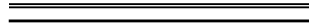
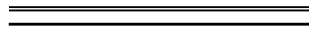


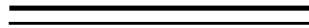
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Gun Control and Public Safety



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

There are two distinct sides to the gun control debate: those who believe that increased gun control measures will improve public safety and those who believe it will be detrimental to public safety. Each individual will have to decide for themselves which stance they will take in this argument. Following research on the topic, it is concluded that further gun control laws will fail to increase public safety. Numerous books, articles, and online surveys were used to research the gun control debate and will be utilized to show that gun control should not be considered as an option to increase public safety. The research will show that past gun control measures have been unsuccessful in reducing gun violence and that a large portion of law enforcement professionals do not believe further gun control laws will be effective. It will also provide information proving that criminals will still have illicit means by which to obtain firearms which could be used in criminal activity. It is important for citizens to understand that increased gun control is not the answer so society can focus instead on viable options that will make a difference. Options such as focusing more on the criminal laws that are already in use, increasing the punishment for criminals who use guns during their crimes and increasing governmental research surrounding the use of firearms by mentally disturbed people to help establish guidelines on how to handle such individuals prior to the violent episode unfolding thereby increasing public safety.

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INTRODUCTION

The U.S. Constitution (1791) stated, “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” (U.S. Const. amend. II). The Second Amendment to the U.S. Constitution means different things to different people. To those on the pro-gun side, it establishes their right to possess firearms and that gun control would be an infringement on those rights. Those who believe gun control is the answer argue that this was written long ago and interpret “a well-regulated militia” to mean that not everyone has the right to possess firearms. In 2008, the Supreme Court sided with the pro-gun movement in its ruling on an individual’s right to keep and bear arms (Barnes & Eggen, 2010).

Merriam-Webster (2014) online defined gun control as “regulation of the selling, owning, and use of guns” (para. 1). Gun control has again become a major topic in the United States because of multiple recent high profile incidents involving gun related violence in several different parts of the country. A recent senate bill attempted to put a plan into effect for creating new laws that will govern private gun ownership in the interest of public safety. This bill included a renewal of the previous assault weapons ban that was signed into law in 1994 and allowed to lapse in 2004, a restricted 10 round limit on the total magazine capacity of a firearm, and the implementation of a universal background check on firearm purchases (S. 150, 2013).

Each individual will have to evaluate all the evidence and decide how to feel about gun control and what position to take on the issue of gun control in the US. The topic of gun control is so widely discussed that if a person needs to find the listed pros and cons of the debate all that is necessary is to jump on Google, type in gun control

and then wade through the 946,000,000 search results listed. It is concluded that gun control will prove to be ineffective and intends to provide evidence showing that gun control will fail in providing a greater degree of security in the US. The result of gun control will be that law abiding citizens will not be able to adequately defend themselves because they feel the need to follow the law giving the criminal who refuses to follow the law an upper hand. Gun control will not assist in keeping firearms out of the hands of mentally unstable people. This evidence, obtained from books, periodicals, and websites, will show how states and countries with strict gun laws continue to have gun violence and that the sheer number of firearms already in circulation will prove to be a difficult obstacle for laws to overcome. The evidence will show some of the current negative feelings of some in law enforcement towards gun control and how new gun laws will not be able to keep firearms out of the hands of criminals who use them to commit violence.

Gun control should not be considered by the United States government as a viable option to promote the enhancement of public safety. The government should direct all efforts instead into increasing the enforcement of the current laws covering criminal possession of firearms and greatly increase the punishment of those involved. The proactive enforcement of the current laws could result in the reduction of gun violence.

POSITION

History has shown that gun control attempts in other countries and areas of the United States have failed to reduce crime rates. Lott (2011) stated, "Great Britain banned handguns in January 1997. But the number of deaths and injuries from gun

crime in England and Wales increased 340% in the seven years from 1998 to 2005” (p. 93). The violent crime rate went up in the UK following gun control being instituted (Smith, 2013). If gun control were effective, then the UK would be a safer place today, but that is not the picture that history has painted. Writing about gun control in England, Wayne LaPierre (2003) stated, “As a social laboratory, these governments have demonstrated conclusively and irrefutably that gun control in any fact, any permutation, or combination does great harm to the public and only emboldens violent, armed criminals” (p. 153).

Canada is another country with what some believe to be strict gun laws. Canada made its gun laws stricter, including an outright ban on some semi auto guns in 1991 following a high profile gun related incident (Mauser, 2005). Mauser (2005) stated, “If the goal is to improve public safety, then it is time to recognize that three objective test – violent crime rate, homicide rate, suicide rate – show the firearms program to be ineffective” (para. 48). Looking south towards Mexico another example of failed strict gun control policies are available for examination. The Mexican Constitution provides for private ownership of firearms, but the demanding laws that have been put into place makes it very difficult (Kopel, 2013). Fausset (2012) found that “Mexico’s statistics and geography institute, show that 27,199 people were killed in Mexico last year – or 24 homicides per 100,000 people. The rate in 2007 was 8 per 100,000” (para. 4).

