

Actionable intelligence to live a Free & Inspired Life



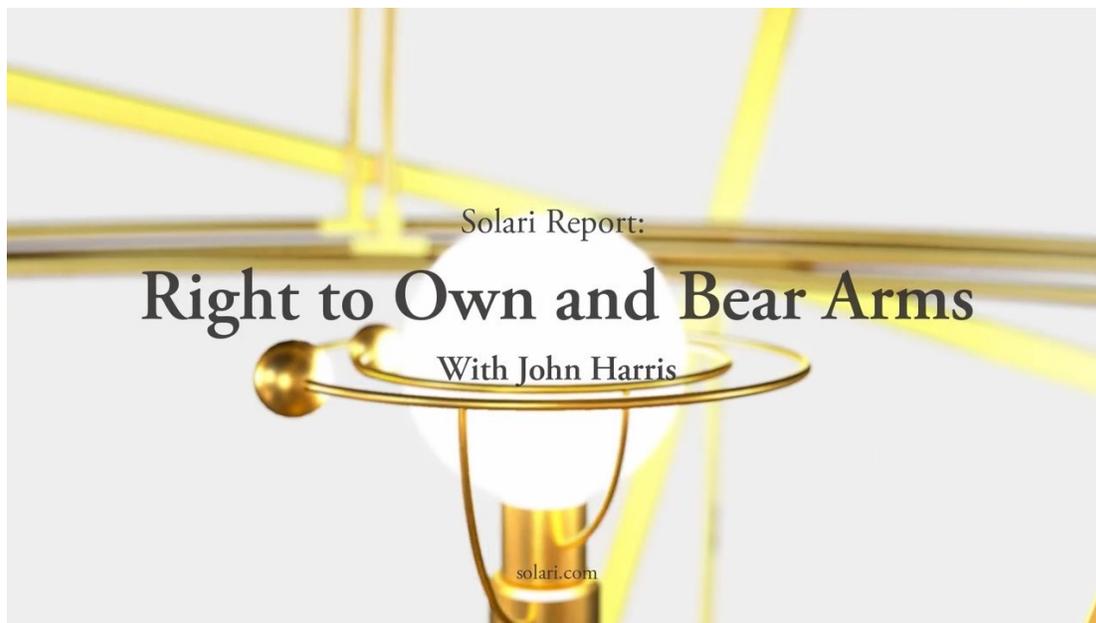
# The Solari Report

March 11, 2021

**Right to Own and Bear Arms**

with

**John Harris, TFA President**



**Summary:** I am often asked, “What are the actions that are important for me to take?” Here is an essential area for your consideration in 2021.

The political pressure to challenge our inalienable right to own and bear arms has been growing for decades. In the United States, much of the legislation that attempts to compromise this right is debated and passed at the state level. With the Republicans losing a Senate majority in the U.S. 2020 elections, the battleground at the state level will grow in power and importance.

This interview is with an expert on this matter, John Harris.

John and I discussed how the State of Tennessee has respected the inalienable right to keep and bear arms. We discussed the U.S. and state constitutional framework around this issue, as well as a landmark 2008 decision by the U.S. Supreme Court in the *District of Columbia v. Heller* case. We then looked at our current situation and potential actions to take to support TFA and similar groups in your state, and the best national associations working to support your rights and the Second Amendment.

**Bio:** John Harris, an attorney in Nashville, Tennessee, who practices in the footsteps of his father and grandfather and serves as the President of the Tennessee Firearms Association (TFA). TFA has made a major contribution to Tennessee’s leadership, protecting its citizens’ rights to own and bear arms.

In his practice, Mr. Harris covers most areas of civil law, representing both businesses and individuals. He also focuses on more unique areas, such as cases involving firearms and explosives laws, where he handles matters related to Second Amendment rights; the operation and use of firing ranges; statutory and regulatory matters involving firearms and explosives licensees regulated by the Bureau of Alcohol, Tobacco and Firearms; proceedings challenging governmental license revocation; as well as proceedings to restore civil rights.

**Catherine Austin Fitts:** Ladies and gentlemen, welcome to *The Solari*

*Report.* It is my great privilege to introduce the head of the Tennessee Firearms Association, John Harris. He is a successful practicing attorney in Nashville, Tennessee, and he is the 3<sup>rd</sup> generation of Harris's practicing law in Tennessee. It's very impressive.

My grandfather went to Vanderbilt, and John went to Vanderbilt. He comes from a fine Tennessee family.

John has particular expertise as an attorney leading the Tennessee Firearms Association and dealing with firearms and explosive laws in his practice .

The Tennessee Firearms Association is an association that I've been a member of for many years. I recommend them highly.

John, welcome to *The Solari Report* and thank you for everything that you do for the state of Tennessee.

**John Harris:** Thank you very much, and thank you for inviting me to be on with you today.

**Fitts:** The Tennessee Firearms Association is a not-for-profit corporation, and basically, you are working with both the U.S. Constitution and the Tennessee Constitution. You are also dealing with 2<sup>nd</sup> and 10<sup>th</sup> Amendment issues and the right of Tennessee citizens to carry and own firearms, correct?

