



League of Women Voters of Minnesota Records

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FACTS AND ISSUES

THE SALE, USE, AND POSSESSION OF FIREARMS IN MINNESOTA

The issues surrounding firearms and their use are filled with emotion. The need for a dispassionate examination of these issues is, therefore, critical. This "Facts and Issues" attempts to fill a void by providing a factual and objective review of the subject of firearms in Minnesota.

HISTORY

Firearms have long been an important part of American life. For many years the armed citizen-soldier was the country's first line of defense: the "Kentucky" long rifle opened the frontier; the Winchester repeater "won the west;" and the Colt revolver "made men equal." Firearms no longer play a significant role in keeping food on American tables, yet Americans own and use firearms to a degree that puzzles many observers. If our frontier has disappeared, our frontier tradition remains.

American colonists found a land that was not only different from what they had known, but hostile. The urgent need for weapons led to their rapid increase and widespread use. Arms were essential for securing food and providing security. Colonial government included the concept of a militia made up of every able-bodied man between the ages of sixteen and fifty.

By the beginning of the 18th century, cities had been established along the east coast, and the active carrying of firearms declined in urban areas. Arms were associated increasingly with the militia. On the frontier, however, the gun was still used to insure food, personal safety and survival. The continued spread and use of firearms in the nineteenth century was closely tied to the rapid expansion of the frontier. But even as the frontier receded, guns remained a fixture in American life.

As America entered the twentieth century and social tensions increased, people still bought firearms for hunting and sport, but also for protection from society's perceived threats. It was also at the beginning of the twentieth century that some Americans began to exhibit concern over the prevalence of guns. Hunting was regulated through legislation, and laws against pistols were passed in several states. In 1911, the state of New York passed the Sullivan Law, a statute without precedent in the United States. It regulated not only the carrying of deadly weapons, but also their sale and simple possession.

With World War I, the debate over firearms temporarily quieted, only to be reawakened during the years between the wars. Controversy over firearms during the 1920s began to break down the traditional attitude of unquestioned acceptance of guns. Many states enacted handgun registration and waiting period laws. Public opinion turned, increasingly, against mail order gun sales. In 1927 Congress passed the Miller Bill banning the sale of pistols through the mail. A call for additional federal activity came as the gangsters of the 1920s discovered the machine gun. In 1934, the National Firearms Act was signed into law, mandating nationwide registration of several categories of firearms (sawed-off shotguns, rifles with barrels less than 18 inches, machine guns, other fully automatic weapons and silencers). In 1938, the Federal Firearms Act established a

general licensing and recordkeeping procedure for those who manufactured or sold firearms for interstate commerce. Opponents of firearms regulation during this time period saw these efforts as first steps in an attempt to deny all citizens the right to possess firearms of any type and for any purpose. In contrast, a Gallup poll in 1938 revealed that 79% of those responding felt "all owners of pistols and revolvers should be required to register with the government."

Following World War II, there was a resurgence of interest in firearms. Gun clubs and the National Rifle Association (NRA) flourished, as did an interest in target shooting, hunting and gun collecting. But, by the late 1950s and early 60s, a concern grew as accidental shooting deaths and firearms purchases increased. In 1959, a Gallup Poll, the first opinion poll in 20 years concerning guns, revealed:

1. There were firearms in half the homes in the nation.
2. Three out of four felt a police permit should be required for anyone wishing to purchase a gun.
3. 50% felt handguns should be outlawed except for police use.

The political assassinations of President John Kennedy, Senator Robert Kennedy and the Reverend Martin Luther King, Jr. gave new impetus to the movement for firearms regulation. The Gun Control Act of 1968 was signed by President Lyndon Johnson on October 22, 1968. This law replaced the Federal Firearms Act of 1939 with more comprehensive measures to regulate the interstate commerce of guns. Foreign and interstate firearms traffic was limited to bona fide importers, manufacturers and dealers. Rifles, shotguns and ammunition could not be sold to anyone under eighteen. Criminals, drug addicts and those legally judged to be mentally incompetent were barred from sending or receiving arms in interstate commerce. Anyone caught using a firearm in the commission of a federal felony risked a separate penalty for such use and a year of imprisonment.

Since 1968 the gun control debate has intensified. Because gun ownership is synonymous, for many, with all that is typically American, the gun controversy is more than an isolated issue. It mirrors a struggle between strongly conflicting ideas and attitudes about government, society, and the individual. Those fearing the violent potential of guns and wishing for some restrictions have found themselves in head-on collision with those who see any regulation of firearms as a violation of their freedoms.

UNITED STATES FIREARM STATISTICS

Number of guns in U.S. - approximately 200 million. (NRA)

Number of handguns - approximately 60-65 million: 58% owned for protection, 10% for hunting, 18% for target shooting, 14% for collecting. (NRA)

Almost 1 out of every 2 households includes a gun. (The Police Chief, March, 1988)

Approximately 1 million gun incidents each year. (The Police Chief, March, 1988)

- 11,000 murders
- 15,000 suicides
- 1,900 accidental deaths
- 200,000 firearm related injuries
- 175,200 criminal assaults
- 221,000 armed robberies
- 90,000 forceable rapes

Each year, at least 150,000 handguns are reported stolen. (BATF)

A gun is manufactured in the U.S. every 13 seconds. (Washington Post, Nov. 29, 1987)

Over 99.8% of firearms and 99.6% of handguns will not be involved in criminal activity in any given year. (NRA)

Firearms are regulated by well over 20,000 federal, state and local gun laws. (NRA)

According to a 1989 Gallup Poll, 72% of Americans favor legislation banning the manufacture, sale and possession of semi-automatic assault guns.

The December, 1988 "Minnesota Poll" reported that 83% of Minnesotans favor stricter controls on handgun ownership.

A study in Chicago revealed that robbery victims who make some attempt at resistance are 8 times more likely to be killed than those who put up no defense.

