

GUN CONTROL

Americans today have many different feelings about guns. Gun control advocates worry about the potentially terrible force of shooting, while gun enthusiasts emphasize satisfaction of being masters of such forces.

The country is now considering new limitations of fire arms, the first major consideration since the assassinations of the late 60's. The catalysts for the new debate are the drug lords and the "nut killings", such as the disaster one year ago when Patrick Burdy killed five school children and wounded 30 others in Stockton, California with a semi-automatic attack rifle.

Reactions to these events have been seen at all governmental levels. Localities are developing assault weapon bans. States have enacted legislation for waiting periods in purchasing weapons and bans on assault rifles. At the federal level, bills have been introduced to limit assault rifles and to develop computer systems to review the backgrounds of gun purchases.

Forces opposed to gun control are led by the 2.8 million member NRA. The NRA has, since the mid 60's stood to thwart or slow down many anti-gun initiatives. They have consistently taken the stance that criminals, not guns, are the issue. At the recent 118th annual NRA convention, they reaffirmed this stance, stating that anti-gun campaigns serve only to disarm the law abiding

American public.

For many Americans who oppose all guns, and for those who are more ambivalent, the attractiveness of guns is lost amid growing concerns about their tragic misuse.

TOO MANY GUNS

There are a lot of guns in America. Nearly every other household has a gun. The actual number of guns held by private individuals in the United States is nearly impossible to estimate because many are unregistered. Each state has its own method of gun registration and overlapping categories makes it difficult to arrive at a total. In 1980, the Bureau of Alcohol, Tobacco, and Firearms (what a combination!) estimated there were roughly 150 million guns, evenly distributed among handguns, rifles, and shotguns. About 50% of Americans own at least one gun. The arsenal is almost large enough to arm every man, woman, and child with one gun.

[This figure has dropped a little; the most recent Gallup Poll indicated that 44% of those asked stated they had a gun in the house.]

In 1985, the Washington Post poll indicated that 65% of gun owners used them for recreation, with only 20% owning them for protection purposes.

It is helpful to know the characteristics of gun owners. Men are

far more likely to own guns; around one half of all are men and 1/8th of all women own guns. Caucasians are more likely than other races to own guns. The more educated a person is, the less likely he or she is to own a gun. Southerners are the most likely and Northerners the least likely to own guns. The greatest proportion of those who had guns in the home lived in the South. Those between 30 and 60 years of age had the greatest access to guns. Skilled workers and those who completed high school, but did not attend college are more likely to have a gun. Persons with an income of \$25,000 to \$35,000 were more likely to own a gun.

Polls show that Americans are split on whether or not a gun in the home makes it safer. By a margin of 2 to 1, the home gun owners felt they had the right to shoot someone who breaks into their homes, even if they didn't know whether the person was armed. In the same poll the vast majority of Americans supported the registration and encouraged stricter laws governing handguns.

WHY GUNS

Americans own guns for a variety of reasons. Hunters view gun ownership as an avenue for escape to the wilds. Target shooters like the calmness, discipline, and self control associated with shooting. Assault rifle lovers are drawn to the technology and brut impact of their weapons. Collectors see the beauty and craftsmanship. Those who own guns for self protection view it as

a talisman to ward off evil forces. Many view the gun as a foil against tyranny, especially among the immigrant populations, such as those who in recent history remember killings by a governmental force after weapon confiscation. For man, the gun may be the vehicle for a mystical return to their youth, hunting with their father or walking down a country road with pals and their first BB gun or .22.

GUN CULTURE

The abundance of guns in America is nothing new. A 1624 Jamestown, Virginia survey counted a gun for every colonist. The United States is almost alone among industrialized nations in its persistence in maintaining a gun culture. The firearm seems to take a center role in our country.