**Harris:** We cover almost every issue related to civilian ownership of firearms. We cover handgun permits, constitutional carry, hunters, purchase and sales laws, range protection, and for hunters, we cover what is called 'no net loss', which is access to public lands. We also cover restoration of rights for people who have had problems with the criminal code in the past but have gotten their lives straightened out. Then we also deal with 10<sup>th</sup> Amendment issues.

**Fitts:** I have to say that the reputation of the Tennessee Firearms Association is one of the finest reputations of any organization dealing with the government that I know of in Tennessee. I know that you have been honored by the legislature on numerous occasions. My impression for one of the reasons you are so well-respected is that when I say you deal with the hard work of the detail

of getting in the trenches and addressing this issue, you get in the trenches and work hard. It's a big job.

**Harris:** It is a big job, and one of the things that we bring to the table is the fact that I've been a practicing attorney in Tennessee, and Nashville, for 36 years now. So, I can look at these statutes, not just from the perspective of what the words on the books are, but I also deal with them in the courtroom and with them in terms of what judges have done – including misconstruing the statutes. In many instances, they are poorly written. It's much more involvement that you don't typically get, even with paid lobbyists.

**Fitts:** Let me step back for a second and talk a little about Tennessee because our subscribers are all over the world, and not all of them know Tennessee as well as you or I do.

Tennessee is a very long state. I used to cross the border driving back from Washington. I would cross in from Virginia, and would call somebody. They would say, "Oh, you are almost home." I would say, "No, I have another nine hours."

It's a long state, and it goes all the way from Virginia to the Mississippi River. Nashville, where you are, is right in the middle.

Tennessee is a state that has a very serious, hard-working legislature; the bill flow is significant. My impression from reading your updates is that you deal with 50-75 or even more bills a year.

**Harris:** We screened about 1,500 bills this year already, and we have pared that down to about 50 that we are actually tracking that we think relate to the subject matter issues of interest.

**Fitts:** Wow! Talk a little about the people of Tennessee and how important gun ownership is for them.

**Harris:** That's a phenomenal question. There are many interesting data points on that.

Tennessee is a state where, with almost seven million people, the bulk of Tennesseans are very seriously invested in firearms ownership. You can quantify that, and I'll give you an example.

In 1998, they passed a law that created the Tennessee Instant Check System where if you go in to buy a gun, they keep track of it because there is a background check done. TBI records that data.

The first full year of that data pool was 1999. In that year, there were reportedly about 300,000 purchases by civilians of new or used firearms from Federal firearms dealers. That number stayed rather consistent; it did go up and down, but it remained in the 300,000 range until 2008. Then in 2008, something happened in the nation or in Tennessee, and that volume jumped up to about 500,000.

It stayed at 500,000 a year through 2019. That's about half a million guns a year being added to the civilian ownership – each year, every year. Then in 2020, because of whatever the factors were – COVID, increased concern about government and the direction it was going with the elections – the Tennessee Bureau of Investigation recorded that they hit the 500,000 mark by the middle of the summer, and it would have been much higher if it hadn't been for problems with availability of inventory. By the end of the year, it was about 700,000 guns. So, there was about a 50% increase last year in a year in which inventory was hard to find.

The same thing is true about the handgun permit matter. The last number I saw on handgun permits was with a population of about seven million, over 700,000 Tennesseans have handgun carry permits.

**Fitts:** So that's about ten percent of the population.

**Harris:** It's a huge number. We are told by the Department of Safety that the volume of people applying for new handgun permits almost doubled in 2020 on a monthly basis.

**Fitts:** I left Washington in 1998 and moved to Tennessee. When I left, I told everyone – including people who are my subscribers now – that my number one

issue, having worked in Tennessee, was the 2<sup>nd</sup> Amendment. I said, “If there was one thing worth fighting a dime for, it was the 2<sup>nd</sup> Amendment.”

Many of them would say, “Why do you need a gun? It doesn’t make any sense. I don’t understand it.”

It took many, many years for them to start to understand. But in the last three or four years, they have all come around.

I put the quote at the beginning of the outline that I sent you. It was from a subscriber in Australia, and I just received it. He heard that we were going to do this interview, and he said, “Don’t ever make the mistake that we made. Never give up your guns. If you look at what is happening here, it could never have happened unless we had given up our guns.”

**Harris:** That is so true. We do hear that plenty. People ask the questions, “Why do you need a handgun? Why do you need a sawed-off shotgun? Why do you need a shotgun at all? Why do you need an AR-15?” They ask why you need anything that looks bad.

It always impresses me when I get that question that the person really hasn’t studied the Constitution enough to understand that, first of all, the 2<sup>nd</sup> Amendment doesn’t create the right; it recognizes a preexisting right. It prohibits the government from infringing it. Secondly, it’s not a needs-based provision in our Constitution. The 2<sup>nd</sup> Amendment is really there as a means of protecting the political right of the citizens of the country to own firearms.

The Tennessee Supreme Court has said twice that the citizens should be armed for ‘suitable military engagement’. The Supreme Court in Tennessee has said that if they have those kinds of weapons in their possession, they are best able to overthrow their own government if necessary.

