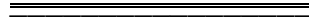
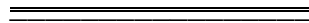


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Gun Control and the Benefits of Not Having It



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



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ABSTRACT

The common defense for citizens is law enforcement officers, but despite law enforcements best efforts, law abiding citizens are still being murdered, raped, robbed, violently assaulted, and downright victimized. The best defense a law abiding citizen has against these vicious perpetrators is the second amendment of the United States Constitution. The second amendment affords law abiding citizens the right to arm themselves (with guns) and thus giving the citizen the correct tool to fight back against predatory criminals and protect themselves. It has been shown in several areas of the United States, when law abiding citizen's second amendment rights are not infringed upon with strict gun laws, there is a reduction of crime. Armed citizens on multiple occasions have saved the lives of law enforcement officers and aided them in their law enforcement objective. When it comes down to it, a law abiding citizen and law enforcement are on the same team, and can greatly benefit each other. Gun control laws have negative effects toward the law abiding populace and in some cases has prevented citizens from stopping the carnage of a mass shooting. The perpetrators of these vicious acts clearly do not care about the law. So to assume that these suspects care about gun laws is folly. Laws are meant to govern, provide order, and to protect the citizens. Criminals that choose to prey upon the citizenry have chosen not to abide by laws that have already been set forth. Law enforcement agencies should further educate its citizens on proper gun safety, proper use, and what actions to take once they have used a gun to defend themselves. Together law enforcement and the citizens who chose to abide by the law, can make the country safer.

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INTRODUCTION

Laws are meant to protect citizens and provide a safe, secure, stable environment in which to live. When a law has the opposite effect and places the citizenry and law enforcement officers at risk, it no longer serves its intended purpose. Law abiding citizens and law enforcement officers need to utilize every available asset to gain an advantage over the criminal element that plagues society. When the citizens' right to defend themselves is taken away, it simply guarantees the safety of the offender and almost makes certain the demise of the citizens. Criminals do not abide by the law, hence why they are called criminals. Laws that directly disarm citizens and in effect take away a huge law enforcement ally, law abiding citizens, have no place in an American society. Gun control has been a hot topic for citizens and law enforcement for several decades due to mass shootings that have occurred. Now that decades have passed since other countries implemented gun bans, some major cities in America implemented extremely strict gun control laws, and second Amendment Supreme Court rulings, there is sufficient evidence that shows gun control laws are not effective (Stossel, 2015). If gun control laws were effective, then cities like Chicago, IL, Los Angeles, CA, and New York City, NY would be some of the safest cities in America when in fact the opposite is true (Stossel, 2015).

The second amendment of the United States Constitution clearly states, "the right of the people to keep and bear arms, shall not be infringed" (U.S. Const. amend. II). The core and purpose of the law enforcement officer is to protect and serve the community. Law enforcement officers across the nation on a regular basis give citizens advice on how to protect themselves against criminals and how to keep from being a

victim. At times, that advice can be anything from advising citizens on the need to lock their car doors or their right to defend themselves when attacked. On multiple occasions, the fact a citizen possessed and exhibited a gun was enough to change and stop an offense from occurring. On multiple other occasions, citizens utilized a gun and saved their own life. Without citizens having a gun to prevent the crime or to defend themselves, they would become victims. An excellent example of this occurred in Memphis, Tennessee. A parking attendant was walking a woman to her vehicle. A violent criminal approached the parking attendant from behind and struck him with an unknown object. The attendant fell to the ground and the criminal began to go through his pockets in an attempt to rob the attendant. A legal gun owner saw what happened and drew his own pistol and intervened. The criminal immediately stopped what he was doing and fled away from the attendant, who was still on the ground (Pierre, 2017). Armed citizens have not only proven to be instrumental in protecting themselves because they possessed a gun, but also an undeniable ally to law enforcement. Armed citizens have assisted law enforcement in several incidents and have even saved law enforcement officers' lives due to the citizen being armed and taking action. Gun control laws should always perpetuate the law abiding citizen's right to be armed.