According to a 1989 Gallup Poll, 72% of Americans favor legislation banning the manufacture, sale and possession of semiautomatic assault guns.

MINNESOTA FIREARMS STATISTICS

Minnesota Department of Health reported 292 deaths by firearms in 1988:

- 48 homicides
- 12 accidental shootings
- 228 suicides
- 4 undetermined

"THE RIGHT TO BEAR ARMS": GUN CONTROL AND THE SECOND AMENDMENT TO THE U.S. CONSTITUTION.

A 1978 survey reported that 88% of Americans believe that individuals have a right to bear arms. This belief is expressed both by those who support and those who oppose gun control and is not consistent with court rulings on gun regulations and the Second Amendment to the United States Constitution.

The Second Amendment states: "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."

An examination of how the courts have interpreted the Second Amendment shows that:

1. The right to bear arms is a corporate right of the militia and does not apply to the individual.
2. States are free to regulate private ownership of firearms in any way they see fit.

The Supreme Court has ruled four times on the Second Amendment.

1876: U.S. v. Cruikshank

- 1) determined that the Second Amendment does not afford an individual the right to bear arms;
- 2) ruled that the Second Amendment does not apply to the states.

1888: Presser v. Illinois

- 1) reaffirmed Cruikshank;
- 2) ruled that a state cannot prohibit people from keeping and bearing arms to an extent that would deprive the U.S. of the protection of a reserve military force;
- 3) ruled that states can regulate the circumstances under which citizens bear arms.

1894: Miller v. Texas

- 1) upheld the right of states to regulate arms;
- 2) reaffirmed that the Second Amendment does not apply to states.

1939: U.S. v. Miller

- 1) determined that the federal government can regulate firearms;
- 2) ruled that unless a citizen's firearms contribute to "a well-ordered militia," the Second Amendment does not apply.

In the years since U.S. v. Miller, many lower courts have upheld local and state gun control laws including the Morton Grove, Illinois ban on private ownership of handguns, which the U.S. Supreme Court let stand. Furthermore, no gun control measure has ever been struck down as unconstitutional under the Second Amendment. This federal court history makes clear the right of the government to regulate the ownership and use of firearms.

However, the NRA takes exception to this conclusion. A "1989 NRA Firearms Fact Card" states "No Supreme Court decision has ever held this right [to bear arms] to be collective. All four relevant Supreme Court decisions have recognized that the Second Amendment guarantees an individual right to keep and bear arms."

In 1980, in the "Matter of the Application of Atkinson," the Minnesota Supreme Court ruled that:

1. The Second Amendment guarantee of a right to keep and bear arms is a check on the powers of Congress, not the state.
2. The Second Amendment guarantee of a right to keep and bear arms protects not an individual right but a collective right, in the people as a group, to serve as militia.
3. Any commonlaw or constitutional right to bear arms is not absolute and does not guarantee to individuals the right to carry loaded weapons at all times and in all circumstances.
4. The state may reasonably exercise its police power to regulate the carrying of weapons by individuals in the interest of public safety.

While the NRA does not agree with this interpretation, they recognize the court as the ultimate authority and, therefore, perceive a real urgency to pass a "Right to Bear Arms Amendment" in the state of Minnesota.

FIREARMS LAWS

Federal, state and local laws regulate the possession, sale and transfer, and carrying of firearms. Where the laws conflict, federal laws preempt state law, and state laws preempt local law.

FEDERAL FIREARMS LEGISLATION

Administration and enforcement of federal firearms laws are the responsibility of the Bureau of Alcohol, Tobacco and Firearms (BATF), of the U.S. Treasury Department.

The National Firearms Act of 1934 was enacted to control machine guns, sawed-off shotguns and destructive devices (grenades, etc.).

The Federal Firearms Act of 1938 requires federal licenses for all manufacturers, dealers, and importers of weapons shipped in interstate commerce and prohibits the interstate mailing of firearms to known felons. The Act also imposes a recordkeeping requirement on all licensed dealers.

The Gun Control Act of 1968 was passed as a response to the political assassinations of the 1960s. The act's objectives are to ban mail-order sales of firearms and ammunition, confine the purchase of firearms to the buyer's state of residence, and prohibit certain classes of persons from purchasing firearms. These restricted groups included:

- minors (under 21 for handguns and under 18 for rifles and shotguns)
- convicted felons
- drug addicts
- persons who have been adjudicated to be mentally incompetent
- persons dishonorably discharged from the military, persons who have renounced their citizenship, and illegal aliens.

Dealers must require from all firearms purchasers proof of identity and residence, and buyers must sign under penalty of perjury a statement certifying eligibility to purchase. Dealers are prohibited from making any sale that would put the buyer in violation of state or local law. The carrying of handguns in public places is not regulated by federal law except for certain prohibitions (e.g. on airplanes). Licensed dealers are not required to confirm that a purchaser is not in a prohibited category, and there is no limitation on the number of firearms a person can purchase. The Act does not regulate private party transfers (estimated to be one-half of all handgun transactions).

The Act also imposed a ban on the importation of handguns. The ban did not, however, apply to handgun parts. Dealers began almost immediately to import parts and assemble them in the United States. Most were assembled in Florida which is now the main center for the production of cheap handguns.

The McClure-Volkmer Act, passed in 1986, weakens some of the restrictions of the Gun Control Act of 1968. The bill retains the ban on interstate sale of handguns, but allows interstate sale of rifles and shotguns, providing laws from both states are followed. The bill permits the interstate transportation of firearms if the firearms are unloaded and not readily accessible, preempting state laws on firearms transportation. The law limits federal inspections of licensed gun dealers and limits the government's ability to confiscate and keep

guns. The bill weakens federal licensing and record keeping requirements for dealers. Finally, the bill decreases some gun violation penalties, but increases those dealing with certain violent and drug-related crimes. Law enforcement organizations and handgun control groups successfully lobbied for amendments banning the sale, manufacture and production of armor-piercing "cop killer" bullets, freezing the private supply of machine guns, and preserving most state and local handgun laws.