**Fitts:** I do love Tennessee!

Let’s turn to inalienable rights. Everybody here knows the Bill of Rights, but take us through the 2<sup>nd</sup> Amendment and the 10<sup>th</sup> Amendment, but then I want you to talk a little about the Heller decision because I think that you had a

recent podcast on it. It was a great and very coherent description of the importance of the Heller decision, and I think it's one that many people aren't familiar with.

**Harris:** Heller was a turning point that we waited two centuries to receive. What you find when you look at the history of the 2<sup>nd</sup> Amendment and the state constitutions that mirror it is the 2<sup>nd</sup> Amendment was recognizing a preexisting right that, at the time it was written, the founders understood it was not created by government, it was not given by the government, and it was a right that existed independent of government and separate from the government. The 2<sup>nd</sup> Amendment merely says that the right of the people to own arms and the references to weapons of military significance shall not be infringed.

Many people look back at that militia clause and the preamble to it, and they misconstrue it. They think it somehow means that citizens should only have guns if they are engaged in some kind of police or military service when, in fact, it is just the opposite. At the time that it was written, and even today, the militia is all able-bodied citizens in this country. The founders were saying that the militia is how we have won freedom from Europe and from England. That same risk of tyranny could arise here in this country, as I think it has, and it's critical that citizens continue to have access to weapons that would enable them to restore the founding principles on which the country was set.

The two Tennessee Supreme Court cases I mentioned recognize that and even discussed it back in the 1800's. But what has happened is that since the time of Prohibition, the Federal government has become a monster out of control in terms of oppression of rights.

There was a case by the U.S. Supreme Court called 'Miller versus U.S.' in 1940, which looked at this issue, and it quotes the two Tennessee cases. It found as an element of its holding that weapons that were suitable for military purposes were fully protected by the 2<sup>nd</sup> Amendment and were beyond regulation. It did not find in that case – and sent the case back for further hearings – whether or not the specific weapon involved there fit into that category. That is the last real Supreme Court case we have had of significance on the 2<sup>nd</sup> Amendment until we got to the Heller decision in 2008.

Heller was a case where Dick Heller was involved with litigation with the municipality of the District of Columbia whether or not he could possess handguns in his own home without having registrations and what not.

Justice Scalia wrote a very lengthy opinion on this. It was a 5-4 decision, which means that it will always be in jeopardy as long as we have people like some of our current justices on the Supreme Court. They said in Heller was what we just discussed: Scalia reaffirmed that it was an individual right; that it was a right to own weapons that were commonly owned by civilians. He didn't go so far as to deal with the military aspect of the weapons because it was unnecessary in that case. Then he made the finding in those particular facts that the municipality had violated Dick Heller's rights by regulating excessively his access to firearms.

Heller didn't decide all of the issues, but it did find that the 2<sup>nd</sup> Amendment protects a fundamental right of an individual, and it's a right that is beyond the regulatory authority of either the Federal Constitution or the result of the McDonald decision two years later in state constitutions.

**Fitts:** I keep going back – and you do, too – to these words, 'inalienable rights'. In other words, it's a right that supersedes government; Government doesn't have the authority to separate us from that right.

**Harris:** Yes, it's basically un-severable.

**Fitts:** I want to turn to the current debate, but I want to insert one comment. One of the interesting things that happened to me when I moved to Tennessee was I decided to start reading the serious history of any academic research that had been done on what the impact was of owning firearms versus gun control. One of the books that I found that I really appreciated was *Point Blank*, which was done by an academician who had a lot of help from some of the firearms associations to get the statistics. What you see again and again and again in the statistics is that gun ownership and gun training do a remarkable amount to protect the honest citizens – I'll just say as a woman, particularly for women.

To me, the statistics are overwhelmingly and compellingly clear. That message never comes through on the popular media.

**Harris:** They have no motive or incentive to bring that message out. As truthful as it is, it's contrary to their beliefs. So, they are not going to bring it out, but you are exactly right. The data shows legal possession of firearms by an armed populace decreases particularly violent crimes directed towards other individuals. They result in increased property crimes because criminals have to make a living apparently, but it does have a general deterrent effect as criminals increasingly are denied the knowledge of whether or not a potential victim is armed. So, the higher the percentage of people in a society that are carrying arms – concealed arms particularly – the better it is for everybody, even those who don't want to carry guns.

**Fitts:** Let's get into the current debate. You are in the middle of a significant bill flow, but there have been some real issues and discussion and effort around Constitutional Carry and red flag laws. So tell us about that, and I am also going to ask you about what a sanctuary state is.

**Harris:** Let's talk constitutional carry first because, when I started doing this a quarter-century ago, we referred to it as 'Vermont carry' because the state of Vermont has in its Constitution since the 1700's that any citizen could legally possess any weapon, and they could carry. Back then it was, "We want Vermont carry," just like we used to talk about Xerox copiers. It wasn't because Xerox owned all copiers, but because that was common terminology.

Now, as of today and the last 25 years, we have 18 states, including Vermont, that have adopted Constitutional Carry. The terminology is critical.

