

000054: DumDums_and_Shotguns

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Lawfare too

The shotgun thing is ridiculous as an argument. “The right to keep and bear arms shall not be infringed.” Except it’s been heavily infringed. Nobody wants to remember the Minute Men. Why did they exist? If the general population wasn’t permitted to keep and bear arms, they’d be locked up in a central armory. This had two downfalls: the arms weren’t available for practice, and the seizure of the armory would leave everyone disarmed. Thus, the concept of the minutemen. “Nobody should have assault rifles!” Wind it back. In 1776 the most common guns in use were the then-current British and French muskets. It’s entirely logical that the guns the general population should have access to are the current military arms. After the miserable performance of the draftees in the Spanish-American war, the big movement for “Civilian Marksmanship” programs were started. “If people have the right to current military hardware, you believe that they should have nukes?” That claim is amusing. Turn it on them. “Certain weapons are considered to not be weapons of war. Biological weapons, poison gas, etc., Nuclear weapons are arms of species extinction. It’s odd that you consider them arms of war. They vaporize children en masse. What do you have against children? Shall I assume it’s consistent with your support for murdering babies – after dehumanizing them by calling them fetuses?” “Myself, I’m not into baby slaughter. I have no desire for people to own biological weapons or nukes. I don’t mind them being retained for hostile alien spaceships but beyond that? I’m not a sick shit into murdering children and babies.”

Thus we get to dum dum bullets, shotguns, and gas. Except for a detour into legalese.

Periodically the Supreme Court declines to hear a gun case. The usual pundits get their undies in a bunch over it. Not hearing a case doesn’t necessarily mean that “they’re against arms;” they get to pick their battles. That specific one might be a bad one.

Large computer companies, in the 1980s, used a strategy of running over a little guy before taking on the big guy. Take a small company to court where your big dollar lawyers can destroy them and establish a precedent. Then use that precedent to go after the bigger target. SCOTUS can ignore the weak cases while waiting for a slam dunk one. It’s a pretty easy strategy. The more egregious the case – the easier it is to rule on it. With that concept in mind, sometimes you should avoid going to court. Let’s say you have a weak case. Do you go to court and take the chance to get a negative ruling or avoid the court and just bully people – with them understanding you have massive legal funding available? “Stop doing that or we’ll file suit! Want to spend time with our battalion of lawyers?”



Case in point. McDonalds decided to go to court with a small Irish burger place. Not only did they lose the case, they lost the trademark to Big Mac Europe-wide. Burger King decided to troll them. There are times you maybe should stay out of court and not try your luck.

Dum-dums

Lt.-Col. **Neville Sneyd Bertie-Clay**^[4] (22 July 1864 – 17 October 1938) was a British army officer. He served in the Royal Artillery and in the Royal Garrison Artillery, but spent much of his career on secondment to the Indian Ordnance Department of the Indian Army. Bertie-Clay invented the dum dum soft-pointed bullet in 1896 as the Mark II Lee-Netford bullet then in use was perceived to leave a small wound with insufficient stopping power to halt a determined charge. The dum dum would later be outlawed for use in warfare by the Hague Convention of 1899 but remains in use for police firearms and hunting.

Aw, the British. Invented everything. At least they always, without fail, believe their own nonsense. “Bertie-Clay invented the dum dum soft-pointed bullet.” Except mushroom bullets were nothing new. Show me a patent if he invented it.

(No Model.)

T. C. SMITH.
MUSHROOM BULLET.

No. 549,334.

Patented Nov. 5, 1895.

Fig. 1.

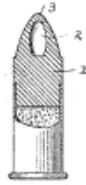


Fig. 2.

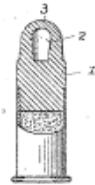


Fig. 3.

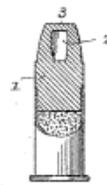


Fig. 4.



WITNESSES

H. H. Lamb
S. K. Richardson

INVENTOR

Thomas C. Smith
By *A. M. Foster*
Att.

Good luck.

In any event, they started making mushroom bullets at the Dum Dum Arsenal in India. They were promptly declared a no-no in an international treaty.