This gun culture rose from a mingling of practical and philosophical forces in America. The practical considerations began with our country's pioneers who needed guns to hunt for food and to protect themselves from the wild. Philosophical reasons relate to the political tyranny many immigrants, particularly from Europe, suffered when government limited access to weapons. Those fears bred a long-lived political creed, bordering today on theology among some followers in favor of unfettered access to arms by the populus to counter tyranny.

There is an equally widespread feeling that gun ownership and

access is a hallowed tradition and a right guaranteed by the Constitution.

2ND AMENDMENT

The Second Amendment reads: " A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Concerns over the right of an individual to keep and bear arms has a long tradition in Western civilization. Aristotle thought the bearing of arms necessary to true citizenship and participation in the political system. Cicero supported the bearing of arms for self defense of the individual and for public defense against tyranny. Machiavelli advocated an armed populace of citizen soldiers to keep headstrong rulers in line.

The earliest document linking the bearing of arms to a militia was the Assize of Arms issued by Henry II of England, in 1181, which directed every free man to provide himself with a weapon; for rapid militia formation and for self defense. It only forbade the use of arms when the intention was to "terrify the King's subjects."

Oliver Cromwell's dictatorship in England (date) was supported by a standing army. Those who earned less than a substantial minimum or owed land valued less than this amount were forbidden to keep weapons. This is the first example of a gun control law.

With William and Mary's rule of England (date?) came the English Bill of Rights which limited Monarch's rights, including the specific right for citizens (Protestant) to have arms, and attacked the standing army's abuses of the populus.

Much of American law is rooted in English Common Law. American colonists, many Englishmen, brought with them their English values, traditions and legal concepts. Included in these were the right of having and using arms for self defense.

A militia is considered an army composed of citizens called to action in time of emergency. The British seizure of the Massachusetts militia's arms at Lexington made the colonist ever more conscious of the danger of a standing army, and more conscious about the "security of a free state". The formation of a militia was considered necessary to achieve this security.

At the formulation of the Constitution, it was thought essential to include a Bill of Rights, including the Second Amendment to protect Congress from disarming freemen of the United States whenever it so desired.

Many colonists felt that individual ownership of weapons was essential to the formation of a militia. By owning a firearm, the citizen could report immediately for militia duty. This militia could mobilize against the standing army if it went beyond its authority or if it supported a tyrannical government.

The Second Amendment's guarantees have been clouded in the recent past by the oft repeated cry of gun control opponents. The vast majority of Americans believe they have a right to bear arms in large part because it has so often and stridently been repeated. A review of how the courts have interpreted the Second Amendment sheds light on this question.

The Second Amendment is an infrequently ruled on amendment. Most of the Bill of Rights was ruled to be applicable to the States through the Fourteenth Amendment. The Second Amendment, however, was never "incorporated". This power of incorporation has been the means by which the courts have extended constitutional protections to individuals in non-federal cases. The Second Amendment was left up to the states whose legislation it did not restrict or direct. The right to bear arms therefore is not a right granted by the Constitution. The states have the right to form militias and are also free to regulate the circumstances under which citizens bear arms, within the parameters of state constitutions.

The one close re-examination of the Second Amendment in this century was in 1934, the case of United States vs. Miller. Here the Supreme Court ruled that the citizen possesses a constitutional right to bear arms only in connection with service in a militia.

These opinions stemmed from a small series of decisions in Federal Courts from 1867 through 1894.

In 1942, the court noted that, in another case, the Second Amendment, unlike those providing for free speech and freedom of religion, was not adopted with individual rights in mind, but as a protection for the states in the maintenance of their militia organizations against possible encroachment by the federal power.

The right to keep and bear arms, then, is not a right conferred upon the people by the federal constitution. Thus the Second Amendment protects "a right to keep and bear arms only in the service of a well-regulated militia" that has not been called up since the beginning of the 19th century. (Perhaps the "right to arm bears" as the bumper sticker says has no more validity in the final analysis.) Most states have a guarantee of the right to bear arms. Some states clearly tie this right to the militia, while other state constitutions and courts have ruled in view of personal defense or self-protection.