'Constitutional Carry' means that anyone who can legally possess a firearm can carry it in public for whatever legal purposes they want to exercise. It may be self-defense, or it may be because they are a business owner and want to protect their business, but Constitutional Carry is any legal possessor with any legal weapon.

Of the 18 states that have adopted Constitutional Carry, depending on how you count them, at least eight and potentially as many as ten even allow 18-year-olds and up to have access to firearms because under state and Federal law – at least in Tennessee – an 18-year-old can legally possess handguns, rifles, and shotguns. They can't buy a handgun from a licensed dealer, but they can buy it from

another individual, they can be gifted, or they can inherit. They just can't buy it from a dealer until they are 21, but they can legally possess it.

We've seen in Tennessee at least three bills running that would change Tennessee law substantially and adopt Constitutional Carry.

The best bill, in all likelihood, is House Bill 18, which basically says that if you legally possess it, you can carry it. It goes a little further and it gets rid of some gun-free zone issues.

There is a second bill that is Senate Bill 1391 that approaches the issue a little differently. It deletes entirely the sentence in our code that says that it is illegal to carry a firearm with the intent to go armed, and it leaves the language in the code that says, "But if you are a convicted felon and you've not had your rights restored, it is a felony for you to have a gun." That gets us to the same point, ultimately.

Then there is the Governor's bill, which was filed last year. It was moving forward, and then COVID hit. Now it's back again this year. It is an improvement over where we are now, but it is not what I would call Constitutional Carry because it has a higher threshold; it doesn't apply to everyone who can legally possess, and it doesn't apply to everyone equally. So, there is potentially an equal rights violation built into the language of their bill.

It has some other conditions in it, and I don't understand why they are there unless to create a trap.

There are these three bills, and now they are starting to move forward. They were heard in the House subcommittees earlier. They will be back in those subcommittees soon for a vote. The senate takes up the Governor's bill very soon. So, things are starting to gel and move forward on those bills.

**Fitts:** Who would you say is representing the policies that the Tennessee Firearms Association would like to see dominant? Who are the best legislators? Who are the leaders in protecting the 2<sup>nd</sup> Amendment rights in the Tennessee legislature?

**Harris:** That's a really tough question, and I hate to necessarily single anyone out who is currently there because there are many of them.

Like singers in the church, some people are in the choir because they can carry a tune, and some people have just as much energy, but they can't. So, we have many legislators who are very much in support of this. The problem is that we do have a small number of Democrats and have what is commonly referred to (unfortunately) as RINOS and moderates. Some of those in both parties – Democrats and some of the Republicans – listen to law enforcement, and law enforcement like the Tennessee Sheriff's Association believes that it is a risk to allow citizens to carry guns. This is complete balderdash because not a single one of those other 18 states that have done it has seen a spike in criminal use by legal gun owners.

But they listen to them. Some of them don't concede that the 2<sup>nd</sup> Amendment says, "Shall not be infringed." They will say, "I support the 2<sup>nd</sup> Amendment," and before the period even comes out of their mouth, they say, "But..."

They want training, they want background checks, they want recertifications, they want fees, and tell us is that they don't really support or understand the 2<sup>nd</sup> Amendment.

**Fitts:** Let's talk about red flag laws.

I see the people who would like to wipe out the 2<sup>nd</sup> Amendment as having given up trying to do it boldly or directly; they are just trying to chip away. This is 'Chinese water torture'. Talk about red flag laws because I think that there is a huge danger in these.

**Harris:** They are a huge danger, and there is one pending in Tennessee this year. I don't think it will pass because both of the sponsors are Democrats, but we've had them in the past filed by Republicans.

A red flag law is a law that says, "If a person has contacts or run-ins with law enforcement or officials," like the Parkland incident in Florida where there was a history of contacts between the shooter and law enforcement, and law enforcement – because of Federal policies of the Obama Administration –

didn't move forward on the juvenile and take corrective actions.

What a red flag law says is that if you have people and there is any indication at all, not that they've committed a crime because it doesn't require any kind of criminal activity, but just that they might be a risk to the public or to law enforcement or themselves if they continue to possess firearms, then a red flag law lets family members, school administrators, law enforcement, and almost anybody go to a judge, swear out, and ex parte affidavit, and then get an order from the judge to go seize the person's weapons.

To me, that is ludicrous because if the danger is the mental status of the person, maybe we need to be putting the person in for psychiatric monitoring and assessment. You just don't take their guns because they are still a risk.

The red flag laws aren't really geared towards public safety; the red flag laws – like you said – are all designed to chip away at and give government more authority to seize and disarm the public.

**Fitts:** Right. If you look at the power of the U.S. government, I have not seen this in Tennessee, but the U.S. government has the power to smear people in a way which I would describe as highly inappropriate.

The political abuse of a provision like this could be extraordinary.

**Harris:** It could be horrible. If they ever pass it – and they have in some other states – it is going to become weaponized in divorces, weaponized in domestic matters, and weaponized politically. It's not going to be a real tool.

If they legitimately want to deal with someone who is a potential risk, we already have laws on the books. In Tennessee they are called 'extreme risk protection orders'. They are emergency committal orders where once there is a doctor's affidavit that the person constitutes a material risk to themselves or a third person, they can be involuntarily seized for up to two weeks for medical assessment and treatment.