The Hague, 1899: The Prohibition of Dum-Dum Bullets in International Law

Thus, it's international law. Except? The United States never signed it. Britain and Germany did – the U.S. didn't.

1020142	10/10/11	653906	03/12/12	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	PAPER SHOT-SHELL
1025525	02/28/12	680558	05/07/12	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	TUBULAR CARRIER
1057646	10/10/11	653907	04/01/13	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	LOADED PAPER SHELL
1064907	04/04/13	758771	06/17/13	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	PAPER-TUBE SHOT-SHELL
1073348	04/22/13	762907	09/16/13	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	TUBULAR CARRIER
1073349	07/03/13	777368	09/16/13	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	MUSHROOM-BULLET
1082867	04/28/13	764052	12/30/13	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	DEVICE FOR OPENING TUBULAR CARRIERS
1085125	08/22/12	716345	01/27/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	APPARATUS FOR FILLING RECEPTICLES
1086707	04/28/13	764049	02/10/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	EXPLOSION-GUARD
1086708	04/28/13	764050	02/10/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	EXPLOSION-GUARD
1091224	11/24/13	802614	03/24/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	PROJECTILE
1094565	11/19/13	801833	04/28/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	CARTRIDGE
1095501	02/24/14	820618	05/05/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	HOLLOW-POINT BULLET
1095502	02/24/14	820625	05/05/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	MUSHROOM-BULLET
1099298	02/24/14	820623	06/09/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	MUSHROOM-BULLET
1099549	02/24/14	820619	06/09/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	ILLUMINATING-BULLET
1103203	02/24/14	820620	07/14/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	CARTRIDGE-SHELL
1107519	06/18/14	845776	08/18/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	RIM-FIRE CARTRIDGE
1107948	02/24/14	820624	08/18/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	MUSHROOM-BULLET
1109840	06/18/14	845775	09/08/14	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	CARTRIDGE
1111459	01/03/14		09/22/14	Hoagland, Frank O.	Bridgeport, CT			PROJECTILE
1149830	07/18/13	779657	08/10/15	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	PROJECTILE
1157221	11/22/12	732804	10/19/15	Hoagland, Frank O.	Bridgeport, CT	Union Metallic Cartridge Co.	Bridgeport, CT	CARTRIDGE
1222276	04/05/17	450882	12/02/10	Hoagland, Frank O.	Hartford, CT	Best & Whitely Co.	Hartford, CT	METAL WORKING MACHINE AND METHOD

One can say that Frank Hoagland was into mushroom bullets. That, or U.M.C. was, as the previous patent above was also assigned to them.

The Germans filed a protest with the United States – before we entered the war. They even called out Hoagland by name. The claim was that UMC had sold, and shipped, 8,000,000 of said cartridges to Canada. The destination was thus kind of obvious. The State Department looked into it. UMC claimed it never happened. Maybe a nod nod wink wink thing? I don’t know.

The 1899 prohibition against the use of expanding bullets remains contested in twenty-first-century international law. According to the [Rome Statute of the International Criminal Court](#) (adopted in 1998, entered into force in 2002), the use of “projectiles that easily expand or flatten in the human body, such as projectiles with a hard mantle, which does not fully cover the core or is pierced with incisions,” is a war crime. As in the late nineteenth century, however, the prohibition remains contested. The last version of the [U.S. Department of Defense Law of War Manual](#) (updated 2016) suggests the value of using expanding bullets in combat against insurgents, noting that “the US armed forces have used expanding bullets in various counterterrorism and hostage rescue operations [...]”

“is a war crime.” When somebody claims that some random person invented something, I generally want to see the patent. When somebody claims that something is illegal, it’s “show me the law” time. “The 1899 convention!” U.S. didn’t sign. “Rome Statute!”

The States Parties to the Rome Statute

Aw, yes. The signatories.

T

[Tajikistan](#)

[Timor-Leste](#)

[Trinidad and Tobago](#)

[Tunisia](#)

U

[Uganda](#)

[Uruguay](#)

[Ukraine](#)

[United Kingdom](#)

[United Republic of Tanzania](#)

V

[Vanuatu](#)

[Venezuela](#)

I see a problem. Somebody appears to be missing. Germany signed. The U.K. signed. Some other country that begins with an “U” is missing. For the US, they’re not illegal.