The role of the citizen militia was formally supplanted in 1916 by the National Defense Act which recognized the National Guard as the militia. The early fears that a standing army would overthrow American democratic institutions never materialized.

Following the formation of these constitutional principles, America's peculiar frontier experience fueled its attachment to guns. There the practical and philosophic reasons for American gun devotion merged. In addition to hunting for food, guns continued to be used for protection. The fear at this point was not that the government would tyrannize, but that it would fail

to protect. The absence, not the excess of government control in the expanding vastness of the country became the most compelling practical reason to own guns. Thus was generated the legacy of the Wild West, stalking at high noon, and the thought (or fact!) that for protection, one could count on no one else but himself (e.g. Liberty Valance - "the six gun is the only law that Liberty understood...").

The debate over the federal role in the regulation of firearms began over a half century ago. During the '20's and 30's the country was swept by a wave of crime by gangsters. Bills were put forth to limit handgun manufacture and mail order business. Advocates of the new legislation hoped it would help the states to enforce their own firearms legislation.

The National Firearms Act of 1934 was designed to make it more difficult to acquire especially dangerous weapons, the sawed off shotguns, rifles and automatic weapons, the tools of the gangster underworld. The Act of 1934 put heavy taxes on all aspects of the manufacture and distribution of these firearms and required registration of the firearm through its production, distribution and sale process. This law is still in effect.

In 1938 Congress went further with the Federal Firearms Act, which prohibited unlicensed gun dealers from selling guns across state lines and made it illegal for firearms to be sold to felons and fugitives from justice.

The Gun Control Act of 1968 was passed by Congress in the wake of the assassinations that began with John F. Kennedy. This was the strongest gun legislation yet passed. Its major provisions included a ban on the importation of non-sporting firearms, forbade the sale of firearms or ammunition to minors or those with criminal records, established special penalties for the use of a firearm while committing a felony, prohibited the interstate mail order sale of all firearms and ammunition, the interstate sale of handguns generally and the interstate sale of long guns. It did not forbid the importation of unassembled weapons parts, and this was exploited by many gun manufacturers, thus diluting the effect on the availability of many small arms.

With the passage of the Gun Control Act of 1968, Congress fell under siege from pro and anti-gun groups. Firearm owners and dealers protested that requirements of the Act were burdensome and did not serve legitimate law enforcement purposes. Those urging tighter controls on guns felt the act did not go far enough to keep firearms out of the hands of criminals. Others, desiring lesser control felt that the Act penalized the interests of sportsmen. Every Congress since 1968 has seen legislation to attempt to strengthen, repeal or lessen the requirements of the Act.

The pro-gun lobby is one of the largest, strongest, and best financed special interest groups in Washington. It is primarily composed of the Second Amendment Foundation, the Citizens Committee for the Right to Keep and Bear Arms, and the National

Rifle Association.

Polls show that the pro-gun groups represent a minority opinion in the United States. Their membership, however, far outnumbers the membership of gun control organization. The pro-gun group regards gun control advocates as people whose true objective is not to regulate arms but confiscate all weapons, or so they try to make their supporters believe. Tapping a large population of gun owners for support, and with early and aggressive organization early in the gun control years, enabled the pro-gun groups to execute an effective blocking action over the desire that most Americans have expressed for stronger gun laws.

The Second Amendment Foundation and the Citizens Committee on the Right to Keep and Bear Arms are sister organizations whose membership has grown to over 500,000 since 1971. Well over 1 million dollars is spent annually lobbying in congress and state legislatures all with the stated aim of preserving our right to keep and bear arms.

The NRA is the granddaddy of the progun lobby due to the size of its membership, the size of its treasury and the power of its clout in Congress. It has a membership of over 50 million members and an annual budget of over \$50 million. It spent more money communicating with its members during the 1981-82 election year than did any other organization in America.