Recent Federal Activity

The trend in federal firearms legislation has been toward loosening regulations as exemplified by the passage of the McClure-Volkmer Act in 1986, failure to pass the Brady Bill in 1989 and no current action on the DeConcini Bill.

The Brady Bill, defeated in the U.S. House of Representatives in 1989, would have established a seven day waiting period for all states to allow local law enforcement to conduct background checks on handgun purchasers. While the Brady Bill mandated a waiting period it did not mandate background checks. Local police would decide whether or not to conduct these checks and in what manner. While twenty-two states have waiting periods, proponents of the Brady Bill asserted that a national waiting period would ensure that handguns are not purchased "over the counter" in states without waiting periods and then sold on the black market in states that require waiting periods and/or background checks. A seven day waiting period would also provide a cooling off period for temporarily distressed individuals. The Brady Bill applied only to handgun sales through licensed dealers.

Executive Action

Under existing statutory authority, President Bush, in July, 1989, permanently banned the importation of 43 types of semi-automatic assault rifles.

DeConcini Anti-Drug Assault Weapons Limitations Act of 1989

The DeConcini bill, which is presently under consideration in Congress, would: 1) prohibit the importation, domestic manufacture and sale of new semi-automatic assault weapons, as defined in the bill. There are no restrictions on the possession, transfer, and sale of assault weapons lawfully possessed before the act's effective date; 2) bar the domestic manufacture and sale of new large-capacity ammunition magazines; and 3) establish enhanced criminal penalties for the use of semi-automatic firearms in the commission of drug trafficking and violent crimes. The bill has been approved in committee, but has not come to a vote before the full Senate.

MINNESOTA FIREARMS LEGISLATION

Prior to 1975 state regulation of firearms in Minnesota was confined to laws regulating the safe use of firearms for hunting. All other regulation was by local ordinance.

1975 Handgun Legislation

Ineligible Persons

In 1975 a law was passed in Minnesota prohibiting possession of handguns by:

- minors without firearms training or without certain supervised conditions
- persons convicted of crimes of violence unless ten years has elapsed since restoration of civil rights or expiration of sentence
- persons with current drug, alcohol or mental problems

The law requires a permit to carry a handgun in public. It prohibits sales of "Saturday Night Specials" by firearms dealers. It provides mandatory sentences for crimes committed with firearms. The 1975 law does not regulate shotguns, rifles and other long guns of the type commonly used for hunting and not defined as pistols. (The term "Saturday Night Special" refers to a cheap handgun made of material having a melting point of less than 1000 F. See MN Statute 624.712 Subd. 4.)

Transportation

Handguns may be transported in a motor vehicle, snowmobile, or boat only if the gun is unloaded and contained in a closed and fastened case. No permit is required to carry a handgun 1) about a person's dwelling, place of business, or other land; 2) from a place of purchase to the owner's dwelling or place of business, or to or from a place where repair work is done; 3) between a person's dwelling and place of business; and 4) in the woods or upon the waters for target practice.

Carrying A Handgun

Carrying a handgun without a permit is a gross misdemeanor. To obtain a permit a person must apply to the local chief of police or county sheriff and provide information similar to that local police chief or county sheriff as is required with the Pistol Transfer Permit. To qualify an applicant: 1) must not be a prohibited person; 2) must provide a Department of Natural Resource firearms safety certificate, evidence of successful completion of a test to use a firearm safely; and 3) must state an occupational or personal safety hazard requiring a permit to carry a handgun. If the applicant receives no response within 21 days, the permit is deemed to be granted.

1977 Legislation: Seven-Day Waiting Period for Pistol Transferee Permit

In 1977 legislation was passed mandating a seven-day waiting period before a purchaser can take possession of a handgun from a federally licensed firearms dealer. The dealer must report to the local police chief or county sheriff the name, residence, telephone number, driver's license number, sex, date of birth, height, weight, and eye color of the proposed buyer, as well as the dealer's place of business. The office is required to check criminal histories, records and warrant information relating to the proposed buyer. Unless adverse notification is received within seven days, the delivery can take place. The buyer may then request that no record be maintained and the police chief or sheriff must return the report to the buyer. Alternatively, a person can apply for a permit by providing the local law enforcement person with the same information as above. Permits are valid statewide and expire after one year, but can be renewed by following the same procedure. Permits are granted free of charge. Purchasers are not restricted to the number of handguns they may own. Transfers between unlicensed individuals are exempt from the state's reporting requirements, as are transfers of antique firearms.

Minnesota 1985 Uniform Handgun Control Law

Facing mounting crime statistics and increasing citizen concern about crime-related problems in large urban areas, the Minneapolis and St. Paul City Councils passed ordinances in the early 1980s that required a city permit to carry a loaded, concealed weapon within those cities. In 1985, the Legislature passed the Uniform Handgun Control Law stating that local municipalities no longer have the authority to regulate ownership and possession of firearms and ammunition more strictly than state law. Exceptions were allowed for

regulation of the discharge of firearms within the community and the prohibition by school boards of firearms on school property and at school functions.

Recent Minnesota Legislative Activity

The Right to Bear Arms Amendment:

During the 1988 Legislative session, a Right to Bear Arms Amendment to the Minnesota Constitution was introduced in both houses.

The following two versions of the amendment were considered:

1. "Shall the Minnesota Constitution be amended to provide that the right of a citizen to keep and bear arms for the defense and security of the person, family or home, or for lawful hunting, recreation or marksmanship training shall not be abridged?"
2. "No law, ordinance or other regulation that absolutely prohibits the purchase or possession of rifles, shotguns, and handguns within the state or geographical limits of governmental subdivisions of the state shall be passed."