POSITION

The second amendment of the United States Constitution directly guarantees the right to own guns, and 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" (U.S. Const. amend. II). In 2008, the United States Supreme Court ruled in the court case of *District of Columbia v. Heller* that a citizen has the right to possess a firearm for

traditional law abiding purposes including in defense of one's home (District of Columbia, 2008). James Madison, the father of the Constitution, said in 1789 that "A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country" (James Madison, 1789, para. 2). Madison's statement, made just after the American Revolutionary War (1775-1783), rings true in a since even today. During the American Revolutionary War, the militia was very instrumental in fighting back against Great Britain forces and eventually winning their independence from Great Britain. In today's society, the term militia is often associated with a radical group and is often frowned upon. However, in James Madison's time, a militia simply meant citizens who were willing to take up arms to protect their family, homes, and land from invaders who brought tyranny and/or oppression. In these modern times the threat of a "red coat" (Great Britain Soldier) attacking a citizen is non-existent. What is a real threat to citizens is armed robbery, home invasions, carjacking, aggravated assaults, and even murder. Modern time American citizens who decide to take up arms to protect their family and home falls in the category described by James Madison. In fact, if Madison's statement was shortened to only, "composed of the body of the people (citizens), trained to arms (guns), is the best and most natural defense of a free country (family and home)" (U.S. Const. amend. II), it becomes even clearer how the second Amendment can be directly applied to our law abiding citizens and our law enforcement today. Zacharia Johnson, a delegate to the 1788 Virginia Ratifying Convention, summed up the meaning of the Second Amendment when he declared that "The people are not to be disarmed of their weapons. They are left in full possession of them" ("James Madison", n.d, para. 2).

A gun in the hand of a law abiding citizen saves lives and prevents crimes. It has been shown that strict gun control is directly linked to an increase in violent crime. This statement should be deeply concerning for law enforcement agencies due to the direct increase of crime and a decrease in citizen safety. One of the primary purposes for law enforcement is to keep citizens safe from harm. Gun control laws have a direct opposite effect on keeping citizens safe. A prime example of this occurred in Britain in 1997 when handguns were banned within the country. In the decade following, the number of violent assaults soared 77% to 1.158 million, to place it in other terms, more than two violent assaults every minute (Slack, 2009). Britain showed to have the second highest crime rate in Europe, despite its extremely strict gun control laws. Britain is not the only country to enact strict gun control/ gun ban laws and show an increase in violent crimes. In 2002, five years after Australia enacted its own gun ban, the Australian Bureau of Criminology acknowledged, "There is no correlation between gun control and the use of firearms in violent crime" (Nemerov, 2009, para.1). The facts show the percent of murders where a firearm was used reached a record high in 2006 at 16.3%. Australia's own Bureau of Crime Statistics and Research admitted that the gun ban had no substantial impact on reducing the amount crimes committed with a gun. The same year of the record high murder rates with a gun, 2006, assaults in Australia amplified to 49.2 %, robberies increased by 6.2%, sexual assaults increased by 29.9 %, and the overall violent crime rate exploded by 42.2 %. During that same time period, America showed a decrease of violent crime by 31.8 %, sexual assaults decreased by 19.2 %, robberies decreased by 33.2 %, and aggravated assaults decreased by 32.2 %. According to the percentages, Australian women are now three

times more likely to be sexually assaulted than American women (“Australia: More,” 2009).

The utilization of a gun by a citizen to protect himself or herself has proven to be very successful in preventing crime and preserving the life of the citizen’s or would be victim’s life. One example of this is an incident that occurred in Charlotte, North Carolina on November 3, 2015. A twenty-one year old mother was in her home breast feeding her four month old baby in her bedroom. Intruders broke into her home and opened fire at the mother. The mother retrieved her own gun and fired back at the intruders. The mother suffered two gunshot wounds, but managed to fight off the intruders. The four month old baby was unharmed during the incident (Smith, 2015).

The very fact the mother was afforded the right to have a gun in her home gave her the ability to stop the intruders and protect her baby. If she did not have the right to have a gun, it is quite possible her and her baby would have died during the incident.