The head of the NRA has told its members "we can reasonably and

rightfully aspire to a time when few politicians, mindful of their virtues, will oppose us. Don't trust a politician who won't trust you with a gun".

The NRA began in 1871 and its main purpose at that time was teaching marksmanship for the post Civil War generation of riflemen. It later became an organization for hunters, farmers, ranchers, sport shooters and gun collectors, and a sponsor of rifle clubs and target shooting around the nation.

This group became politically involved when public anxiety and awareness was awakened by the political assassinations, riots, and the proliferation of crime in the late 60's. That anxiety was one of the main forces behind the passage of 1968 Gun Control Act. That passage transformed the NRA into a militant pro-gun lobby which has since then led the fight at federal, state and local levels against more stringent gun control laws. Drawing inspiration from the Second Amendment (somewhat erroneously as we have seen), it views as sacrosanct the civilian right to own and use guns. It further sees the exercise of that right as protection against the rise of a repressive or authoritarian government in the United States. (Hence the bumper sticker "Registration is the first step to confiscation".)

The recent problems with increased gun related crime in association with drug trafficking has generated some new legislation regarding gun control.

In 1986 Congress passed the Firearm Owner's Protection Act (or Gun Control Act of 1986) which amended existing 1968 Firearm laws. It became unlawful for anyone licensed or not to sell a gun to anyone in the "high risk" category; felons, drug abusers, and persons with mental defects. It did liberalize ammunition sales, which may now be done through unlicensed dealers. The Act stiffened the penalties for machine guns or the use of a silencer when used in a crime.

In 1985, the issue of "Cop-Killer Bullets" became a critical argument. "Cop-Killer Bullets" are bullets which can pierce protective "bullet proof" vests. The law Enforcement Officers Protection Act of 1985 amended the 1968 Gun Control Act to ban further manufacture or import of certain varieties of armor-piercing ammunition (made of hard metal such as bronze, iron, tungsten alloys, steel, brass, ect.) and authorized loss of license of dealers who sold such ammunition. This legislation was politically important because it put two normally allied groups, the NRA and police officers, on opposite sides of the issue. The police saw it as a very personal issue as these bullets were intended to harm them, while the NRA viewed this as another instance of limiting the right to bear arms. This public division of interest was later seen in the debates over other issues, notably the waiting period debate.

In 1988, heated debates took place over a proposed seven day waiting period amendment to the Anti-Drug Abuse Act of 1988. This was popularly known as the Brady Amendment (in honor of

James Brady, shot by John Hinkley in the Reagan assassination attempt). The Brady Amendment proposed a seven day waiting period to allow local law enforcement to conduct background checks on handgun purchasers. Supporters included the American Bar Assoc., American Medical Assoc, the US conference of Mayors, the American Federation of Labor and the Law Enforcement Steering Committee (A coalition of police organizations.)

The NRA and its affiliates opposed the "Brady Amendment" on the grounds of violation of the Second Amendment. Several local governments had already instituted local waiting period laws and discovered many prohibited handgun buyers that would otherwise have gone undetected. Although the NRA felt uncomfortable taking on so many police organizations, which had traditionally been their allies, they flexed their tremendous political power and squashed the bill by supporting an alternative bill. This bill directed the Attorney General to develop a system for immediate and accurate identification of felons who attempt to purchase firearms. Opponents of the second bill questioned whether such a system (at a \$500 million price tag), could even be developed or become properly utilized. The second bill passed despite these doubts, underscoring the continued strength of gun control opponents.

A similar split between law enforcement and the NRA occurred over the passage of the Undetectable Firearms Act of 1988. The NRA was against the "plastic gun ban" on the grounds that this would be a start toward banning all hand guns. The bill did eventually pass in a modified form

Most regulation of firearms today takes place at the state and local levels. Law differs dramatically from state to state and just as sharply from county to county and town to town. State laws might have little bearing on the gun regulations where you live (e.g. NY State vs. NY City). Most states do have "right to bear arms" provisions on their state constitutions and about half have some sort of waiting period.