Then there is a court hearing on whether or not they are released. They don't take their gun any more than they would take their knives or their lawnmower

or their chainsaw or car. That's what is wrong with red flag laws; they are not about safety; they are about seizing guns.

**Fitts:** So what is a sanctuary state?

**Harris:** A sanctuary state is a term that I don't recommend we use. The concept of a sanctuary state, I think, comes from the left. It comes from people who refuse to honor the national immigration laws or the marijuana laws or other laws, but typically it's immigration.

When you use the term 'sanctuary city' or 'sanctuary state', there isn't even a challenge or a dispute as to whether or not the law in issue is a valid exercise of government power.

Let's look at immigration as an example. The sanctuary concept says, "We don't care what the law is. We're not going to let you enforce it here. In fact, we are going to do everything we can by aiding and abetting the criminals to keep you from enforcing it." It's just like the Old Testament sanctuary cities.

The reason I don't like that in the context of 2<sup>nd</sup> Amendment issues is that the 2<sup>nd</sup> Amendment is not a sanctuary concept. There is no doubt that the Constitution says, "Federal laws and now state laws that infringe are unconstitutional."

So when it comes to the 2<sup>nd</sup> Amendment, I prefer referring to them as either 2<sup>nd</sup> Amendment or 10<sup>th</sup> Amendment laws because it's not a sanctuary concept. We are, in fact, dealing with a government that has exceeded its powers, it has delegated authority, and it is acting ultra vires, and it has no constitutional jurisdiction if you were in front of a real court.

**Fitts:** One of the reasons that I feel so strongly about these issues, particularly in the state where I live, is that right now, you are watching a significant change in the currency system. It's what the central banks have voted on. It's a plan called the Going Direct Reset. There is no doubt that you have tremendous reasons why many financial interests would love to buy significantly more real estate and farmland in the United States. That process – I believe – will be much easier to do politically if you can institute gun control in the population.

**Harris:** It may. From the left's perspective, from the socialist perspective, and from the communist perspective, getting rid of private civilian ownership of guns has numerous benefits. That has been proven in Russia, North Korea, China, Canada, and Australia. It's been proven over and over again. If you want to go down the 'cesspool' of destroying a constitutional republic, you have to disarm the public.

**Fitts:** I noticed – and I think I said this to you before – that the number one drop-off point of U-Haul trucks in 2020 was Nashville. Did you know that?

**Harris:** I've heard that.

**Fitts:** Let's talk about: What can I do?

Somebody is listening to or reading this interview. Maybe they live in Tennessee, or maybe they live in another state or another country. What can a person do?

**Harris:** That's a great question, and that is one reason the Tennessee Firearms Association continues to function as a grassroots organization. It's based upon the principle that we maximize our efficiency in dealing with our elected officials. If we are exercising the Article I rights that we have – and the responsibilities to lecture and instruct and hold our elected officials accountable – we don't use paid lobbyists. What TFA does is try to put information out and make it easily digestible through weekly updates.

We just started podcasting, and we are starting to do video work.

**Fitts:** Your podcasts are excellent. They are very, very simple, clear explanations of these issues. Could you give your URL? You (the listeners) can click over to the podcasts. I think if you don't understand these issues, they are very, very good and will provide clarity.

**Harris:** The website is [www.TennesseeFirearms.com](http://www.TennesseeFirearms.com). On the main page, there is a link directly to the podcast.

Also, on the main page is a direct link to a 'subscribe' button, and that is free. You don't even have to be a member. It's the same way with the podcasts –

they are free. If you get on the 'subscribe' list, we will send you legislative updates on the status of bills that had activity earlier- updates on bills that are scheduled for committee- and what is good or bad about the bills and other information related to the progress of the bills.

For example, we say, "Here are the talking points on the bills. Here is what is good or bad about them. And here are the people you need to call and tell them that you are an informed TFA supporter, and tell them what you want them to do."

I know from talking to legislative staffers that when we send that kind of email out, they get overrun with phone calls. So, I know we have a big saturation. I know that we are being effective in educating and supporting the efforts of individuals, but when it comes down to the question of, "What can someone do?" Unlike organizations that just want to send you an invoice and get membership dollars (and don't let me suggest that membership dollars aren't important, because it's what funds the podcasts and all of the other things), some organizations don't want you involved. They only want you to send them all the money and let them make the decisions. In my opinion, they have messed up in Tennessee and made it worse.

TFA tries to do is to have an informed supporting membership and have them active and speaking with legislators and putting the pressure on them. I don't think that you will find another organization that provides the level of information and support to the members in terms of educating them on the issues with timely information that we try to provide at least on 2<sup>nd</sup> Amendment issues.

**Fitts:** What I love about what you provide is there is sufficient complexity to understand and deal effectively; it's not oversimplified.

Let me ask you this: If somebody is in another state, is there a Tennessee Firearms Association in the other 49 states?

**Harris:** There are many. As a matter of fact, I deal with many of them. Virginia has a Virginia Citizens Defense League (VCDL). I can't 'rattle off' the names of all of them; that is one that I got an email from today. Missouri,

Montana, Kentucky, North Carolina, South Carolina all have them. Most of the states have state-based organizations.