Although the House Judiciary Committee passed the original version, the Senate Judiciary and the House Rules Committees narrowly defeated the amendments in committee and killed the bill for the 1988 session.

Forty-two states currently guarantee the right to bear arms in their constitutions. In 1988, legal opinions by the Minnesota Attorney General and House research attorneys indicated that no current weapons regulations were likely to be found invalid if a right to bear arms amendment was adopted. However, later in 1988, a West Virginia court decision, *State v. Buckner*, opened up the possibility that the Minnesota Supreme Court could follow *Buckner* and use a state right to bear arms amendment to invalidate the current Minnesota statute requiring a permit to carry a pistol.

Whether a right to bear arms amendment would limit the Legislature's future regulatory power is in question. Courts could conclude that the amendment was intended to limit the Legislature's regulatory power to that which existed at the time the amendment was passed. As a result, if an amendment passed, it might not be possible for the Legislature to enact new kinds of firearms regulation that would be considered desirable or necessary in the future.

Minnesota Assault Weapons Bill

Bills were introduced in the Minnesota House and Senate in 1989 to prohibit the sale and ownership, possession or operation of semi-automatic military assault weapons except under certain circumstances and to require permits for existing owners of military assault weapons. Senator Richard Cohen (DFL-St. Paul) had his bill, SF 366, heard in the Senate Judiciary Committee where it was passed. The bill (HF 330) introduced by Representative Howard Orenstein (DFL-St. Paul) was heard in the House Judiciary Committee, where it was defeated, thus killing it for the 1989 session.

HANDGUNS

Handguns are considered to be guns which can be aimed and fired with one hand as compared to shotguns and rifles which are additionally supported. The Bureau of Alcohol, Tobacco and Firearms announced after a 1976 study of handgun crimes that: "If a weapon is to be used for street crime activity, concealability is the first and foremost consideration for the acquirer and the length of the barrel of a particular handgun basically determines its concealability." The most concealable of all handguns are those with barrel lengths of three inches or less. These are known as snubnose or snubbies. In a six year study the BATF found that between 67% and 73% of handguns used in crimes were snubbies.

In 1986, over 8,000 murders were committed with handguns, accounting for over 72% of the murders that year. Of the 62 police officers killed by firearms in the U.S. in 1986, 82% were murdered with handguns. Statistics indicate that the possession of a loaded handgun in the home is many times more likely to cause injury or death to family or friends than to an intruder.

Most gun owners are not interested in hunting with handguns. In a national sample of gun owners, 95% mentioned hunting as a good reason for owning a rifle or shotgun, while only 16% cited hunting as a good reason for owning a handgun.

Many states have placed severe restrictions on carrying concealed handguns on the grounds that easily concealable firearms so often contribute to crime. However, even the most extreme forms of handgun control legislation pending at the local, state, and federal levels would exempt from control those handguns used for legitimate target shooting and marksmanship clubs.

Individuals arguing against gun regulations maintain that the handgun is the weapon of choice for self-defense and that more lives are saved than lost by firearms legally acquired for self-protection. Others, like Tulane University sociologist James Wright point out that guns have limited usefulness in preventing crimes since 90% of crimes in homes occur when the resident is away. Also, handgun owners and police sometimes have their own weapons turned against them by the criminal during a face-to-face confrontation. Furthermore, when a handgun is stolen from its legal owner, it is apt to become a threat to society.

Handgun Homicide Rates in the U.S. and Other Countries

In 1985, the latest year for which statistics are available, handguns were used to murder:

- 46 people in Japan
- 8 in Great Britain
- 31 in Switzerland
- 5 in Canada
- 18 in Israel
- 5 in Australia
- 8,092 in the United States

Although demographics, cultures and traditions vary in these countries, firearms are strictly regulated in all of them, with the exception of the U.S.

Japan: Firearms ownership is tightly restricted.

Great Britain: Pistols may be bought only for sport and usually must be kept at a gun club.

Switzerland: Handgun laws require a background check, a permit to purchase a handgun and handgun registration.

Canada: Firearms must be registered; buyers are carefully screened.

Israel: Licenses are required to carry, possess or buy a handgun. Thorough background checks including personal interviews are required.

Australia: Background check and license to possess a handgun are required. Licenses are usually granted only to businesses for security or to gun clubs for target shooting.

The NRA claims that comparisons of statistics from foreign countries are meaningless. In addition to varying demographics, effectiveness and efficiency of the criminal justice system are viewed as possible explanations for varying crime rates.

ASSAULT WEAPONS

The firepower available to gun owners in America has increased dramatically in recent years due to the accessibility of the assault weapon. Assault firearms are semi-automatic (firing one bullet per trigger pull) and fully automatic (the weapon will keep on firing as long as the trigger is depressed). Assault weapons include anti-personnel rifles, shotguns and handguns designed primarily for military use. The fully automatic assault weapon (machine gun) has been strictly regulated since 1934.

A major problem in dealing with the semi-automatic assault weapon from a policy standpoint is the difficulty of defining it in legal terms. The Bureau of Alcohol, Tobacco and Firearms (BATF) lists a variety of physical features and characteristics distinguishing a military weapon from a sporting rifle. The distinguishing characteristics include whether the rifle: 1) is a semi-automatic version of a machine gun, 2) is designed and sold with a large-capacity ammunition magazine, 3) has a folding or telescoping stock, 4) employs a well-designed pistol grip to facilitate firing from the hip, 5) accepts or employs a bayonet, flash suppressor for night shooting, bipod mount, grenade launcher, or night sight.

BATF states that those weapons with the above characteristics were designed for combat rather than sports applications. As a point of clarification, most semi-automatic rifles are not assault rifles and are not addressed in legislation which is currently being discussed both at the state and federal level.