Maryland has banned the cheap, short barreled "saturday night specials" and gun control groups have stated this is a sign that the pro-gun lobby can be confronted with success. At the federal level, however, a ban on "saturday night specials" has never come close to becoming law.

LOCAL

Many of the laws regulating guns are local ordinances passed by town and city governments. Most states regulate the sale of weapons and the licensure of dealers. In 1981, Morton Grove, IL made the headlines by banning machine guns, sawed off shot guns, and handguns with exclusions for the military, law enforcement agencies, and gun clubs using the weapons on the club grounds. In 1988, Deerfield, Winnetka, Willementte and Highland Park, IL banned handguns.

As if in retaliation to Morton Grove, Kemesaw, Georgia passed a law requiring hand guns in every household. The mayor reported a subsequent lower incidence of gun related crimes.

In Feb 1989, in response to the assault rifle killings in Los Angeles, the city banned the sale and possession of automatic weapons (these are weapons holding 20 or more rounds of ammunition, including AK-47's, AK-15's and Uzis). Cleveland Ohio passed a similar ban on the sale or possession of assault weapons. The city council bought semi-automatic pistols for its police force in the fear that they were being out gunned by criminals.

The California state legislation is considering an assault weapon ban. On the Federal level, legislation has also been introduced to ban these assault weapons.

The NRA has responded by filing suit against the city of Los Angeles. The NRA has also been promoting "pre-emption" legislation which would prevent cities and counties from enacting gun control laws more stringent than state wide laws. In 1986, the NRA donated more than \$750,000 to candidates who were campaigning for state and local offices: 83% of these candidates were elected.

FIREARMS AND CRIME

The concern held by most anti-gun factions is the relationship between guns and crime, particularly the crimes of murder and robbery. In a 1984 survey, more than half of the 32 countries reporting had crime rates less than half of those in the United States. The US had a substantially greater rate of homicide. England had only 1.1 homicides per 100,000 people, Japan 0.8 per

100,000 people, while the US had 8 homicides per 100,000 people and this excludes murder attempts.

In July 1989, Time Magazine ran an article "Death by Gun", featuring the gruesome details of 464 gun deaths in one typical week. This article outlined the prevalent situations ending in death by gun ranging from a domestic dispute, suicide, hunting accidents, bar room brawls to children playing with a loaded gun. The gun death tally in the U.S. exceeds 30,000 annually exceeded only by auto fatalities (48,000) as the leading cause of injury related deaths. In two years, more Americans die of gun related deaths than from AIDS, and similarly, every two years more die from guns than the entire Viet Nam War. This underscores a shockingly indifferent attitude toward gun deaths compared to the public preoccupation with these other fatality groups.

The pattern of these deaths over one week is revealing: guns most often kill people who own them or those who know the owners well, such as spouses, relatives, or close acquaintances only 14 were in self defense. Only 13 involved law enforcement officers. Most deaths took place with ordinary pistols, shotguns and hunting rifles.

The fact that a gun was readily at hand at the critical moment in these personal disputes resulted in what Karole Avila, a psychiatrist at Detroit Receiving Hospital has called a "permanent solution to a temporary problem".

While gunshot deaths have doubled since 1938, they have dropped from 14.8 per 100,000 in 1980 to 13.7 per 100,000 population in 1986. One reason cited for this is that the baby boomers are getting older and the most probable criminal offenders are those between the ages of 18 and 24. Better emergency medical treatment is also keeping more victims alive: five times as many people are wounded as are killed by gun shots. [Detroit General Hospital E.R. quote: "God created us all, but Smith and Wesson created us all equal."]

MURDER

Murder is a grisly subject but gives insight into this primarily gun related problem.