Combat Shotguns

The army doesn’t like to call them trench guns. They’re combat shotguns. Are they legal? That is a legal question. I am not an attorney. That said, it appears to be a case of who has the strongest argument and a specific case. Not much different than the SCOTUS choosing their cases right? The U.S. Army claims they’re legal. Let’s review.

DEPARTMENT OF STATE,
Washington, January 6, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 5th ultimo, calling attention to “fresh violations of the Geneva convention as well as to Section II, Article 23(e) of the Hague convention of July 29, 1899, by the British Government,” in the use of dumdum bullets. I can assure your excellency that I am not unmindful of the spirit in which you bring to the attention of this Government the improper practices which are alleged to have occurred in the conduct of the present war. But while this Government may take these statements and charges under consideration it is, in its effort to maintain a strict neutrality in the present conflict, obliged to refrain from investigating their truthfulness or making any comment in regard to them. The time will come, however, when the truth may be impartially determined, and when the judgment of the world will be passed upon the charges made by the various belligerents of violations of the rules of civilized warfare.

Your excellency also states that the British Government have ordered from the Winchester Repeating Arms Company 20,000 “riot guns,” Model 1897, and 50,000,000 “buckshot cartridges” for use in such guns. This Department saw a published statement of the Winchester Company, the correctness of which the company has confirmed to the Department by telegraph. In this statement the company categorically denies that it has received an order for such guns and cartridges from, or made any sales of such material to the British Government, or to any other government engaged in the present war.

In addition to the protest against supplying mushrooming bullets, the Germans protested the shipment of shotguns. The above is awkward for the U.S. position. In both cases – dum dums and shotguns. Why investigate it if they're legal? If the Germans claimed the U.S. supplied skateboards would it be investigated? That is something of an admission that they're verboten.

The German Government protests against the use of shotguns by the American Army and calls attention to the fact that according to the law of war (*Kriegsrecht*) every [U.S.] prisoner [of war] found to have in his possession such guns or ammunition belonging thereto forfeits his life. This protest is based upon article 23(e) of the Hague convention [sic] respecting the laws and customs of war on land. Reply by cable is required before October 1, 1918.

In 1918 American soldiers were captured with shotguns. The German position hadn't changed – they were not legal in war. Anyone caught with them would be shot.

The Government of the United States notes the threat of the German Government to execute every prisoner of war found to have in his possession shotguns or shotgun ammunition. Inasmuch as the weapon is lawful and may be rightfully used, its use will not be abandoned by the American Army . . . [I]f the German Government should carry out its threat in a single instance, it will be the right and duty of the . . . United States to make such reprisals as will best protect the American forces, and notice is hereby given of the intention of the . . . United States to make such reprisals.

The U.S. claims they're fine. Everybody and their brother in the U.S. now claims this is the binary reality.

World War I ended six weeks later, without reply by Germany to the United States response. There is no record of any subsequent capture by German forces of any U.S. soldier or marine armed with a shotgun or possessing shotgun ammunition, or of Germany carrying out its threat against the U.S. soldiers it captured earlier.

Actions speak louder than words. Does it appear that the U.S. felt they had a strong case and decided to push it? No shotguns were noted on the line after the protest.

MESELSON. The principle was observed for forty-six years. Tear gas has been used by police for forty-six years and not in war until Vietnam. It is not so hard.

SWYTER. Let me suggest another case. I believe I am correct in saying soldiers are not permitted to use shotguns just like they are not permitted to use dum dum bullets. Now most police don't use dum dum bullets although some do.

WIGGINS. They are all using shotguns.

SWYTER. Yes. Every soldier is quite capable of having his mother send him a shotgun and shells and some do it. In fact, I have worked with colonels who took their own shotguns over there because they thought they were effective weapons, but this doesn't happen very often. We don't have much use for shotguns in war. In the old days when we had good old conventional soldiers and tanks, shotguns didn't do much for you. In Vietnam they are great because you are in very close combat where you can't see the enemy because he is shooting at you from behind a leaf so shotguns do work. Yet the U.S. Army is not issuing shotguns.