The "street favorite" assault weapons available over the counter are: the AR-15, produced by Colt Industries, Hartford, CT. (Colt has voluntarily halted production of these); the TEC-9, produced by Intratec USA, Miami; and the Ruger Mini-14, produced by Strum Ruger and Company of Southport, CT. The increasingly popular Chinese made AK-47 and the Israeli-made UZI were included in President Bush's ban on foreign-made assault rifles.

The BATF traces guns used in crime for police across the nation. A recent study of BATF gun trace records revealed that:

- Assault guns were used in one of every 10 crimes that resulted in a firearms trace last year.
- An assault gun is 20 times more likely to be used in crime than a conventional firearm.
- In the United States in 1988 and the first quarter of 1989, assault guns showed up in nearly 30 % of all firearms traced to organized crime, gun trafficking and crimes committed by terrorists.
- The use of assault weapons in crime rose more than 46 % in 1988 over 1987. Figures for the first three months of 1989 show that the use of assault guns continues to grow.
- Of the thousands of gun models sold in the United States, just 10 of them - all members of the so-called assault gun family - accounted for 12.4% of the nation's drug-related crimes.

In February 1989, LA police chief Daryl Gates told a U.S. Senate committee, "I do not want any more officers to be spray-gunned to death by street punks armed with high-tech killing machines. I think reasonable gun control can be accomplished. Conservatives like myself have moved in that direction."

Assault weapons are increasingly being perceived by legislators, police organizations, handgun restriction advocates and the press as a public health threat. As a result they are quickly becoming a major focus in America's gun control debate.

The National Rifle Association argues that semi-automatic firearms are used extensively by millions of citizens throughout America - bird hunters, water-fowlers, competitive shooters and collectors. They caution that gun owners who are willing to sacrifice semi-automatic firearms will eventually find themselves having to defend their shotgun or any other type of firearms they choose to own. As with other types of weapons, the NRA favors controlling the criminal, not the gun.

DRUGS, CRIME AND THE GUN CONNECTION

A strong connection exists between drugs, guns and the level of criminal violence in a community. Because the illicit drug trade involves large cash transactions and yields enormous profits, drugs, guns and violence have become inextricably linked. Those involved in the drug trade are turning to large, well-made guns, increasingly those of an automatic nature. Semi-automatic assault weapons are used by drug dealers throughout the world.

"South American drug thugs are sending their operatives here to purchase guns in states with lax gun laws," writes Washington Post columnist Mary McGrory. "Colombian authorities have implored the United States to stop arming the thugs who are killing their judges, senators, mayors and policemen, not to mention innocent bystanders in the line of fire." BATF Director Stephen Higgins studied guns recovered by Colombian police. Eighty percent of them had the label, "MADE IN THE U.S.A." Many of them were traced to Florida.

It is the position of the National Rifle Association that the existence of these guns in Columbia should, at most, lead to a ban on the exportation of firearms from the United States to Colombia, but should not lead to the curtailment of the rights of American gun owners. The NRA maintains that the vast majority of guns in Columbia are being transferred from corrupt Colombian military and police, from various Communist suppliers and even from guns abandoned in Vietnam by the United States. In testimony before the U.S. House of Representatives Select Committee on Narcotics Abuse and Control, James Baker of the NRA stated, "Despite tons of automatic arms available in Colombia and in the Central and South American market, the Colombian government has called attention to a small trickle of semi-automatic firearms coming from the United States as a cause of its problem."

John C. Lawn, Administrator of the Drug Enforcement Administration in Washington, D.C. points to a growing sophistication among drug dealers and a marked increase in violence. Lawn states, "It is a full-scale war, with real risks and real casualties. The stakes are high - balancing contraband valued in the millions of dollars against the threat of long prison sentences and the loss of all drug-related assets."

According to Benjamin Ward, the Police Commissioner of the New York City Police Department, "It is abundantly clear that guns kill people. Drugs also kill people. And the combination of guns and drugs kills lots of people. This carnage must end. As a society, we must find a way to stop the madness."

GUNS AND SUICIDE

In 1985 there were 17,363 gun suicides in the United States. (National Center for Health Statistics)

Firearms are the leading method of suicide. (American Association of Suicidology)

Firearms are the one method of suicide that has increased significantly along with the increase in the suicide rate. (American Association of Suicidology)

Suicide ranks as the 2nd leading cause of death among young people aged 15-24. (Police Chief, 1988)

The Centers for Disease Control reports there are at least 1,500 youths per year who commit suicide with a firearm. The American Association of Suicidology estimates the number may be much higher - at least 3,000.

65% of all teen suicides are committed with firearms. (American Association of Suicidology)

Easy access to guns increases the probability that an impulsive suicide attempt will end in death. (American Association of Suicidology)

DO GUNS JEOPARDIZE OR PROTECT PEOPLE?

The debate over the unrestricted ownership and use of guns has many aspects. Consider the following two incidents:

On a sunny afternoon, two young boys on a Minneapolis ball field were playing with a "toy" pistol. Before the afternoon ended, their play was permanently interrupted by the shooting death of one of the boys. Tragically the gun was real.

In Waco, Texas, a woman heard the window of her front door break and watched a man reach his hand in, unlock the door and enter. She ran to get the handgun she kept in her bedroom. When the man entered the bedroom she aimed the gun at him and he fled.

Gun control advocates see in the first episode evidence pointing to the need for stricter gun regulation. Guns are too easily available and are responsible for the rising spiral of violence, injury and death. Firearms are involved in two-thirds of all homicides in this country, according to the Mayo Clinic Health Letter, and are second only to motor vehicles as the leading cause of death for persons ages 15-34. From ages 30-54, firearms and motor vehicles pose an equal threat. Among people who commit suicide, four out of seven use guns. The Centers for Disease Control reports that in 1985 and 86, guns killed 62,897 Americans - more than died in the entire war in Viet Nam.

