced? It is a trivial matter to show that there is no correlation between the (estimated) level of ownership of firearms and the level of recorded violent crime (or even suicide) except in as far as the correlation is often a negative one, in that violent crime is highest where legally held firearms numbers are lowest. This is true throughout the world, and certainly demonstrable according to figures published by the British Home Office. As you said at one time to me (some years ago now in a personal conversation around the time of Hungerford) when I mentioned Switzerland, comparing between countries and ethnic groupings is a rather more involved task.
- To what limit and by what criteria do you wish to set the number of weapons in circulation (does the Government have any figures cataloguing the number of legally-held firearms in circulation, let alone the illegally-held ones – I think you will find it does not, or if it does, they are not made available to the public). No figures are publicly available as to the numbers of weapons missing/stolen from military and police armouries in this country.
- What do you class as "weapons"? The rice-flail, two sticks joined together by a chain, was an agricultural implement in ancient Japan, and came to be used as a weapon by the peasants because of the attempt by the ruling classes to disarm the peasant masses. In fact, very many of the modern-day martial arts weapons have their origins as agricultural implements. The Tonfa, better known to you as the side-handle baton, was originally the axle of a mill-stone. One presumes if you require to reduce the number of weapons in circulation as a means of controlling acts of violence, the Police are going to visiting people's houses to ensure they hold only the required number of bread knives. (Indeed, in occupied Berlin just after the war, it was a crime to possess a bread knife, and all such implements had to be handed in to the authorities.) Many firearms are expressly made and designed as target pieces, though of course, they are still capable of being put to use as a weapon (as indeed are many

common household objects, and as indeed can a car).

- When policies fail, as manifestly shown in the case of Ryan and Hamilton, why is more of the same seen as the solution? A classic case of "the operation was successful but unfortunately the patient died".
- In light of a person's right to self defense and the historic right to keep and bear arms, you simply cannot blandly dismiss the issue as being one where dangerous things must be "controlled". That is sophistry and not worthy of serious debate. In any case, I have never heard of anyone being banned from owning a car, or a particular type of car, though it may be illegal for a person to operate a vehicle or vehicles on public roads.
- Your statement that "Most people accept that some degree of control is inevitable." doesn't even rise to the level of sophistry. Most people in Nazi Germany (indeed most people in the world prior to 1939) were quite happy to turn a blind eye to the persecution of Jews and other ethnic minorities. Most people waste their money buying lottery tickets. Am I supposed to be impressed by this?

It seems to me you have further confirmed my earlier statement that the arguments of the "gun controllers" are not based on reason and therefore cannot be countered by reason. Lord Cullen's report is awaited with interest, but why should his answers be the definitive, particularly given his terms of reference? Lord Scott's report was hardly taken as gospel by the government. Lord Cullen's report should be only one factor in your analysis of the situation. As I have pointed out before, you as a Member of Parliament have taken on a special responsibility, and I challenge you that your attitude here clearly shows that you are not discharging that responsibility properly. That you are not alone in this amongst Members of Parliament and the Establishment in no way removes blame from you, even if your attitude is only what I expected.

Alistair Darling, MP's letter (dated 02 May 1996 reproduced in full)

Dear Mr Pate,

Thank you for your letter which I received on 22 April. I apologise for not having replied to you before now. I had hoped to be in a position to sit down and let you have a substantive reply to the various points you make. I have not yet been able to do so and I am writing simply to let you know that I haven't forgotten about the matter, but I will write to you in the near future.

Yours sincerely,

My reply, dated 3 May 1996

Dear Mr. Darling,

Thank you for your letter dated 2 May 1996. I shall look forward to reading your 'substantive reply', which I would be most pleased to receive.

I note that the Home Office submission to the Cullen Enquiry states amongst things that research has proven a link between the availability of guns and violent crime. To say that this is a questionable statement is to put it mildly. Still, the Home Office have never been known to let little things like facts stand in the way of their agenda on a variety of matters.

Hoping to hear from you at your earliest convenience.

Alistair Darling, MP's letter (dated 14 May 1996 reproduced in full)

Dear Mr Pate,

I refer to my letter of 2nd May. Let me set out my position, although I fully accept you don't accept it.

Firstly, I do not believe that there is any legal basis on which it can be stated that there is a "right to bear arms". I am not aware of any such basis in law, either in Scotland or in England and Wales. Moreover, if there ever was such a right then it has quite clearly been eroded by legislation. I agree with what you say in your letter of 6th April; the British constitution, such as it is, does not confer legal rights in the same way as most other countries, who have a bill of Rights or a written constitution in which citizen's rights are established by common law, statute or by legal decisions.

In any event, what is the "right to bear arms". Would it include the "right" to use a gun against someone? Or is it simply a "right" to keep a gun or other weapon?