According to the “Fact Sheet: Guns Save Lives” (n.d.), law abiding citizens utilize guns 2.5 million times a year in self defense. This means every year, guns are used more than 80 times more often to protect the lives of law abiding citizens than used to take a life. “Fact Sheet: Guns Save Lives” stated, “Of the 2.5 million times citizens use their guns to defend themselves every year, the overwhelming majority merely brandish their gun or fire a warning shot to scare off their attackers” (para. 2). An interesting trend seen during a mass shooting is that armed citizens showing up frequently is a deciding factor in reducing the carnage from a mass murder situation. It goes to show proactive choices win over gun control (Avery, 2013).

An armed law abiding citizen is a direct ally to law enforcement. On numerous occasions throughout America, a citizen has taken up arms to assist law enforcement officers. One example of this occurred in May, 2015 in Oklahoma City, Oklahoma, where two Oklahoma City officers were in a foot chase with a burglary suspect (Owens, 2015). The officers became separated to look for the suspect. One officer found the suspect and tried to place him under arrest. The suspect resisted and fought the officer. During the struggle, the suspect was able to get the officer's baton and began beating the officer savagely about the head with the baton. A nearby citizen saw the assault, drew his own gun, and ordered the suspect to stop or be shot. The suspect stopped assaulting the officer and surrendered. The officer was later transported to the hospital with serious head injuries. Bob Owens (2015), an author for the *Bearing Arms* website, stated, "We seem to be having more and more instances of good guys with guns stepping up to stop attacks on citizens and police officers" (para. 9).

Another example of an armed citizen utilizing his personally owned firearms to help law enforcement is an incident that occurred in Early, Texas (Bailey, 2012). In 2012, two neighbors had a verbal argument over their dogs. One neighbor, who was known for having mental health problems, retrieved a gun from his residence and shot his neighbors and their dogs. When officers responded to a "shots fired" call, the armed suspect started shooting at officers. The officers returned fire but were unsuccessful in hitting the suspect due to the suspect taking cover behind a tree. A citizen, who heard the gun battle between the officer and suspect, retrieved his own gun. The citizen shot the suspect who was attempting to shoot the officer. The suspect did not go down when hit by the citizen's bullet and began shooting at the citizen. The citizen returned

fire shooting the suspect three more times. The officer shot the suspect two more times with his rifle, before the suspect finally gave in to his injuries. The Brown County Sheriff gave this statement after the incident, “The citizen that fired these shots did a tremendous job out there. Had he not had a gun and the presence of mind to do this, we don’t know what the outcome would’ve been” (Bailey, 2012, para. 15). Another example of a citizen using his gun to assist law enforcement is on February 24, 2005 in Tyler, Texas (Three Killed, Including Gunman In Smith County Courthouse Shoot-out In Tyler, 2005). A male suspect gunned down his wife and son in front of the county court house. The suspect also engaged law enforcement officers with heavy gun fire. A citizen, who had no affiliations with law enforcement, drew his own gun and engaged the suspect. The citizen shot the suspect, but due to the suspect wearing body armor, it had no effect. The citizen, who bravely fought that day to protect his fellow citizens was shot and killed by the suspect. The suspect was later killed by officers (Three Killed, Including Gunman In Smith County Courthouse Shoot-out In Tyler, 2005). Law enforcement needs to utilize every asset/ally available to help in securing the safety of the citizens and its officers. The actions taken by these brave citizens without a doubt played a part in the outcome of the situations.

COUNTER POSITION

Several gun control activists make the statement, “More guns equal more crime” (Samuels, 2014, para. 1). At face value the statement would seem to make sense. However, the exact opposite is true; some of the most gun saturated towns are some of the safest. We currently have 40 million more guns in the United States of America than we have people (Ingraham, 2015, para. 4). Due to no gun registration put into