Congress poking at the legality of using tear gas in Vietnam. Matthew Meselson was a professor of molecular biology. "Meselson worked with Henry Kissinger under the Nixon administration to convince President Richard Nixon to renounce biological weapons, suspend chemical weapons production, and support an international treaty prohibiting the acquisition of biological agents for hostile purposes, which in 1972 became known as the Biological Weapons Convention." from wikipedia.

Swyter's line: "Yet the U.S. Army is not issuing shotguns." I'd say the German position is stronger. The U.S. is not really pushing the issue are they? Shotguns, and tear gas, are perfectly allowable in civil policing actions. That is different from war against uniformed soldiers.

and throwing them at soldiers. We went through all of World War II with very few tear gas hand grenades ever thrown at a German, but we were quite capable of using them against the French population. The military establishment quite clearly understands the distinction and if they are told what the rules are, they are quite capable of enforcing them, although they are also willing to come out and say "this is an impossible situation."

BOYD. What happened with the tear gas rule then. How, when it was justified

You can gas and shoot civilians with shotguns. Legally that's not the same.

The U.S. Army claims shotguns are legal in armed conflict. The Germans disagreed. Myself, I'd say the Germans have the stronger case. They maintain their position.



Bundesministerium
der Verteidigung



LAW OF ARMED CONFLICT
- MANUAL -

Joint Service Regulation (ZDv)

15/2

Law of Armed Conflict

- Manual -

May 2013

DSK AV230100262

439. The Hague Declaration of 1899 (**13**) **prohibited** the use of

- bullets that expand or flatten easily in the human body ('dum-dum bullets'), in particular
- bullets with a hard envelope that does not entirely cover the core, or
- bullets pierced with incisions.

The use of such bullets in the context of and in association with an armed conflict is punishable as a war crime (**33** 8 para.2 lit.b xix; **35** 12 para.1 no.3).

440. The use of

- shotguns,
- projectiles designed to burst open or deform upon entering the human body,
- projectiles that start to tumble in the human body or
- projectiles designed to cause shock waves leading to extensive tissue damage or even lethal shock,

is, as a rule, covered by the ban on causing superfluous injury or unnecessary suffering (**5** 35 para.2, 51 para.4 lit.c; **16a** 23(para.1 lit.e)).

So it's a case of who has the more solid case. Let's say the U.S. and Germans go at it again.

If a guard at a POW camp shoots an escaping German with a shotgun – not a good case for the Germans to press.

If the U.S. soldiers clear a village with shotguns, shooting 40 German soldiers, it's a stronger case.

If the Germans find out that 35 of the 40 survived, all shot in the testicles, I'd say that would be a slam dunk for the German position, but I'd not expect the 35 shot in the balls to show up at the victory party for cake and punch.

Soviet Union

Shortly after the Communists came to power in Russia, they repudiated all treaties signed by the Czarist government. This is why the treatment of POWs on the eastern and western fronts were so much different. France, England, Germany, and the U.S. were still signatories.

Malmedy

Most have heard of the Malmedy massacre. So why wasn't Joachim Peiper shot for it?

“Some of the boys had some prisoners line up. I knew they were going to shoot them, and I hated this business.... They marched the prisoners back up the hill to murder them with the rest of the prisoners we had secured that morning.... As we were going up the hill out of town, I know some of our boys were lining up German prisoners in the fields on both sides of the road. There must have been 25 or 30 German boys in each group. Machine guns were being set up. These boys were to be machine gunned and murdered. We were committing the same crimes we were now accusing the Japs and Germans of doing.... Going back down the road into town I looked into the fields where the German boys had been shot. Dark lifeless forms lay in the snow.”

The 11th Armored did the same thing at Chenogne to German prisoners. They weren't SS.

Why is the U.S. Army so insistent on shotguns? In my view it has nothing to do with shotguns. What is the strange analog of a huge shotgun? The Claymore. Ban shotguns, and your ability to field Claymore mines is threatened. I wonder if the Germans have such a thing?

“The "Bouncing Betty" is the nickname given by Allied soldiers to the German S-mine, a bounding anti-personnel landmine used during World War II

It was notorious for its psychological effect, as it was designed to severely wound or maim infantry soldiers rather than kill them instantly.”

Not looking good for the Germans.