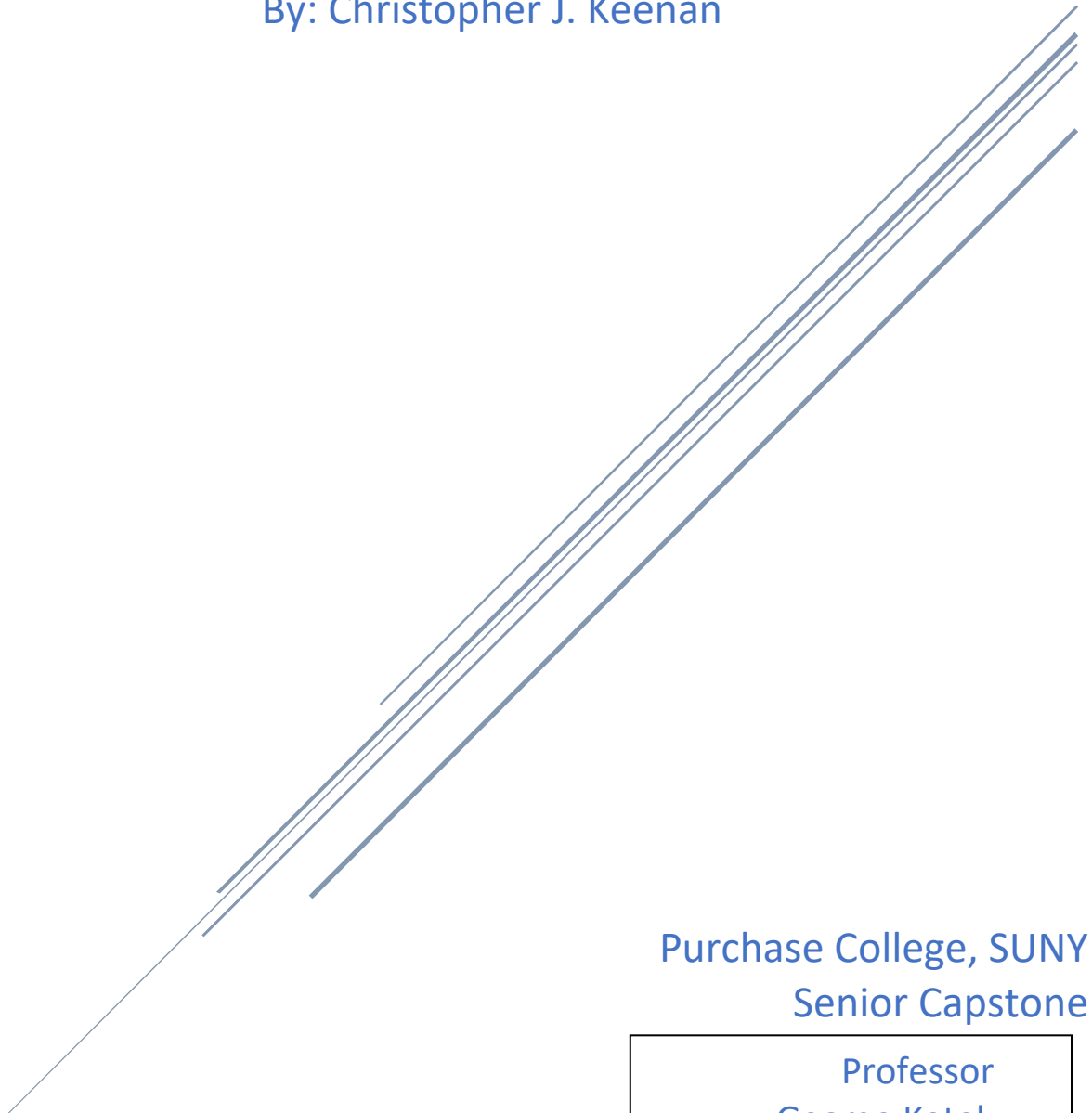


THE ISSUES SURROUNDING GUNS AND GUN CONTROL WITHIN THE UNITED STATES OF AMERICA

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Abstract: At one point within our lifetime, the Second Amendment was seen as a badge or a type of shield for gun activists to allow our American right to “bear arms”. But, after the ratification of the Second Amendment, there has been much debate about guns and gun rights within America. Are they useful or deadly to our country? This is the underlying debate that has been circulating for years on end, as weighting the rights of individuals with public safety seems to never find a balance. As time as gone on , the way that our Founding Fathers once envisioned the Second Amendment has been drastically altered as America is now questioning the meaning behind the “right to bear arms”. With the constant occurrence of these unfortunate events such as mass shootings and gang violence, the United States is taking way more bullets than ever before. The persistent issue is we have yet to meditate an agreement with gun control and the Second Amendment. For my research, I would like to examine this issue while also discovering if gun control legislation undermines or reinforces the Second Amendment rights?