Geographically the Southern states accounted for 42% of the murders in 1986, with the Northeast, Midwest, and West each accounting for about 20%. Metropolitan areas had the highest rates (9/100,000) and the rural counties the lowest (5/100,000).

Half of the 1987 victims were ages 20-34 and most were over 18 years old. 94% of black murder victims were slain by blacks and 88% of whites were killed by whites. 84% of males were slain by males, and 90% of female victims were by male assailants.

According to "The Uniform Crime Report" (based on police investigation reports) in 1987, the data supports the philosophy that "murder is primarily a societal problem over which law

enforcement has little or no control." The statistics indicates that 60% of murder victims were related to or acquainted with their murderers. Arguments resulted in 37% of the murders. Twenty percent of the murders during the year occurred during felonious activity such as robbery or arson.

A gun offers several advantages over other weapons for the criminal. If the offender can physically distance himself or herself from the victim, he is more likely to assure his own safety and increase the chances of escape. In addition, the distance can make the use of the gun more impersonal and less psychologically stressful. Felons have found that power and control over their victims is easier to maintain with a gun. Guns are also most effective against well guarded targets - as seen in political assassinations and attempts.

Firearms were used in 60% of murders in 1987, half of those being with hand guns. In 1987, 50% of those arrested for murder were persons under the age of 25, with 10% aged 17 or younger.

ROBBERY

Second only to murder, armed robbery is perhaps the most feared crime in America. Americans fear being prisoners in their own homes, and leaving this safety could subject them to being robbed on the street. The 1987 Uniform Crime Reports - Crime in the U.S. underscores that robbery is primarily an urban crime [with 900 robberies per 100,000 population in cities with over 1 million

inhabitants. Outside metropolitan areas it was 50 per 100,000 per population.]

Firearms were used in one third of robberies in 1987. Most people robbed were male with most being under the age of 25. A 1986 report by Michael Rand, et al "The use of Weapons in Committing Crimes" concluded that: for guns in particular, it appears that the weapon may be used by the offender to coerce the victim into meeting demands rather than to injure the victim; however, if the weapon is actually fired, the risk of serious injury and perhaps death is greater than in another weapon or no weapon is used.

Between 1978 and 1987, 855 law enforcement officers were killed in the line of duty, the vast majority due to handguns. A robbery in progress or pursuit of robbery suspects were the circumstances in which most deaths occurred.

A large study was done recently polling convicted felons in a number of state prisons. The felons were polled in attempt to shed light on their patterns of firearm acquisition and firearm use in crime. They found that serious crime was, as expected, worse when begun at an early age. Most had committed a non-trivial theft prior to 18 years of age. Most had owned unregistered handguns, although most often they were not acquired specifically to commit a crime. About half admitted to threatening to shoot someone, and when they did, they usually did shoot that person. These people reported that most of the

time the guns were used for sport shooting. Most gun firings in criminal situations were unplanned. The plan, if there was one was to intimidate the victim with the weapon. The firing of the weapon was usually an unwanted by-product of a situation gone wrong - the victim resists, the police arrive or snafu arises in the plan.

The tendency to use a gun increased with the number of guns owned. If the father had owned a gun, it was much more likely that his son would own one too. Those felons who didn't use guns felt that the person who carries a gun is "asking for trouble". Criminals did feel that they tended not to aggravate a victim if he was known to be carrying a gun. They felt that an armed store owner was less likely to be robbed.

Criminals most often acquired weapons by theft, friends, family, or a black market source. Most did not feel that the laws preventing the sale of guns to criminals would prevent them from acquiring one, regardless of the cost. This is disturbing to both sides of the gun control stance. Both sides want to keep guns from criminals, yet it seems from this study that registration and waiting periods may not be as effective as we wish they were. This study, however, reflects the gun acquisition and use patterns of a selected group of felons and may not reflect the patterns of juvenile offenders, first offenders, female and nonfelony small offenders.