In my experience over the last quarter century, state-based organizations are typically run by volunteers. They are typically run by people who are far more educated or informed on the nuances of that state's law.

I'm going to contrast it: I'm an attorney, and I've been doing this for 25 years. I practice as an attorney, and I volunteer my time. In contrast, the NRA has a part-time lobbyist that covers Tennessee and five other states. He was a staffer on Bill Lee's Administration, so he's not going to stand up to Lee and hold him accountable. And that is all the NRA has sent here for the last 25 years; they don't send in dedicated advocates who don't have conflicts of interest.

**Fitts:** I also think that if you are going to deal with these issues at a state level, you need to be focused. I always try to encourage my subscribers to take attention away from the national level and start putting much more attention at the state level where their time and their dollars can really hold the line on these kinds of issues.

I was reading something but I don't know if you saw it. There was an article, and it had quotes from the New Hampshire group that is equivalent to the TFA. Their clever tagline on their car tags is, "Live free or die," and they are very serious about it in New Hampshire.

This person said, "I don't notice the Secret Service agents who are guarding the Biden family giving up their guns. Our children deserve the same protection."

I thought, "Oh, this Administration is in for a fight in New Hampshire!" I don't think that people realize the depth of the talent, the intelligence, the knowledge, and the history that is ready to battle state by state over these issues.

**Harris:** I think that at the state level is where you find it. The national groups can do some things well. For example, the Second Amendment Foundation (SAF) focuses its attention on litigation in the courts. The Tennessee Firearms Association works with SAF, and we have joined in amicus briefs with both SAF and Gun Owners of America. In fact, we were a party to the litigation in

the U.S. Supreme Court over the last two years. So, we go beyond only working in the legislature.

We have now increasingly, over the last two years, gotten into selectively picking lawsuits to either assist or start ourselves.

**Fitts:** Let's say that I want to purchase and own a firearm. I'm the kind of person who thought I would never do it, and now suddenly, I'm looking at the world, and saying, "Oh, now I realize why people want to own a firearm."

How do I begin? Where do I go? How do I get training? How do I get educated?

**Harris:** Those are great questions. If you are a complete novice, which occurs, particularly with the number of people who have moved into Tennessee, most native Tennesseans either already own a gun or they have a brother or a father or a grandfather who does and who can help them. Many people have moved in, and that doesn't apply to them. They should go to a professional range/gun store. They are in the business of selling these items, including range time, but they also have licensed and certified professional instructors.

One thing that I like to tell people – because I defend people who are involved in self-defense cases – is if your instructor's only certification is that they went through the two-day NRA instructor course, find another instructor. Get someone who has law enforcement experience, military experience, comes from a really rigorous training background like Blackwater or Thunder Ranch or some of those, and pick someone who could potentially be a good witness if you had to have someone testify on your level of training.

Get the right kind of training, and don't necessarily buy the gun before you have the training. They have rental guns. The reason for that is most people buy the wrong gun because they are talking to a salesman instead of an instructor who can help them select a weapon that is suitable for them. Not everybody needs a semi-automatic. Some people actually do better with revolvers because they are simpler, there is less to break, and you don't have to maintain them like you do a semiauto. So, talk to a qualified instructor who has real experience. There are plenty of them around.

**Fitts:** One of the things that I thought was great about the instructor who I had in Tennessee was their knowledge of the law. You really need to know the law if you are going to handle a weapon in Tennessee.

**Harris:** You do. That's a serious deficiency with many instructors. They don't realize it, but I constantly get questions through Facebook and social media where people say, "My instructor said the law was this," and it's just not that way.

**Fitts:** Right, you have to know the law.

Whether it's the Tennessee Firearms Association or their state or for whatever country they are in, I always say, "What is the point of having assets if you don't have an army to defend them?"

I believe this is very critical to defending your human rights and your property rights. How do they support TFA or their state group or their country group? They can become a member, they can donate, and some of them have PACs; you have a PAC.

I didn't realize that you had a PAC until I prepared for this interview. Now I know.

**Harris:** We've had a PAC since 1996. We realized early on that if you are going to be effective, you have to have the ability to support the right candidates and work to take out the bad ones.

**Fitts:** You and I went about the same time to join MeWe; we left Twitter and went to MeWe. So, you do have a social communication on your behalf with representatives, which is very, very important.

If you put out a broadcast, getting to know your state representative and getting your voice heard is very important. What about communication with media?- you do a podcast. Now that I'm on your update list, if I know that you are doing a podcast, I can republish it.

What about anything at the national level that you could recommend that people do?

**Harris:** At the national level, we do have a crisis. I recommend people look at a couple of organizations for support at the national level. The Second Amendment Foundation is strong because we can achieve some things in the courts that we are not going to achieve under a Biden Administration. They are well-run, they are long-standing, and they are good at what they do.

I do strongly support Gun Owners of America. They work both at the state level with legislative advocacy as well as at the court and Federal levels, and they do a good job of it because they are dedicated and are not in it for seven-figure salaries.