I now turn to the basis on which I stated that there has to be some degree of control of firearms. The basis of my argument is this. Firearms are potentially very dangerous. the public is entitled to know who holds firearms and be satisfied, insofar as is ever possible, that the person holding the firearm is a fit and proper person to do so.

I can quite accept that you don't accept that proposition. I equally accept that there are many guns illegally in circulation. However, that doesn't seem to me to be a good argument for abandoning all control.

Again, in your letter of 6th April, you make mention of storage arrangements. Over the last 25 years in particular, the law has been changed on a number of occasions so as to provide for regulations relating to the storage of weapons. That proved necessary because of a number of thefts of weapons where those weapons were kept in insecure premises. That sort of legislation doesn't seem to me to be unreasonable.

I am not, as you suggest in your letter of 6th April, arguing that the public should be "disarmed". As you might expect, I receive a great many letters calling for a complete ban on the holding of any weapons. I don't agree with that proposition.

It's not clear to me what exactly you would like to see. I am not sure if you would go so far as to say that there should be no gun control at all, or whether you are simply arguing against further controls. As I said to you, I shall wait and see what Lord Cullen has to say.

Your sincerely,

My reply, dated 31 May 1996

Dear Mr Darling,

Thank you for your letter dated 14th May 1996 on the issue of "gun control".

Firstly, I must thank you for a slightly more considered response to my previous letters, however, you answer disappointingly few of the questions I posed in previous letters. Questions that were to do with the specifics of figures, for instance, of weapons stolen, or the numbers of weapons in circulation, both legally and illegally. It seems to me that the law-makers are operating in a vacuum without any sensible and objective analysis of what they are trying to achieve and whether they are achieving it. However, let us ignore these issues, since that is what you appear to want to do, and let me address the points you raised.

Firstly, you claim confusion about the right to keep and bear arms. You may well have forgotten I directed you to Blackstone's "*Commentaries*" as a start in investigating this. Quite apart from any considerations of a historical right to bear arms in self-defense and against tyrannical government, a right well-documented throughout history (and I don't see how I can put any more clearly what I consider a right to keep and bear arms to mean – I naively assumed the statement was clear in and of itself) it is quite clear that law and morality implicitly assumes this right. On what basis was I instructed in killing foreign soldiers during my time in the Territorial Army, unless I personally have a right to kill in defense of myself and my country? I reject utterly any suggestion that we only have a collective right to self defense – indeed it looks like tautology to me written down like that. I fail to see how any force can be used against another individual by anyone unless you have a right to defend yourself, and clearly, under certain circumstances, that force may have to be lethal. Frankly, I really don't understand how to argue this point, which seems so fundamental and so obvious to me. I don't understand how British law can have been framed as it is by intelligent men with a knowledge of history, morality, and ethics. I'm sure you, as an erudite man, can explain to me better why I have no right to self-defense (but may be called upon to kill others on the order of my government). Indeed, it is perfectly acceptable for governments to hold weapons of indiscriminate killing and mass-destruction and threaten their use, but not acceptable for me to own and use weapons to defend myself or other people. Why you don't appreciate that I am confused by this, certainly confuses me. Clearly a right exists irrespective of whether particular laws at any particular time recognise it or not – I would have thought that a basic point appreciated by anyone! Fundamentally, if Nuremburg did nothing else, it demonstrated that a country's law is not the final arbiter of rights and wrongs (to use "right" in a different context). Anyway, I await your considered response to illuminate me on this matter.

To go on to your next point, you quite rightly surmise that I disagree fundamentally with your statement that "The public is entitled to know who holds firearms and to be satisfied, insofar as is ever possible..." The public is not entitled to know a person's business except in the most extreme circumstance – unless we live in a police state that is. The public is entitled to know the government's business. That is one of the things wrong with this country, that we have things most decidedly the wrong way around. It is certainly not beholden on me to judge other people's conduct and possessions except in as far as their conduct materially harms me. An important point that you ignore, is that there is no evidence that my holding of firearms presents any threat to you. As an aside, I was astonished to read the Home Office submission to the Cullen Report. If you wish to have me analyze that, please advise. I would suspect however, that anyone with the slightest amount of sense would see how bogus it was from just a cursory reading. What astonishes me is just how poor their arguments to "prove" guns cause crime were. I had expected more of them.