Those arguing against gun regulations find validation in the second incident for their view that well-armed citizens are their own best defense. They note that police are not always able to respond to calls for help and people need to provide their own deterrence. Jim Smith, former Attorney General of Florida, says that out of 700,000 calls for help by Dade County citizens in 1981, police responded to only 200,000. Some gun owners argue that restrictive gun laws do not reduce the amount of violent crime and believe that gun ownership and crime are inversely related. In 1967, in Orlando, Florida, for example, the number of rape cases dropped from the previous year after extensive media reports of

an armed female population. Private ownership of guns does not cause crime, many gun owners maintain; it is, in some instances, a response and a deterrent to it.

Both gun control advocates and those opposing restrictions are concerned about crime. Those favoring controls see the unrestricted proliferation of guns as contributing to crime. Those opposing controls see the private ownership of guns as offering individuals a means of combatting crime.

Scholars come down on both sides of the question. Some find the social climate in this country, along with weak, poorly enforced laws, responsible for America's rising tide of violence and crime. Others believe that we would greatly reduce the country's mortality rate if firearms which kill so efficiently were not so readily available.

In recent years, members of the medical community have joined the debate, with their own assessments of what they increasingly call a major public health issue. A 1985 American Journal of Public Health article asserts that "Firearm deaths represent a major community health problem and, as such, warrant attention and direct involvement by state and local health professionals." Using data from different counties in South Carolina, the article shows a strong correlation between rates of gun ownership and firearm fatalities. (The higher the percentage of households with a firearm in a given county, the higher the incidence of gun-caused mortality.) The data from South Carolina also corroborates national data indicating that the majority of homicides involve family or acquaintances and do not occur during the perpetration of another crime. The authors conclude: "Fear of crime has become a major justification for gun possession as a means of personal protection; too often gun possession in itself generates subsequent accidental tragedy."

In an article called "Without Guns, Do People Kill?", Susan Baker, a professor in the Johns Hopkins Department of Health Policy and Management, responds to the argument that "Guns don't kill people; people kill people." She cites a Danish study that examines 1,639 cases of assault in a Danish population of 275,000. In Denmark, where gun ownership is restricted, the fist was the most frequent "agent of assault. Use of firearms was a very rare act of violence but was associated with death in 3 out of 5 cases. There were 2 deaths in 51 knife injuries." Baker states that most U.S. gun deaths would be replaced by non-fatal injuries if a gun were not handy. She concludes: "People without guns injure people; guns kill them."

Two of the most widely-publicized studies relating to gun mortality have appeared in The New England Journal of Medicine. The first, a 1986 study by doctors Arthur Kellermann and Donald Reay, analyzed 398 shooting deaths in King County, Washington. The findings: a gun in the home is 43 times more likely to be used to kill the homeowner or a family member than it is to kill an intruder. More often than not, the fatal shootings occurred in the place where the gun-owner lived and involved a family member, acquaintance, or suicide.

NRA spokesman Paul Blackman, points out that Kellermann's and Reay's conclusion was flawed because it dealt only with intruder deaths. Most uses of a gun for self-defense don't involve killing someone. Kellerman and Reay acknowledge in their article that their figures do not take into account those who are frightened away by a homeowner's gun. However, neither did their list of casualties include all those who had been wounded but not killed by firearms.

The second New England Journal of Medicine article, subtitled, "A Tale of Two Cities," compares crime and homicide rates in Seattle with those of Vancouver. The two cities, similar in their socioeconomic composition and rates of burglary, robbery and assault, differed markedly in their homicide rates. The risk of assault involving firearms was seven times higher in Seattle than in Vancouver. The chance of being murdered by a handgun in Seattle was 4.8 times higher than in Vancouver. The Canadian city, like all of Canada, has much more restrictive gun laws.

A new medical concern has arisen as an increasing number of urban emergency room physicians treat victims of high velocity assault rifles. The resulting casualties, these doctors say, are reminiscent of wartime combat and proving to be a costly drain on already insufficient blood supplies and hospital emergency facilities. At Highland Hospital in Oakland last year, gunshot victims (two percent of the patients) used 40 % of the hospital's blood supply. Over a two year period, 700 gunshot patients cost \$10.5 million to treat. Nationally, the yearly cost of providing medical care for gunshot victims is one billion dollars, with 85% of that cost being carried by taxpayers. For many gunshot victims who survive, medical care does not end when they leave the hospital. The public relations director at a Chicago hospital states, "A cheap handgun can end up costing millions in a lifelong period for federal and state support costs for medical care and long-term care."

The firearms issue is as divisive as any other in our society and affects women as well as men. NBC reports that up to one-third of new gun purchases are made by women due to the fact that violent crimes against women have increased dramatically. Women who buy guns point to the fate of the young woman who was brutally assaulted in Central Park in 1989 and had no means of defending herself. Some women, not wanting to be passive victims of crime, believe that firearms will help protect them from attack. But author Susan Jacoby, herself a victim of an armed holdup in New York, counters in the October, 1989 issue of Lear's magazine, "If I needed any more evidence to bolster my lifelong support for strict gun-control laws, my experience on the wrong end of...a .357 Magnum would be the clincher. When the robber walked through the door, his gun was already pointed at our heads. Even a trained police officer would have been ill-advised to draw her weapon in such circumstances, and I know that if either I or the young clerk had been armed with a gun, our chances of being killed would have been much greater."

Dr. Gary Kleck, criminologist at Florida State University, argues that civilians use firearms to kill between two and a half and seven times as many criminals as are killed by the police. Kleck sees gun control laws as aimed at the law-abiding, to the benefit of the criminal. Restricting guns among the law-abiding may encourage criminals, particularly burglars, and limit the beneficial impact of the armed citizen on crime control in the U.S. According to Kleck, about 645,000 Americans a year use their guns to thwart criminals.