**Fitts:** How dangerous is it that the Republicans have lost the senate? I always saw the Republican control of the senate as being a protection on the 2<sup>nd</sup> Amendment.

**Harris:** I think it's potentially devastating. I think it increases the risk that we will have to rely almost exclusively on victories in the court system for the next couple of years. Unless we turn a couple of House of Representatives or Senate members to defeat things in congress, they can do what they want, just like they did with Obamacare. It will be a disaster for the nation.

Then we have the problem that Joe Biden will sign any executive order put in front of him. I don't think that he even reads them. He certainly can't articulate what they mean. He will just sign anything, and that is a huge problem because once he puts it down in an executive order, it doesn't matter if it's valid or not. Federal organizations will start trying to implement it.

We saw during the Trump Administration that over and over and over again things that were probably constitutionally permissible by Trump were attacked almost immediately by the left by going into the district courts and trying to get injunctions. We see a complete failure, largely on the behalf of the establishment Republicans in this country, to use the same tactics – to go to the courts and try to get injunctive relief to stop the Biden Administration from trampling on our rights and the constitutional republic's proper functioning.

**Fitts:** This is a question coming from my complete ignorance. We see states starting to pass nullification laws. Does any of that have to do with the 2<sup>nd</sup> Amendment and their fear of what the Biden Administration would do?

**Harris:** I think some of it does, and we have two of those laws in Tennessee. The defending bills need to be stronger, and we are working on that.

That is a 10<sup>th</sup> Amendment issue as well as a 2<sup>nd</sup> Amendment issue. The two work hand in hand. What will happen is the state can pass all the laws they want to, and the Federal government is going to say, “We don’t care.”

The Federal officials with the ATF or the FDI or whoever it is will say, “We don’t care,” until a Federal district judge puts down an injunction. Then they will care.

The states are going to have to require that their attorney generals forcefully take action and push back against Federal encroachments – and Tennessee is not good in this component because they have not had a history of strong attorney generals because they are not elected by the public – if we want to see any kind of buffer to what the Biden Administration is going to do.

**Fitts:** As a citizen of the state, where does the citizen put pressure to get the attorney generals to do that? Is that by pressuring the Governor’s office?

**Harris:** No, it’s putting pressure on the legislature. The legislature controls the attorney generals’ budget. That is how you control them.

**Fitts:** It’s always the travel money!

**Harris:** What we need to do is transform Tennessee to an elected attorney general. There are two routes to that. We can amend the constitution, which takes six to seven years to do, even if you started today, or we can recognize that when you read the state constitution about the attorney general, it is a constitutional office, and the supreme court appoints the attorney general. The structure of the constitution is that the attorney general was supposed to be part of the supreme court’s staff. They were the reporter who published the court’s

books.

Most of the problem is that over the last two centuries, the general assembly has delegated specific powers statutorily to the attorney general that aren't in the constitution, which is okay if you have an attorney general who is capable and responsive.

So, what the legislature could do without having to amend the constitution is create, for example, another office, and they could call it 'solicitor general' or whatever you want to call it. You make it an elected office, and then by statute, you transfer powers from the AG to this new office that is elected. We could be up and running with a real aggressive advocate for the public within two years.

**Fitts:** Has anybody considered doing that? Has anybody ever sponsored a bill to do that?

**Harris:** We have talked with selected representatives and senators about doing that. They keep filing bills to tweak how the attorney general operates. There is one pending this year, but it's not the right path.

Senator Beavers did do it when she was there several years ago, but she retired. Presently, there is not a bill pending that uses this concept of creating a separate office and transferring authority.

**Fitts:** I think it's quite intelligent.

The Biden Administration: What keeps you up at night?

**Harris:** There comes a time when you have just look to your beliefs. The 23<sup>rd</sup> Psalm is one example: You have to say, "It doesn't matter. He can kill me, but he can't eat me."

At some point, you have to also realize that the reason we have this country in the first place is that citizens finally had enough and stood up to their 'Washington' of the time, which was King George, and told him, "No more. We are going to rule ourselves."

You would hope that we don't get to that point. Maybe by the ballot box and changing things, we can recover and restore the constitutional republic. With voter fraud and the Biden Administration coming into power when there is no way that 'goofball' won, you have to wonder a little about a viable option. So, you hope that we never have to go the route of the 2<sup>nd</sup> Amendment, but that is what it took in the 1700's, and it is my belief at that time, the offenses of tyranny that are enumerated in the Declaration of Independence were far less than what we are dealing with today.

**Fitts:** That is true.

I want to tell you one last story before we close. When I read the article about the U-Haul, and the number one drop-off point according to the spokesperson for U-Haul being Tennessee, the first thing that came to my mind was, "Every real estate broker in the state of Tennessee should call the Tennessee Firearms Association and say thank you."

**Harris:** I appreciate you wanting to set this up and having this long discussion.

One of the things that I hear constantly – and I don't know how to solve the problem – is people will hear me doing a public speech, and they will say, "I didn't even know that you all existed."