Image : <https://www.nationalreview.com/2015/06/second-amendment-not-responsible-easy-gun-access/>

Introduction:

Guns have been part of American society since the beginning of time. As our Founding Fathers grappled with one of our nation's first gun crisis by enacting the Second Amendment. The Second Amendment was seen as a way to help militia and convey a message of how citizens should be able to have security by having the right to "bear arms". Even though, many will disagree and say its a recent phenomenon due to racism and anti-immigration feuds. Americans have used guns for many different purposes such as; protection, self-defense, wars and unfortunately crime. The issue of guns has taken on a proportion of extreme magnitude. As individuals are now out

weighing the rights and liberties against the welfare and safety of the public. In the United States, gun control is one of most tentative issues that has both sides firmly entrenched in their positions. With constant shed of negative light on firearms, our American society has lost sight of the meaning behind gun rights and have developed an ongoing debate on whether or not we should infringe on the long-standing constitutional right of the Second Amendment.

Literature Review:

The debate over gun control is hardly a new development within American history (Cornell 567). Guns and America can be seen as feuding relatives that have been linked ever since the colonial settlement in the Americas. Today, the positive outlook on regulating gun violence is implementing reforms where we can possibly control or limit these issues and change the whole feuding dynamic behind gun privileges. But as technology advances so do guns, as they become faster, cleaner, more efficient and more powerful. And with great power comes great responsibility with owning or having a firearm of any kind. Firearms have been said to be helpful and at times even harmful within United States history. But we must remember that the American Revolution would have not been won without the use of guns. But, on the other hand we must also take into account that a numerous amount

of school shootings would not have occurred and innocent lives would not have been taken away if guns didn't exist.

With the constant occurrence of mass shootings people are starting to see guns in a darker light. The phenomenon behind guns is partly because of social media. With the rise of social media, news of these mass shootings is being spread quickly and uncontrollably that it has become such a headline issue. This is causing individuals to want to revise things such as the Second Amendment or take the constitutional right of allowing Americans to own a firearm. U.S. citizens have chosen sides to this debate whether people should be allowed to have firearms or get rid of them completely (buy back system). As an American citizen, there are many ways to go about this issue and reform laws for the good while not infringing on rights of the citizens.

Before we start to get into our current evolving issues surrounded by gun control, I would like to discuss our history and interrupt why the Second Amendment was enacted within our country. Feuding sides have said that history will continue to influence the way Americans understand the issue of gun rights. Many argue that the Second Amendment is a collective right but according to historians the Amendment was shaped by the Preamble affirming the importance of well-regulated militia (Cornell and DeDino 488). Supporters of gun rights will say the importance of this Amendment is comparable to the

Amendment for the freedom of press, as the Constitution provides the same level of protection for guns as it does for words. (Cornell and DeDino 488). The model right to bear arms from the Founding period could be described as a civil right. The civic conception stressed the necessity of a well-regulated militia and protection. Citizens used this right as a way to act collectively for public defense. Soon the idea of the right to bear arms influenced the realities of colonial experience from external threats and preserving public order from rebellion (Cornell 568). One of America's first type of legislation was the Virginia Declaration of Rights, it had no mention to the right to bear arms but it did assert the necessity of a well-armed militia. Then came the Pennsylvania Declaration of Rights which stated "the people have a right to bear arms for the defense of themselves and the state" (Cornell 569). Several years later Massachusetts developed a new legislation that the right to keep and bear arms was for the common defense. Because of these early constitutional texts and ideas circulating from state to state this essentially linked the formation of the Second Amendment.