Kleck's figures are an extrapolation of a 1981 poll of 1,228 citizens who were asked if they had used a handgun in the last five years for self-protection or for the protection of property -- even if the gun had not been fired. About 50 respondents said that they had. By assuming the same percentage in the population at large, Kleck arrived at his estimate that handguns were successfully used for self-defense 645,000 times per year.

The president of the organization that conducted the original poll of 1,228 people said that he was not comfortable with the way Kleck had used the data. Gun control advocates refute the methodology. One NRA spokesman said that Kleck's claim "stretches the data."

Even if everyone agreed about the problems posed by the prevalence of firearms in our society, people still would debate the solutions. There are costs to regulating firearms. Record-keeping can be expensive and would require new personnel as well as additional computer capacity. Prosecuting violators of gun laws would be time-consuming and might further clog the courts and prisons.

Critics question whether gun control actually works. Those against regulation look at the 1975 Bartley-Fox Mandatory Gun Law of Massachusetts and find no positive benefits. It has, says the gun lobby, made "police reluctant to frisk the average citizen for fear of finding a gun-law violator. Ironically, the total number imprisoned was essentially unchanged compared to previous years, but more persons without criminal records were being arrested and charged with the gun law violations."

However, according to homicide and murder statistics of the Informational Services of the Boston Police Department, Bartley-Fox seems to have had a marked effect on homicides and violent crimes committed with a handgun. Six years after Bartley-Fox, Boston homicides had fallen 32% and handgun murders had also declined 32%. According to the Center for Applied Social Research, "firearms comprised 25.9% of armed assaults in 1974 and fell to 15.7% in 1980. The percentage of armed robberies with firearms dropped from 53.2% in 1975 to 44.2% in 1980.

The question remains: Will new regulations, if applied uniformly across the country, keep a bad situation from getting worse or simply threaten the rights and protections of law abiding citizens?

CHILDREN AND GUNS

The Educational Fund to End Handgun Violence estimates that 13,500-22,500 youths are injured each year by firearms. The National Rifle Association estimate is 1,800 to 3,000.

The NRA estimates 600 children die every year from firearm-related homicides, suicides and accidents. The National Coalition to Ban Handguns (NCBH) sets the figure at as many as 4,500. The National Center for Health Statistics reported 3,392 firearm related deaths among children aged 1 to 19 in 1987.

In 1985, 235 children died because of unintentional firearms injuries.
(National Safety Council)

Each year approximately 12,600 children between the ages of 5 and 15 receive injuries from gas/air or spring operated guns (e.g. BB guns) severe enough to necessitate emergency room treatment. From 1984-86, at least eight children died from these guns. (Consumer Product Safety Commission)

Every day a child under 15 is killed with a handgun. (Police Chief, 1988)

Guns are the fourth leading cause of accidental death in children under age 15.
(National Safety Council)

29.4% of accredited youth camps in Minnesota offered shooting programs in 1989.
(American Youth Work Center)

The Boy Scouts of America, the American Camping Association, 4H Clubs and the NRA promote marksmanship and teach gun safety for youth. (The NRA trains 96,000 juniors annually.)

Youth arrests on weapons charges increased 29% from 1976 to 1986. During the same period, that population declined by 5%. (Education Fund to End Handgun Violence)

Gunshot wounds to children age 16 and under have risen 300% in large urban areas since 1986. (Center to Prevent Handgun Violence)

One of every 25 admissions to American Pediatric Trauma Centers is due to gunshot wounds. (American Academy of Pediatrics)

REGULATION OF FIREARMS: A RANGE OF OPTIONS

Legislative options for regulating firearms are numerous and range from deregulating (eliminating or weakening current limitations), to banning the sale and possession of certain kinds of guns or ammunition, with many gradations in between. Some of the options outlined below are already in effect in some states or localities; some are in effect nationally.

Licensing and registration: Licensing applies to owners; registration applies to the guns themselves. Licensing can be restrictive (allowing only certain kinds of people such as law enforcement personnel to buy, own or carry firearms) or it can be permissive (allowing all except those in special categories such as convicted felons to buy, own or carry firearms). Licensing may involve background checks, fingerprinting, and/or photographing the prospective gun owner.

Registration in some states occurs only at the time of initial purchase. In other states every transfer of a firearm from one owner to another must be registered, as is the case with automobiles. In Minnesota handguns are registered. Long rifles, including assault rifles, are not.

Waiting Period: Already required in some states, waiting periods are believed by proponents to cut down on crimes of passion and impulse purchases. They give law enforcement a chance to conduct background checks on prospective purchasers. Many gun owners find them inconvenient and believe that criminals will find a way to buy a gun in spite of waiting periods. (In Minnesota there is a seven day waiting period for handguns, with no wait for long guns or assault rifles.)

Instant Computer Background Check: The NRA supports on-the-spot computer checks for the possible criminal background of a purchaser. Law enforcement, while agreeing that an instant check is better than nothing, believes that too many unsuitable buyers will slip through such a screening and that more time is needed for thoroughness. The U.S. Department of Justice, in a recently-completed study of the feasibility of the point-of-purchase background check, found that a number of years and several billion dollars will be required to pool all the necessary computer files into one national database. In addition, biometric technology that does not presently exist will have to be developed in order for 8,000,000 fingerprints to be computerized. Nonetheless, the Bush Justice Department plans to back the McCollum Amendment calling for instant background checks rather than the Brady Amendment, which would mandate a seven-day waiting period for handgun purchases.

Ban on the Manufacture, Sale and/or Importation of Certain Guns or Gun Parts: President Bush has imposed a ban on certain foreign-made semi-automatic rifles. Teflon "cop-killer" bullets have been banned, and the sale of machine guns was restricted in 1934. Some states, including Minnesota, ban the sale of the so-called "Saturday Night Special."