More locally, here, in the United States, two cities, Washington, D.C. and Chicago, tried their hands at gun control by criminalizing the possession of handguns. Prior to the gun control measures, both of the cities were experiencing a drop in the overall murder rates. Both of those cities murder rates went up following the gun control

measures (Lott, 2011). Following Chicago's move to instate its own version of gun control the rate of violent crime increased (Whitney, 2012). Kates and Mauser (2007) found that "in nations that have experienced high and rising violent crime rates, the legislative reaction has generally been to enact antigun laws" (p. 672). This will only cause law abiding people to give up guns and will not affect the crime rate (Kates & Mauser, 2007).

New laws will prove to be ineffective in keeping firearms out of the hands of those who will commit violent crimes. The mere fact that someone becomes a criminal shows that they have an unwillingness to follow established laws. Attorney Don B. Kates wrote, "We know that criminals will never obey gun bans nor refrain from turning other deadly instruments to their nefarious purposes" (as cited in Valdez & Ferguson, 2012, p. 67). Smith (2013) stated that "97.9 % of police officers believe criminals are able to obtain any type of firearm through illegal means" (p. 49). People suffering from mental illness may not understand what they are doing is wrong or may justify it in some way. Unless a total ban on new and existing firearms were put into, place criminals and mentally disturbed people, by way of theft, black market sales, or simply borrowing the firearm from someone, would still have access to an enormous number of firearms. The Congressional Research Service cited in a 2012 report that by 2009, "the estimated total number of firearms available to civilians in the United States had increased to approximately 310 million: 114 million handguns, 110 million rifles, and 86 million shotguns" (as cited in Krouse, 2012, p. 8).

The Justice Department's Bureau of Justice Statistics (BJS) (2012) released a report indicating that "About 1.4 million firearms were stolen during household burglaries

and other property crimes over the six-year period from 2005 through 2010” (para. 1). The report further stated that “Handguns were the most commonly stolen firearm from 2005 through 2010” (para. 4). An earlier report by BJS from 2002 focused on a survey of 203,300 incarcerated criminals. The survey found that 42.2% of the inmates with prior convictions obtained the firearms they used illegally while inmates new to the system obtained firearms illegally 30.9% of the time (as cited in Harlow, 2002, p. 8). One report stated that “21% of armed criminals obtained guns from groups known to steal guns, such as drug dealers, addicts and other street sources” (Johns Hopkins, 2003, para. 2). Smith (2013) cited that “the majority of handguns in possession of a criminal are stolen, and not necessarily by the criminal in question” (p. 7).

Straw purchases or crooked Federal Firearms License (FFL) holders are also routes taken by individuals who cannot legally purchase firearms. A straw purchase is when someone who is legally able to purchase a firearm does so for a person who is not legally able to do so. Straw purchases are already illegal under federal law (Noyes, 2013). The organization Mayors Against Illegal Guns (2008) released a report stating “In 2005, the ATF conducted inspections on more than 3,000 FFLs and found 12,274 firearms missing. Nearly all of the guns, 11,640, were missing from only 97 dealers” (p.21). The report goes on to indicate that this activity is consistent with what the ATF believes to be black market firearms sales by the FFL holders themselves (Mayors Against Illegal Guns, 2008).

If any portion of the populous should be looked to for guidance and opinions on the validity of gun control, it should be that of law enforcement because law enforcement is in the forefront of the fight against crime and gun violence. Law

enforcement's knowledge of criminal behavior and the inner workings of the justice system should lend credence to its opinion of whether or not gun control will be effective. In recent polls, law enforcement have shown to be opposed to some aspects of gun control and not to be convinced that the proposed plan will not make a difference. In an online poll by Policeone.com, 15,000 law enforcement officers were surveyed and "71 percent say a federal ban on the manufacture and sale of some semi-automatics would have no effect on reducing violent crime. However more than 20 percent say any ban would actually have a negative effect on reducing violent crime" (Wyllie 2013, para. 6). Another question asked specifically how the officers felt gun control would affect their safety, and the poll found that "About 85 percent of officers say the passage of the White House's currently proposed legislation would have a zero or negative effect on their safety" (Wyllie, 2013, para. 7).

This support for gun owners' rights are echoed in surveys of top level law enforcement administrators. For the past 23 years, the National Association of Chiefs of Police has conducted a survey covering a variety of topics answered by Police Chiefs and Sheriffs from around the country. In the 2011 survey, 98% responded yes when asked "Should any law-abiding citizen be able to purchase a firearm for sport or self-defense, provided they are not former felons, drug addicts, adjudicated mentally defective, etc?" (National Association of Chiefs of Police, 2011, para. 4). Additionally, the recent Policeone.com online poll on the topic of gun laws found that "more than 61 percent said they would refuse to enforce such laws if they themselves were Chief or Sheriffs" (Policeone.com, 2013, para. 4). Additionally, on the website for the Constitutional Sheriffs and Peace Officers Association, there is a list of 16 different state

sheriff associations and the names of 451 sheriffs who do not support the proposed gun control measures (CSPOA, 2013).