effect, it is hard to tell exactly how many guns are in the United States of America. However the Bureau of Alcohol, Tobacco, and Firearms (ATF) estimates that there are approximately 300 plus million firearms in the United States of America (Weisser, 2015, p. 1). Out of that 300 plus million, law enforcement owns approximately one million and the civilian population owns the estimated 299 million. In 2010, the gun industry manufactured and sold approximately 5.5 million guns (Weisser, 2015). So according to the numbers and the gun control advocates, law enforcement nor citizens should never see a drop in gun violence and murders because of all the guns on street. In fact, that is not the case. In 1976, District of Columbia (DC) enacted a handgun ban, stated all firearms need to be registered, and those who owned a firearm needed to be disassemble or lock it up at all times. Attorney Jeffrey Shapiro made the statement, "The gun ban had an unintended effect. It emboldened criminals because they knew that law abiding D.C. residents were unarmed and powerless to defend themselves" (Bowers, 2013, para. 10). District of Columbia has one of the highest crime rates with 1,330 violent crimes per 100,000 compared to the 363 per 100,000 for the United States of America's national average (Bowers, 2013). John Lott of the Crime Prevention Research Center stated, "In 1991, the murder rate was about 9.8 people per 100,000 and in 2015 it is down to 4.2 per 100,000" (Stossel, 2015, para. 16). The statement, "More guns simply means more violence", is not true, and in fact the opposite is true. Cities where guns are freely sold and possessed show a much lower violent crime rate per capita versus cities (D.C, New York, and Chicago) with extremely strict gun control laws.

Gun control advocates often sell the statement, “If you own a gun, you are more likely to die of homicide, suicide, and unintentional death.” It is true a firearm in a home is sometimes used in homicides, suicides, and unintentional deaths. However, having a gun in the home makes it easier for people to defend themselves, especially women and the elderly. Most often guns in the home, excluding recreation, are used to prevent/stop crime. When a homeowner pulls out a gun, the intruder or attacker flees. An estimate made by the Violent Policy Center suggests, “Crimes may be prevented by guns tens of thousands times per year” (Stossel, 2015, para.8). To put it frankly, a lot of people do not report crimes that did not happen because they just displayed a firearm to prevent the crime from happening. No one truly knows how often this happens every year simply because un-reported crimes cannot be tallied (Stossel, 2015).

Deborah Azrael, Associate Director of The Harvard Youth Violence Prevention Center, stated, “Cut it however you want: In places where exposure to guns is higher, more people die of suicide” (Drexler, 2016, para. 4). Suicides are committed regardless of whether a person has a gun. Guns are simply not the only way to commit suicide (Stossel, 2015). When comparing the suicide rate of the United States America to other countries per capita, it becomes very clear guns are not a substantial element to suicides. The United States had 12 per 100,000, while other countries like Japan (18 per 100,000) and Korea (29 per 100,000), where guns are completely banned, showed a much high rate of suicide (McMaken, 2016). Last but not least, unintentional death by firearms is extremely rare. The United States has approximately 500 deaths per year due to accidents with a firearm. It sounds like a lot, but when compared to the fact approximately 400 people die per year due to overdose of acetaminophen (common

name brand Tylenol), and almost as many die in swimming pool drowning, its placed in a better perspective (Stossel, 2015). The statement, "If you own a gun you are more likely to die of homicide, suicide, and unintentional death" is simply not true.

RECOMMENDATION

The citizens of the community protected by law enforcement should not be disarmed by strict gun control laws. The second amendment of the United States Constitution affords citizens the undeniable right to possess guns. Citizens across the nation have shown when they are given the ability to protect themselves and are not restricted by gun laws, they will. Crimes against the citizenry are reduced and even prevented when citizens have guns. Armed law abiding citizens have been shown to save and aid law enforcement officers who were in need of their help. Gun control advocates push the propaganda of, "more guns simply mean more violent crimes", and "If you own a gun you are more likely to die of homicide, suicide, and unintentional death", but frankly those statements are unsubstantiated by fact. Research has shown that more guns does not mean more violent crimes, and owning a gun does not make a person more likely to fall victim to homicide, suicide, or unintentional deaths. Law enforcement agencies need to take a stand for their citizens. It would benefit law enforcement agencies and their citizens to take a proactive stance on the issue by holding gun safety courses. By providing training for law abiding gun owning citizens within the community, it would educate the citizens on when they can and cannot use a gun as a force option. Training would also instruct citizens on what actions to take when they do have to use a gun, what actions they do before, and when law enforcement responds to the scene. Gun control laws should always perpetuate the law

abiding citizen's right to be armed. With law enforcement and armed law abiding citizens on the same page, the citizenry as a whole will be safer. In the end, that is the ultimate goal for law enforcement and the law abiding citizen, is to live a peaceful life.

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