Required Firearms Safety Training Before Firearm Purchase: This would be similar to the requirement in some states that teenage drivers below a certain age must have completed a driver's education course.

Liability Laws: Would make the owners of firearms responsible if others are harmed due to the owner's negligence. (Can include the liability of a parent or other adult whose carelessness contributed to the gun-related death of a child.)

Stiffer and/or Mandatory penalties for Firearm Crimes

The NRA, Handgun Control Inc. and the International Association of Police Chiefs all support the idea of heavier or mandatory penalties for people who commit crimes with guns. More than half of the state have such laws.

THE GUN LOBBY

Handgun Control, Inc.: Handgun Control, Inc. is a citizens organization founded by victims of handgun violence. Its supporters believe that America's national handgun law is not sufficient. They seek limitations on the production and circulation of handguns. Handgun Control, Inc. claims a million supporters (175,000 of whom are members) and had an operating budget of \$2 million in 1983. Like the pro-gun movement, Handgun Control, Inc. lobbies in Congress, aids sympathetic groups in local communities, and supports politicians who endorse its objectives and opposes those who oppose them.

National Coalition to Ban Handguns: The National Coalition to Ban Handguns, founded in 1974, is smaller than Handgun Control, Inc. Participating organizations include religious, professional and educational associations as well as citizens groups. The National Coalition to Ban Handguns goes further than Handgun Control, Inc., seeking a near total ban on production and possession of handguns.

The National Rifle Association (NRA): The NRA is one of the largest, strongest and best-financed special interest groups in the nation. Supported by membership fees and individuals, the NRA was founded in the 1870s to promote competitive marksmanship in shooting rifle matches. The NRA has a membership of 3 million and had, in 1983, a budget of 52 million dollars. The NRA seeks to preserve for its advocates, and for other Americans as well, the right to own and use firearms for sporting, hunting, self defense and competition.

The Second Amendment Foundation and the Citizens Committee for the Right to Keep and bear Arms are sister organizations. They share the same address and some of the same offices. The Citizens Committee is the larger and more politically active of the two. Its advisory council includes over a hundred U.S. senators and representatives. The Citizens Committee has over 500,000 members and spends over a million dollars a year to lobby Congress and state legislatures. Its aim - to preserve "our right to keep and bear arms."

Regulation Proposals

The NRA is generally opposed to the regulation and control of firearms because they believe it doesn't work, affects law-abiding citizens more than criminals, is cumbersome to administer, and restricts personal freedoms. They do, however, support instant point-of-purchase background checks. They are not working to change Minnesota's existing seven-day waiting period for the purchase of handguns, but they vigorously oppose federal legislation for waiting periods. They are opposed to the federal restrictions on the sale of machine guns, and are working hard, both through lawsuits and legislative lobbying in Congress, to have these restrictions reversed. They oppose both federal and state legislation to ban the sale and possession of semi-automatic assault rifles and lobbied extensively against Cohen's and Orenstein's bills in the Minnesota Legislature in the spring of 1989. According to Marilyn Bergum, NRA Regional Field Representative, Minnesota NRA members would like it to be easier for law-abiding citizens to carry concealed weapons. For example, in the states of Florida and North Dakota a permit to carry a concealed weapon "shall" be issued. In Minnesota such a permit "may" be issued. The NRA consistently argues in favor of stiffer penalties for criminals as a way of reducing crime in America. Their specific proposals include:

- . The assignment of at least one Assistant U.S. Attorney in each district to prosecute cases in which the felon was in possession of a firearm.
- . A five-year freeze on plea bargain agreements when individuals are charged with violent drug trafficking crimes. (They cite the Purdy crime in Stockton, California as the result of a plea bargain policy.)
- . Increased enforcement of the McClure-Volkmer Act. That law made it a federal felony, punishable by mandatory penalties, to use a firearm while committing a drug-trafficking offense.
- . Increasing the nation's prison space by conversion of military bases scheduled to be closed to minimum security prisons and reasonable funding for the construction of Level III prison facilities (for violent criminal offenders).
- . The establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony.
- . Support of the McCollum substitute to the Brady Bill which would allow for the accurate and instantaneous screening of firearms purchases at the point of purchase.

Proponents of more gun regulation dispute the NRA's contention that gun control does not work. They argue that violations of state and local laws will continue as long as adjacent areas with lenient gun laws exist, and they point to many successes in localities that have adopted strong gun regulations.

The International Association of Police Chiefs has made the following official proposals. They recommend federal legislation to ban the sale and possession of semi-automatic assault rifles and the screening of handgun purchasers. They wish to see the following features included in such a screening program:

- 1) A waiting or "cooling off" period.
- 2) Positive verification of the identity of a prospective purchaser or permit applicant.
- 3) Mandatory fingerprint/criminal record check at the state and federal level of all applicants by local police agencies.

- 4) The issuance of a photo-identification card to approved handgun purchasers.
- 5) The mandatory sentencing of persons convicted of crimes involving handguns.
- 6) The total costs related to this system to be wholly supported by an appropriate fee charged to each applicant.

CONCLUSION

Firearms in America are used by millions of law-abiding people for hunting, target shooting, gun collecting and self protection. A nagging concern of opponents of gun regulation is the fear that gun control could lead to the total prohibition of gun ownership. Gun control is not, however, synonymous with gun confiscation. Usually it refers to measures such as licensing, registration and waiting periods - none of which interfere with lawful possession of a firearm. State and federal legislative bans have been proposed only for those weapons disproportionately associated with crime and not widely used for valid sporting purposes.

Both proponents and opponents of gun control seem to lack an appreciation of each other's fears. Those who favor gun control need to acknowledge the legitimate uses of firearms. Those who oppose controls should understand that the benefits conferred by certain types of firearms are limited when compared to the potential destruction they can cause.

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