COUNTER POSITION

Gun critics claim that carrying or possessing a firearm will not protect someone from criminals or violence. Others have stated that it actually increases the likelihood that someone will be injured or killed as a result of having the weapon. The critics claim that having a firearm can cause someone to get involved in situations that people probably would not get into unarmed. Sugarman (2001) cited that self-defense is a slogan used by the firearms industry to help increase sales and that the handgun does not succeed in doing the job. Sugarman (2001) stated, "Access to a firearm may encourage some people to be less cautious about avoiding confrontations and may even embolden others to escalate conflicts (p. 61).

Congressman Cliff Stearns (2011) of Florida cited, "In research sponsored by the U.S. Department of Justice, in which almost 2,000 felons were interviewed 34% of the felons said they had been scared off, shot at, wounded or captured by an armed victim" (p. 21). Stearns (2011) went on to discuss that another "40% of these criminals admitted that they had been deterred from committing a crime out of fear that the potential victim was armed" (p. 21). The Federal Bureau of Investigations (FBI) Uniformed Crime Reports (UCR) indicated that states that allow concealed carry have shown a reduction in the amount of violent crimes committed versus states that do not (as cited in Stearns, 2011).

Angela Valdez and John E. Ferguson Jr. (2012) cited, "from 1977 to 2005, states that passed concealed-carry laws saw a reduction of 20 percent in their rates of murder,

rape by 14 percent, aggravated assault by 13 percent and robbery by 6 percent” (p. 69). Smith (2013) cited that “The odds of a defensive gun user killing an innocent person are less than 1 in 26,000” (p. 19). Smith (2013) goes on to cite that “You are far more likely to survive violent assault if you defend yourself with a gun” (p. 39).

Gun critics argue that the more guns there are out in the hands of the public the more the crime rate will increase. Critics cite that crime rates in the US are increasing every year because the amount of firearms in the US has been increasing. The more guns available, the higher the murder rates will go is the belief. Ruben (2012) stated that “Gun death rates are seven times higher in the states with the highest gun ownership compared with states with the lowest household gun ownership” (p. 19).

The murder rate as a whole does not increase because of the amount of firearms available to the public. Smith (2013) stated “Though the number of firearms owned by private citizens has been increasing steadily since 1970, the overall rate of homicides and suicides has not risen” (p. 6). Just as in the US there is no correlation between increased gun ownership and violent crime rates (Smith, 2013). The available data from numerous studies do not show a connection between the gun count and amount of violence. Deakins (2013) stated that “The U.S. National Academy of Sciences in an extensive 2004 review of hundreds of journal articles, books, government publications, and original research failed to identify any evidence that gun control had reduced violent crime, suicides, or gun violence” (p. 59).

RECOMMENDATION

On the topic of a people’s right to bear arms, a past leader commented “The most foolish mistake we could possibly make would be to allow the subject races to

possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so” (as cited in Smith, 2013, p.84). Gun control measures will not resolve the issues of criminal activity and the violence we see in society today. Prior gun control attempts have proven to be unsuccessful here and abroad. Surveys have shown that law enforcement is not in support of gun control measures that hinder law abiding citizens from owning guns for self-protection and further will not promote public safety. Having fewer guns in the hands of the people will not cause an increase in the amount of violent criminal activity perpetrated on law abiding citizens. The government should not rely on new gun control laws as a way to improve public safety and should understand that in contrast it will limit a citizen’s ability to protect himself, family and property.

Instead of creating new gun control laws the author recommends that the government focuses more on the laws that already exist forbidding criminals from owning or possessing firearms. The penalties for these laws should be increased and mandatory sentencing standards should be established and enforced at the state level effectively closing the revolving door that allows criminals to get out of jail and commit more crimes. There should be increased penalties for individuals or dealers who knowingly provide or sell firearms to individuals who are legally prohibited from owning or possessing firearms.

There needs to be more research or studies done on the circumstances surrounding incidents involving mentally disturbed people and the use of firearms. These studies should assist in the creation government driven programs aimed at the reduction of violent episodes caused by mentally unstable people. These studies

should provide a “how to guide” for the public and law enforcement communities to utilize and identify potential problem areas and problem patients who are exhibiting signs or symptoms of a potentially violent outburst. The government needs to fund more programs providing funding for mental health programs providing low cost mental health care to those who cannot afford it. There needs to be established mental health guidelines put in place that require confined long term treatment of individuals that have been determined to be a credible threat to society due to their decreasing mental stability.

When the public and the politicians who are voted into office stop all of the futile debating over the rights of private gun ownership and what the founding fathers truly intended the Second Amendment to mean for individual gun ownership, things will begin to proceed down a more productive path. Society needs to instead focus on what is really at the heart of gun violence, criminal activity and gun use by mentally unstable individuals. When this understanding is reached and brought to the forefront of the discussion, society will finally begin its progress towards a resolution to the overwhelming problem at hand.

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