But, before we get into the affirmation of the Second Amendment to understand the dynamics of modern gun debate, you have to dig deep into the Founding era's idea of bearing arms which was challenged in the Jacksonian period. The struggles during this era has shaped our current developments of

gun restrictions. During the Jacksonian Era, Americans began to worry more about public safety as a central concern than the right to bear arms. The Jacksonian Era was during the time of the American Revolution and it was a very difficult time as Americans' knew war was approaching. The Quakers were one of the groups that caused many issues during the time of the Revolutionary War. The "Religious Society of Friends" also known as the Quakers, were a religious group that did not believe in the use of guns. But unfortunately, America was in a struggling time of where they knew war was going to rise and needed some type of protection if they were going to fight in this war. They need a supporting militia and firearms to do so with the overwhelming problems surrounding America's government Americans' needed to act fast. Consequently, the Quakers wanted to obtain an exemption from a right of personal self-defense such as guns (Cornell 576). They were pacifists and as their religion they did not see guns as a way to end violence. During this time, the Quakers had to face how to protect their religious commitment to pacifism without going against their beliefs (Cornell 576). They protested, wouldn't use paper money and refused to pay any taxes or fines to support a militia. But these restrictions did not stop all Quakers from participating in the war efforts and in the end the Quakers lost this battle. As, the state could not compel individuals to defend themselves; it could only compel individuals to bear arms for public defense (Cornell 576). These odds

outweighed what the Quakers wanted and, in the end, having protection was better than no protection at all, despite religious reasons.

After, learning about our history and struggles we faced during the American Revolution this can be seen as comparable link to our understanding of today's phenomena. As today, we have split groups of people, we have one group of gun activists who support the use of firearms while we also have anti-gun activists who would prefer if all types of firearms within our government to be banned. As you can see, there has never been a complete agreement behind the idea of the use of guns. The long-lasting struggles that existed during this era has eventually shaped our current status of gun restrictions.

In 1787, The Framers came together to write the articles of the United States Constitution during the constitutional convention (Churchill 149). The Framers wanted to draft a "blueprint" in order to create the basic liberties a citizen should have such as religion, speech, press, assembly and to bear arms. The soon to be "Bill of Rights" was to be seen as a way to protect the rights of citizens without infringement from public officials. On September 25, 1789, the Founding Fathers passed the Second Amendment stating;

“A well-regulated Militia, being necessary to the security of a free State, the right of people to keep and bear Arms, shall not be infringed. “

The Constitution of the United States,” Amendment II

And it was soon ratified on December 15, 1791 along with its other 9 Amendments; also known as the Bill of Rights (Lund and Winkler 1). Under the Articles of Confederation, from 1777 on, states were required to maintain their own well-regulated and disciplined militia (Epps 5). Originally the Second Amendment only applied to the federal government, which left the states to regulate weapons on their own terms. It’s hard to say the original meaning of the Second Amendment as for years people have been questioning if it’s an individual right or a collective one. But most historians interrupt the Second Amendment as a way to have the right to protect ourselves, our families, and for our country under militia.

Once the Second Amendment was ratified, as time continued on, the law struggled to keep up with changing social practices. Americans armed themselves with weapons that were easily concealed and had little military value while, others petitioned their legislatures to enact stringent laws prohibiting this practice (Cornell 580). “Americans were deeply divided over

the wisdom and legality of concealed weapons” (Cornell 580). Because of this the first laws of banning concealed weapons were once soon enacted in the early 1800’s. Restrictions began at the time, place, manner and soon states started to criminalize the sale or possession of weapons (Cornell 581).

But the reality here, is there too much freedom or do we need stricter gun limitations. This has been an ongoing debate In my opinion, there should be no infringement on our basic rights. Firearms violence in the United States has gone out of control, with more than 30,000 Americans dying as a result of gun violence each year (Cornell and Cornell 867). The recent proposals for more effective gun regulation inevitably trigger debates surrounding the Second Amendment which, poses limits on such policies and that reasonable regulations are infringements on Second Amendment rights (Cornell and Cornell 867). This view does not have a solid foundation in American history or under the law. As long as there have been guns in America, there has been regulation of firearms. Both of the authors agree that removing our right to bear arms is not the way to go about it. Advocates of gun control and those who approve of their gun rights are splitting our democracy apart on the issue of gun violence. Both gun rights advocates and champions of gun control need to understand that regulation of firearms is not a new development in American legal history but, rather, a tradition that predates the creation of America by

centuries (Cornell and Cornell 868). Legislation is designed to improve public safety and reduce firearm violence is fully consistent with the American legal tradition (Cornell and Cornell 868). If many of our past presidents' including, George W. Bush, believed that guns shouldn't be infringed upon there must be another way we can provided stricter regulations without taking away our moral rights.