To refer to your point on "storage arrangements", again you make statements I find astonishing. To say that "That proved necessary because of a number of thefts of weapons where those weapons were kept in insecure premises." I should like to know on what basis you make that statement. The "storage arrangements" legislation has quite clearly been entirely arbitrary. Indeed, it is promulgated largely by Home Office directive and the changing whim of local Police licensing authority. Statute merely states that weapons should be secured with a view to preventing unauthorized access. Quite apart from this, it is simply unjust to penalize me for another person stealing my property. I might ask why persons are not prosecuted for not properly securing their car when it is stolen and "joy-ridden" by a youth who kills them self and/or others. Clearly, stringent regulations on the securing of cars would be an appropriate response according to your logic. My contention is that it is fundamentally unjust to restrict my access to my property, and to prosecute me for another person's misappropriation of my property. In that sense, it is irrelevant whether it is a real solution to a real problem – which in any case it is not.

To conclude, since I have already gone on at some length, and hardly know where to stop in any case. I must reiterate that there is no point me giving an exposition on what I think "gun law" should be until you recognize the right to keep and bear arms, and you make a serious attempt to actually analyze the current law and what it is trying to achieve and what it can be seen to have achieved. All I can say is, I have every

confidence that the legislation resulting from this process will only make matters worse in every conceivable sense when eventually viewed in retrospect. That has been the case in the past – violent crime and the misuse of firearms has steadily increased in my lifetime. Until you stand back and take a look at what you are doing and where you are going, and discard the invalid ideas and modes of thought that have plagued law-making over the past many years, things can only get worse. However, this is a big issue that goes far beyond "gun control". As to members of the public calling for a gun ban, it seems to be the received wisdom that the public demands the re-introduction of capital punishment, however, parliament does not see fit to bow to public opinion on that point. I was under the impression that one of claims of parliamentary democracy was that it freed the individual from the tyranny of the majority. An empty promise I suspect.

I hope to hear from you soon.

Alistair Darling MP's letter (dated 14 June 1996, reproduced in full).

Dear Mr Pate,

Thank you for your letter of 31 May. I didn't forget about Blackstone's "Commentaries". Blackstone is of limited help so far as Scots law is concerned. Whilst I do not profess to have a detailed knowledge of English law, I do know something about the law of Scotland. My observation is certainly true in Scotland and I suspect it is also now true in England as well, notwithstanding Blackstone's observations.

The law of self-defence is well established and international law in relation to wars is also fairly well settled. You will no doubt accept that the law which governs the behaviour of a soldier in the field of battle is substantially different to that which governs the behaviour of that same soldier in a civilian capacity.

With regard to your final paragraph, no, I don't recognise the right to keep and bear arms. However, I do accept there does need to be some analysis of the current law, and I entirely agree with you that we need to be sure what it is trying to achieve and what it can in fact achieve.

You may want to consider writing to Lord Cullen. As I understand it, he is open to receiving submissions from anyone. I am not sure if you are a member of a gun club or any other appropriate organisation. In that case, your organisation might want to make a submission. You have a point of view to express and you might want to take the opportunity of expressing it to Lord Cullen.

Yours sincerely

My reply, dated 17 June 1996

Dear Mr Darling,

Thank you for your letter dated 14 June about "gun control".

Your statement that there is no precedent in Scottish Law to the right to keep and bear arms being recognised does surprise me greatly. Certainly, of the two of us, you are the legal expert. Notwithstanding, I should like to draw your attention to one very important point of evidence: you will no doubt be as familiar as I with the Scottish National Dress, and the fact that a weapon is carried as part of that traditional dress. This is simply and clearly because of a man's right to bear arms. That there is no tradition in Scottish Law recognising this right is truly astonishing. It genuinely beggars belief in fact. In any case, the point I was making is that I believe that any examination of history, morality, ethics and common-sense dictates that you recognise that the right to keep and bear arms is one of the fundamental rights of a free man. This is quite completely

irrespective of what particular laws at particular times may permit or recognise. The law and precedent are simply not the final arbiter of rights and morality – or women would not have the vote, and slaves would still be with us.

Your point about law and the soldier is irrelevant to the point I made. Perhaps my point was not made properly, but I ask you to read the relevant passage again. As an aside, perhaps it is worth considering the telling statement General Lee made to General Jackson after Fredericksburg:

"It is a good thing war is so horrible, General. Otherwise, we would enjoy it too much."

(Quite where the weapons of indiscriminate killing and mass-destruction on our Trident nuclear missile boats sit in your idea of laws and ethics relating to war intrigues me: I also wonder how far the 'rules of war' would go in a super-power confrontation. This is not particularly relevant to the issue of the right to keep and bear arms however.)

The Secretary of my Pistol Club is to make a submission to the Cullen Inquiry, and he has been fully appraised of our dialogue. I would be pleased if you would indicate to me the proper address and form in which I should submit to the Cullen Inquiry: I would be interested in sending Lord Cullen a critique of the Home Office submission.