The ideal gun policy would leave the legitimate user alone and

affect only the illicit user. However, any gun can be legitimately acquired by a law abiding owner, then stolen from the owner and ultimately wind up in the hands of a criminal. Felons indicated little preference for cheap handguns ("saturday night speicals") and preferred large, well made weapons. Perhaps these findings indicated that what is needed is fewer total weapons in the country.

PENALTIES FOR GUN CRIMES

Mandatory "add on " penalties for the use of a gun in committing a crime has been instituted at many state and local levels, and is law at the Federal level. This is a penalty "added on" the usual punishment for the crime committed. The add on is mandatory imprisonment of 5 years for the first offense and 10 years for the second or subsequent conviction. If the weapon is a machine gun, it is 10 years for the first and 20 years for any subsequent conviction.

A report however, showed that judges often (50% of the time) make the sentences concurrent, thus reducing the effectiveness of the "add on" punishment.

Also, add ons may make little difference to the criminal. Most felons do not plan to get caught, and add ons are often only a small fraction of the sentencing of the main charges.

Thus, the threat of the add on sentence might not have as much

effect on the prospective gun users as the supporters of the law would like to think.

The issue of gun control touches many Americans directly, most everyone has a opinion on it . The growing crime rate has led some to get guns for their own protection or to ward off an attack by an armed criminal. The alarming number of political assassinations or attempts caused many Americans to question whether a civilized government should permit the unregistered possession of firearms. Some feel that it is (or isn't) a right guaranteed by the constitution.

Everyone wants to keep guns out of the hands of the criminal. Gun control opponents (NRA, ect.) advocated stricter penalties to discourage individuals from using firearms in crimes. Gun control advocates (Handgun Control Inc.; National Coalition to Ban Handguns, ect.) think controlling access to firearms will reduce crime, and, therefore, favor restrictions on public gun ownership. We have seen that studies indicated that each of these approaches may fail in many instances, yet it cannot be ignored that each approach does have some effect and neither should dislodge the other from our consideration in our quest to reduce gun related crimes.

Polls of public opinion concerning gun control provide some expected and some unexpected figures. 70% of those polled felt the gun control issues was a very important one. 80% stated their opinion on gun control was unlikely to change (this wasn't

too comforting, as I prepared this talk). 75% were in favor of a law requiring a police permit before he or she could buy a gun. Americans are generally supportive of stricter handgun laws, but have stopped short of favoring an outright ban on the sale or private possession of handguns.

SUMMARY

The gun control debate rages on. The debate covers many areas ranging from crime to the constitution.

Gun control advocates interpret the Second Amendment of the U.S. constitution as intended solely to prevent suppression of a state militia by the central government. Gun control opponents see the Second Amendment as granting a right of an individual to lawfully possess arms. Some see the Second Amendment as simply obsolete.

Opponents of gun control believe that laws limiting possession would not accomplish any purpose. Those who wanted guns outside these limits would get them. An citizen wanting a gun for protection would thus theoretically be disadvantaged. Gun control advocates counter, pointing to the far lower crime rates in other industrialized countries where gun ownership is controlled.

Many gun control opponents think American law enforcement and criminal justice system is not able to protect every citizen; consequently, a personal weapon is needed for protection.

Supporters of gun control feel that their opponents are insensitive to the problems of crime and violence. Gun control opponents feel that those in favor of more controls are naive in their faith in the power of regulation to solve social problems, want to disarm all Americans, or are motivated by hostility toward firearms and gun enthusiasts. Gun control opponents argue that with the millions of guns already out there, regulation at this late stage, would be impossible.

Opponents of gun control feel that "guns don't kill people, people kill people," arguing that a felon will use whatever weapon is available, and would use a club or other weapon if a gun were made unavailable. Gun control advocates counter that guns make it easier for a criminal to commit their crimes and makes it easier for a lesser crime such as robbery, to become murder, whether intended or accidental. They point out that the mass shootings, as in California's shootings last year, would have been impossible if a gun were not available.