One opinion from the author, Robert Gebelhoff from The Washington Post talks about several ways we can go about these issues without infringing on our right to bears arms. Some people who oppose reforms say that nothing can be done but that's not exactly true. For instance, having a better education on gun safety, stop the flow of unlicensed and stolen guns, having better security on cartels, limiting AR's or heavy machine guns that can be brought by any citizen, as well as strengthening background checks, improve reports on mental health issues, producing a buy back system, or "treating guns like cars". There are many types of ways that we can reform or impact gun violence. With these reforms, we can reduce gun deaths, injuries and improve on our nation that allows us to the freedom to bear arms.



Image : https://www.washingtonpost.com/graphics/2018/opinions/gun-control-that-works/?noredirect=on&utm_term=.8847cf8459a6

The New York Secure Ammunition and Firearms Enforcement act (SAFE Act) was put into effect by Governor Cuomo of New York State, in January 2013. The SAFE Act puts a number of regulations and restrictions to gun owners such as a ban on magazines that hold more than seven rounds, and a universal background check. A universal background check would be used by both private sales between people and public sales from a gun store clerk. This act being passed in NY makes it the toughest gun regulation. With tougher gun regulations, the topic of assault weapons has been in the news over recent years. “Assault weapon is defined as any rifle with military style modifications

such as a bayonet or telescoping stock... (Campbell 1). Any firearm that was bought before or owned January 2013, will be grandfathered in under the law and owners will have to register this firearm with the state immediately. As we may think this SAFE Act is preventing sales to people who should not be owning firearms, it is also hurting the economy. Representatives from Remington Arms Manufacturing went to the state capitol to express their concerns with the SAFE Act. Remington is showing concern that the assault weapon ban will put this company out of business. Remington is moving production facilities to Alabama where gun laws are looser and does not ban semi-automatic rifles (Campbell 1).

Studies are also very useful when dealing with issues such as gun control. "In 2013, researchers at Boston Children's Hospital and the Harvard T.H. Chan School of Public Health found that states with more gun laws had fewer gun-related deaths. The impact was seen for overall deaths, as well as for specific categories such as homicides and suicides" (Schoen 3). As stats may show strict gun law states have lower gun violence, this doesn't prove that strict laws are the solution, we as people can see a difference. Studies cannot explain the cause and effect of the laws and results of the decrease in gun violence. There are a lot of factors that go into the results of a study but we can see a possible correlation of the stats.

In this article, we read that The U.S. Constitution sets a minimum of Federal Laws. So, the Second Amendment states that as citizens we are allowed to keep and bear arms against tyranny domestic and foreign but the state laws can be more specific of what kind of guns, citizens are allowed to own. “The federal government has put some restrictions on firearm commerce, the possession of guns by potentially dangerous individuals and ownership of certain types of firearms and ammunition (Luca, Malhotra, Poliquin 7). The US government has made some laws that restrict certain people from ever owning a gun and the type of firearm one can own such as a semi-automatic, bolt action and pump style weapons. Automatic guns are restricted throughout the United States. “State governments are the primary regulators of firearms” (Luca, Malhotra, Poliquin 7). States can pick and choose what firearm types they want to regulate and what ages people can buy and own firearms. States can also set laws on “...how guns should be stored and what types of training should be undertaken by gun owners (Luca, Moltra, Poliquin 7).

According to BBC News article, “there were a total of almost 33,600 deaths from guns in 2016 - of which more than 22,900 were suicides” (BBC 4). In the chart on page 4 of this document, the chart shows 33,594 deaths were caused by guns, 22,938 were suicides, 14,415 were homicides. Out of the 14,415

deaths, 71 of them were from mass shootings. Another 1,305 were caused from accidental or war casualties. Looking at these numbers, mass shootings count for a smaller percentage of what media takes it to be. There is more person on person homicide deaths.

As the US government and state governments try to find a solution to regulation of firearms, they should take steps to doing so and not making big jumps and banning or not banning all firearm related equipment. State governments for future policies look to “Reduce gun possession and carrying by high risk individuals... Reduce access to firearms by prohibited persons... Utilize firearms laws to incapacitate violent, career offenders. (Vizzard 893). With these three objectives stated in the article, keeping guns out of the hands of the mentally ill and criminal and repeat offenders will decrease gun violence. If state or federal legislatures would focus on laws and create a safe way for people to own, store, and protect themselves and keep high risk people from obtaining guns, we can then focus on registration of firearms and type of guns that are allowed to the public.