**Fitts:** Really?

**Harris:** I'm on the internet, on television, and we do all of these things. It's like, "Where have you been?"

But we are here, and we need support; it's a numbers game. You have 700,000 handgun permit holders in the state. If we had 10% of that number calling the legislature on Constitutional Carry, elected attorney generals, and the 10<sup>th</sup> Amendment, or even 5%, it would get done overnight. They would respond.

**Fitts:** I'm ashamed; I will do a better job in the future of calling and writing.

**Harris:** So many people think that it doesn't make a difference.

**Fitts:** Oh no, it does make a difference.

I'll tell you a story. When I was Assistant Secretary of Housing, I got a call from a congressman's office and they said, "We've had a huge increase in our mail on housing. Could you come talk to us about housing? We want to make sure that the congressman is taking action and doing something on housing."

I went over there, and said, "Where is all of this mail coming from? How many letters did you get?"

They said, "We got three last week!"

**Harris:** It makes a difference.

**Fitts:** A personal, handwritten letter makes a big difference.

**Harris:** I deal with many of the staffers. I say, "You are wasting your time sending emails because an email is just a 'delete' button waiting to happen. It is going to take personal phone calls and face-to-face visits, particularly in the district. Don't come to Nashville because they are too busy. Catch them at Walmart or the grocery store or at church or the bowling alley or the pizza parlor. Catch them in the district and talk to them. Then write a letter. You can fax it in or mail it in, but write an actual letter.

**Fitts:** If they have community meetings, that is a good place.

**Harris:** Some do.

**Fitts:** One of the things that I love about Tennessee is working in government is a very honorable career. There are very high-quality people who work in Tennessee.

I'm saying that because some of them are my relatives!

**Harris:** There are many of them that fit that mold.

**Fitts:** John Harris, I think that what you do for our state is fantastic. If there is anything that I can ever do to help, I hope you will let me know. We need to do a better job of supporting you. I think you are making an enormous difference.

With the states, with the Republicans losing the senate, and what is going on nationally, much of the responsibility to hold the line will come down to the state legislature.

**Harris:** I've learned this clearly: It takes money. I will give you an example: When I first got involved in doing this, and actually for the first ten to 15 years, you could run a House race in Tennessee for \$10,000 to \$25,000 easy, 'all day long'.

We went after the number three Republican in the House in 2012 because she admitted to us that the House leadership (and they were all Republicans) were unwilling to let gun bills come to the floor because they were more interested in protecting incumbents on reelection from challenges from Democrats than they were in letting the bills to the floor. Their reasoning was, "If we put gun bills on the floor, the Democrats will use it against us in our campaign times."

I was thinking, "You are an idiot. You will get more votes if you do the right thing," just like Trump.

In that race, we found a Tea Party leader who was a dynamo, and we went after that number three person in the House. What should have been \$20,000 to \$50,000 in campaign costs for that one race was \$750,000 on both sides.

So now we know that if it's a state house race, that candidate and the organizations supporting them better be able to raise about \$100,000 per race. If you are going after a senate seat, it's more like \$500,000.

The Chamber of Commerce loves RINO Republicans. So, the Chamber of Commerce will throw money at them and keep the RINOs in office. Those are the ones who are really creating more problems in Tennessee than the Democrats. The Democrats can caucus in a minivan at McDonald's. There aren't that many of them. But the RINO Republicans are like a cancer when it comes to constitutional conservative issues, and they keep eroding the progress

that could be made by their unwillingness to stand up for the Constitution.

**Fitts:** What I'm hoping is that the events of the last four or five years have helped to galvanize the general population to realize they have to get in the 'fray'. It's not enough to get into the fray at the national level; they have to get into the fray at the local and state level because this is all going to come down to the quality of leadership.

**Harris:** Absolutely. Federal officials start off as local schoolboard members, local commission members, and local mayors. They may even start out as the road superintendents. Then those people get a little experience with government, and they go to the state legislature. Then, like Marsha Blackburn, she went from state senate to congress. Then they go from the state legislature to governor or congress or try to run for Vice President.

So, if you aren't dedicated at the local level – and Nashville is 'sucking air' in trying to keep out people who are not constitutional stewards doing it for the right reason – then you are losing the battle as they gain tactic skill and support, moving towards the general assembly.

It's critical that you start fighting local and state races with a vengeance because you have to keep a 'cesspool' from infecting the upper level races where you can't afford the fight.

**Fitts:** I used to have a colleague who would describe it as 'unrelenting, unceasing, unremitting pressure'.

John Harris, I think that you will have a great year. We are here to support you. Thank you so much for joining me on *The Solari Report*, and have a wonderful day.

**Harris:** I've enjoyed it. Let's do it again in a few months.

**Fitts:** I would love to.

**Harris:** Thank you.

## **MODIFICATION**

Transcripts are not always verbatim. Modifications are sometimes made to improve clarity, usefulness and readability, while staying true to the original intent.

## **DISCLAIMER**

Nothing on The Solari Report should be taken as individual investment advice. Anyone seeking investment advice for his or her personal financial situation is advised to seek out a qualified advisor or advisors and provide as much information as possible to the advisor in order that such advisor can take into account all relevant circumstances, objectives, and risks before rendering an opinion as to the appropriate investment strategy.