The issue of waiting periods is a subtopic of heated debate. Those who argue against waiting periods, cite that it will not keep criminals from getting their weapons through illegal channels, and that it further burdens an overworked police force. A Gallup Poll showed that 91% of Americans favor a waiting period for gun purchases. The International Association of Chiefs of Police favors waiting periods. Many, favoring periods, feel that laws which simply disqualify a purchaser from buying a gun are meaningless if we simply take the word of the purchaser that

he is eligible to get the firearm without giving the seller time to check the purchaser out.

A 1988 New England Journal of Medicine article compared Seattle, Washington and Vancouver, British Columbia to determine if gun control laws had any effect on the assault and homicide rate. The two cities were similar in social, economic and crime rate comparisons. While Seattle had few restrictions on handguns, Vancouver had substantial restrictions, controlling even the recreational use of weapons. A person cannot purchase a handgun for self defense in Vancouver.

The results were striking. Seattle had almost 8 fold higher rate of firearm related crime and a 5 fold higher rate of homicide by firearms (most of these involved handguns). The murder rates using other methods were similar, indicating that the potential killers in Vancouver did not switch to another method of killing when they could not find a gun. The authors conclude that modest restrictions of citizens access to firearms (especially handguns) is associated with lower rates of homicide and that a more restrictive approach to handgun control may decrease the national homicide rate.

CONCLUSION

There should be legislation designed to reduce crimes committed with weapons by instituting mandatory, strict sentences for any person convicted of using a gun during the commission of a crime,

and by prohibiting the granting of suspended sentence or a probationary sentence for any Federal felony committed with a firearm.

For sportsmen, a legitimate gun club concept could be instituted to allow use of guns on the premises. This slight inconvenience to the relatively few people who shoot at targets is slight when compared to all the lives that could be saved with gun control.

More stringent gun control laws could, in the long run, disarm the criminal. Restricting the import and interstate sale of handguns may dry up the potential arsenal, readily available at local gunshops the criminal and potential criminal. Of the handguns used in crimes, 500,000 are stolen annually from homes and businesses of law abiding citizens. Thus eventually, the criminal will be adversely affected by gun control legislation. Reducing or eliminating the private ownership of handguns by citizens would also serve to reduce this arsenal.

Additional gun control is not the end all to the answer that needs to be found concerning firearm related violence, but it must be part of the answer or at least a beginning.

There may be emerging a new middleground of opinion regarding gun control. Most strongly favor a system of registration of guns. It shouldn't be easier to purchase and use a gun than it is to get a permit to operate a motor vehicle. Waiting periods to check out the background of the purchaser makes good sense. Expanded

gun education programs would address the need for greater understanding about guns, who uses them and why, and how to use them safely.

Our children's attitudes toward firearms must receive attention, as these will be the nation's social attitude toward firearms in the future.

America in general and the American city in particular, is faced with the mounting problem of uncontrolled availability, possession, and misuse of guns. Gun ownership and possession correlates closely with crime, accidents, and suicides involving guns. Guns do kill people with ease and at an appalling rate. Existing controls have evolved as piecemeal and stop gap measures that in large part fail to confront the handgun problem in any consistent and effective way. The states must continue to develop a more unified stance concerning regulation.

Calm responses will be hard to achieve when both sides of the issue continue to fan the flames. Gun control groups feel that they will lose support if they do not push their issue while fears run high. Gun organizers know that they keep their support of the moderates if they keep gun owners convinced that they are the hated minority. This posturing must be tempered with understanding and insight.

It is hopeful that this discussion has generated greater understanding to the gun problem in America and has perhaps

kindled respect for the scope of the gun situation in America and what I hope is reasonable, rational, informed attitude toward controlled firearm use.