Having strict regulations for citizens also means strict regulations for firearm dealers (private store fronts). If a private dealer doesn't document his private sale, ATF doesn't have record of that firearm being sold and it is now under the radar. ATF will do undercover buys from dealers who may be selling firearms under the table and making a secondary market for private sales. The

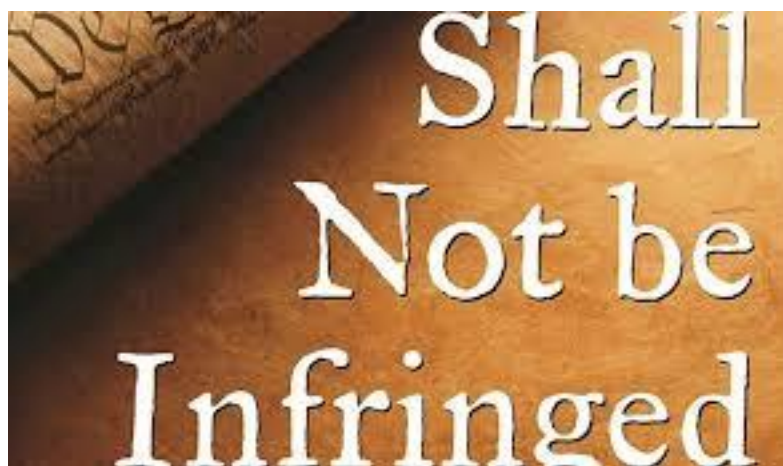
consequence for under the table private sales is only a misdemeanor. It used to be a felony (Vizzard 896).

Federal and State legislatures need to come together and make a universal background check and licensing system. There are multiple steps to the process. Before going to a private or public dealer, the buyer needs to have "...a license as a preclearance of the purchaser" (Vizzard 899). Having this license as a identification, does not give the dealer any background information about post arrests or conviction or mental illness. "Requiring a minimum of training, some sort of competency examination (Vizzard 899). Having this exam can help a firearms instructor know who is able to properly hold, secure and fire the gun.

Also in this article, "If the federal government can convince state legislatures to insert uniform standards such as auto safety, drinking age, environmental regulation, educational testing" (Vizzard 903) there should be some kind of reinforcement for firearms. When someone wants to get their driver's license, they need to take a written exam to receive their permit, then practice 50 hours of driving before taking their 5 hour class with a certified driving instructor then take a road test with multiple driving skills needed such as parallel parking, K turns and using your blinker when needed. This needs to be the same for firearms, taking multiple tests to receive a permit then attend

training courses with certified instructor of your residency state, then apply for a license to own a firearm. Then another to carry on your person.

Concluding this article, the author finds that the “Long term demographic trends do seem to foretell a slow decline in American gun culture, with both hunting and gun ownership reflecting this trend” (Vizzard 903). American gun culture is decreasing due to recent events of mass shootings and strict gun regulations. “Two important facts regarding homicide should inform policy: many homicides are spontaneous actions facilitated by the presence of firearms, and second, these homicides are concentrated culturally and geographically” (Vizzard 904). Looking at stats of gun violence, we need to make sure that we be careful of what locations and demographics of people are being associated with gun violence.



Conclusion:

Overall, from my analysis, studies and research, I firmly believe as a United States citizen that we should not infringe on our rights to “bear arms”. Banning guns is not the answer to limiting crime, deaths and or tragedies. Today, the positive outlook on regulating gun violence is implementing reforms where we can possibly control or limit these issues and change the whole feuding dynamic behind gun privileges. The foundations of which the Second Amendment was founded under, was meant for good purposes. Such as, the basic liberty to own a gun and use a gun for self-protection or any type of protection. Not only that but guns were used as a shield when fighting in our past wars and as a way to defend our nation. Many people change the complete outlook that was once bestowed on the Second Amendment. Sadly, due to current events and the widespread of social media, we have diminished the true meaning of the “right to bear arms” and have confused this privilege with crime. Guns are a power weapon and can surely end a person’s life. Having the basic gun education and heightening security and background checks can certainly help improve the issues surrounding gun control. A quote that hit me when I was reading through the article by William J. Vizzard, “Changing a few critical actors holds the key to initiating the spread of a social norm and social behavior. Interventions that change norms relating to gun carrying and acceptance of violence as normal behavior among high-risk populations offer significant potential for reducing death and serious injury from firearms. Ceasefire projects would seem to offer more near-term hope for reducing violence than does the frustrated pursuit of new national gun laws.” As citizens of this United States of America, we

hold the power to change laws, regulations, social norms to however we want. If we take out corrupt politicians and CEO's of companies and put good people into power, we can live in a safer and better protected America of tomorrow.

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