Perhaps you see the idea of a right to keep and bear arms as absurd or out-moded. I suggest you think really long and really hard about this. It is part of a much deeper tradition of individual liberty and responsibility that we simply cannot afford to discard in the modern world of 'big government'. Not until you turn your ideas around, not simply on this issue but on the larger questions of personal responsibility, freedom, duty, trust and respect for others, will the inexorable increase in violent crime be halted. We simply can't keep putting people in prison. It is not humane or just or a solution to our problems. Sometimes in my more cynical moods, it seems to me that politicians have a vested interest in keeping crime at a high, but manageable, level and people totally dependent on others for their security.

Alistair Darling, MP's letter dated 24 June 1996 (reproduced in full).

Dear Mr Pate,

Thank you for your letter. I repeat that I am not aware of any authority for the proposition that there is a "right to bear arms".

You ask about writing to Lord Cullen. You can write to him at the

Dunblane Public Inquiry, Albert Hall, Stirling.

Yours sincerely,

My reply, dated 25 June 1996

Dear Mr Darling,

Thank you for your letter dated 24 June 1996.

I presume we can take as a definitive statement of Scottish Law (insofar as any legal opinion is definitive until it is tested in the highest courts of the land) that the right to keep and bear arms is not recognised in law.

We seem to have reached the unhappy, but expected, situation where neither side has persuaded the other of his opinions. Such is life. In the event I come up with any further substantive documents on the matter I shall make them available to you for your information. I have the NRA's riposte to the Labour Party document "The Control of Guns". The NRA of course challenges this rather astounding document without recourse to considering the existence or otherwise of the right to bear arms. If you are not in possession of a copy of the NRA document, please advise and I will furnish you with one.

We live in dark times indeed – the eternally temporary "Prevention of Terrorism Act", the Criminal Justice Act, and a confiscation of legally-held firearms "unprecedented in a modern democracy" (to quote the Home Office submission to the Cullen Inquiry).

Yours sincerely,

PS I hear on the radio just now that the Trident nuclear deterrent is to be retained under a Labour Government, though Tony Blair is unprepared to say under what circumstances it would be used...

And Alistair Darling, MP's reply (dated 4 July 1996, reproduced in full) --

Dear Mr Pate

Thank you for your letter of 25 June. I note what you say.

Yours sincerely

Dictated by Mr Darling and
signed in his absence

Oh well, at least it can't be said I that I failed to write to my MP and let my views be known. The letter below was sent to "*The Scotsman*" newspaper in the week after Dunblane, but was not printed –

Letter to "The Scotsman" March, 1996

Sir,

I have watched with continuing bemusement the public furore which has resulted from the appalling events at Dunblane. The one small consolation I have had from the sorry affair is of writing to my MP, Alistair Darling, and saying "I told you so", in that I had complained about the irrelevance of the "gun control measures" passed in the wake of the Hungerford atrocity.

Various facts have been completely ignored in the rush to blame guns and gun owners for this event:

- An examination of Common Law, note for instance Blackstone's "Commentaries", makes it quite clear that British subjects have a right to bear arms; indeed, it is where the American Constitution's Second Amendment has its origins. This right exists whether or not the current laws governing Britain recognise it, and whether or not the majority of the population believes it to be acceptable. The majority of the population can vote in a Nazi Chancellor and condemn Jews to genocide in Concentration Camps, but it does not make it right or just to do so.
- In Switzerland it is compulsory for every household to have an automatic weapon and the ammunition for it kept ready in the house; Switzerland has a murder rate comparable with the rest of Europe, and has a very low level of armed crime compared with many other countries in Europe.

- Multiple murders and serial killers do not require firearms to perpetrate their acts.
- In the context of a "free" society, individuals are permitted to do things, and use and own things for which they strictly speaking might have no need to carry on their lives. Further, in a free society of autonomous individuals, it is not right or proper to place arbitrary and onerous restrictions on individual freedom of action to no good purpose. This is quite apart from the consideration that in any case, we all have a right to keep and bear arms – whether we all like it or not. I would question, for instance, whether we all have some kind of fundamental right to drink ourselves to insensibility and endanger others in various situations.
- If there really was concern to protect self and society from the arbitrary and random violence of criminals, the insane and terrorists, then the carrying and keeping of handguns for personal protection by responsible members of the public would be widespread. Only in that way could we increase the probability of a suitably equipped individual being present at an incident to take effective action. Indeed, it has been suggested that one of the reasons for the decline in violent crime in America has been the passing of Concealed Carry of Weapons enabling laws, a relatively recent phenomenon.

It will be interesting when all legally held handguns are banned, because I wonder where the blame will be put, and what will be done, when the next multiple murderer runs amok and kills many people. Bear in mind also, that a notorious mass-shooting in Texas involved an ex-Marine with his bolt-action deer rifle at the top of a clock tower...
