

INDEPENDENCE

ISSUE PAPER

CHILDREN AND GUNS: SENSIBLE SOLUTIONS

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BY

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ACQUISITIONS

Children and Guns: Sensible Solutions*By David B. Kopel*

One of the first factual monographs recommending a policy strategy for the emotional and easily misunderstood subject of children and guns, the study demonstrates that:

- Lawmakers must accurately gauge the problem of children and guns, to make sure that any new legislation reduces rather than increases harm.
- Alarmist contentions that "the onslaught of childhood violence knows no boundaries" are untrue. Firearms figure in less than 1% of all deaths for children under age 15. Gun-related homicides are, however, extremely high for inner-city black males aged 16-19. Remedies must therefore be tailored to the specific problem, rather than being sweeping and symbolic.
- Accidental gun deaths by children have declined 50% since the 1970s. To reduce accidents further, safety education is preferable to government required gadgetry (which might increase accidents), or to gun prohibitions.
- Neither the youth suicide rate nor the prevalence of guns in suicide have changed substantially since the 1970s. Careful analysis of existing research shows no evidence that the presence of guns increases suicide risks for mentally healthy teenagers.
- Claims about the frequency with which high school students carry guns to school are wildly exaggerated. At least 90% of teenagers who do carry firearms to school are carrying for protection, and not for crime. The best way to reduce the need of students to carry guns is to take youthful criminals off the streets, and put them in prison, thus reducing the need of other students to arm for protection.
- Confronting the very serious problem of inner-city black male teenage homicide requires a direct attack on the social ills which cause so many young people to grow up believing that their own lives and the lives of others are worthless. Since severe drug prohibition has not reduced the supply of drugs in the inner cities, it is foolish to expect that gun controls will reduce guns in the inner-city. Legislators should consider several immediate steps to get juvenile criminals off the streets, and to begin addressing the social ills that breed juvenile crime.

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Introduction

Did you know that:

- “One child under 14 is accidentally shot to death every day in the USA.” (Center to Prevent Handgun Violence).¹
- “Teen-agers in homes with guns are 75 times more likely to kill themselves than teenagers living in homes without guns.” (*Washington Post* columnist Richard Reeves.)²
- “In the past decade, more than 138,000 Americans were shot just by children under the age of 6.” (*Hartford Courant*.)³
- 135,000 children carry guns to school each day. (Senators Biden and Chafee.)⁴
- “Firearms are responsible for the deaths of 45,000 infants, children and adolescents per year.” (American Academy of Pediatrics.)⁵
- “One million U.S. inhabitants die prematurely each year as the result of intentional homicide or suicide.” (former Surgeon General C. Everett Koop).⁶
- “Guns are the leading cause of death among older teenagers — white and black — in America.” (*Newsweek*.)⁷

These statistics are horrifying, and few people who read them can avoid concluding that some kind of gun control — any kind of gun control — is an urgent necessity. Fortunately, *every one of the above statistics is false*. (The correct statistics are presented in the relevant sections of this Issue Paper.) Advocates of severe gun controls and gun prohibition — and their allies in the media — are frightening America.

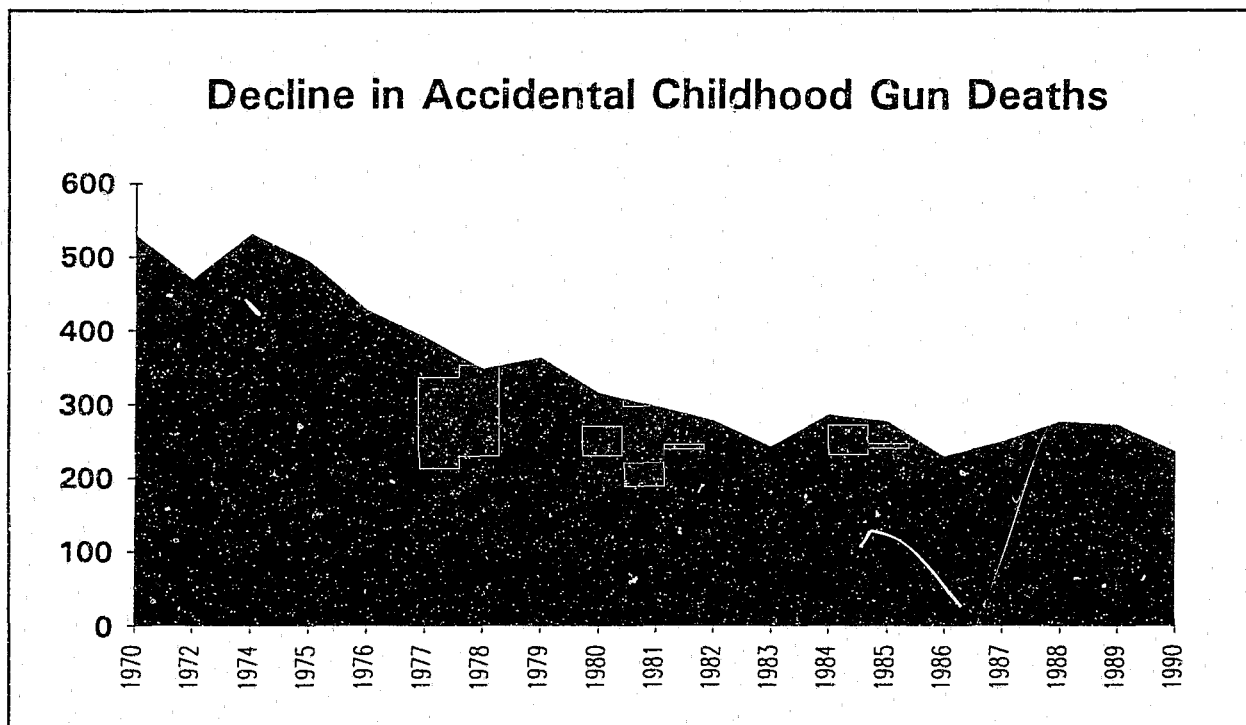
If Americans are to respond effectively to the problems associated with children and guns — particularly the extremely high murder rate of inner-city black male teenagers — it will be necessary to understand the true scope and history of the problems, and to analyze carefully which solutions will make things better, and which will make things even worse.

Accidents: Few and Getting Fewer

How many children die in senseless gun accidents? One of America's leading gun control advocates, a physician, puts the figure at "almost 1,000 children" per year.⁸ The National Safety Council, however, reports a considerably lower figure. In 1988, 277 children under the age of 15 were killed by accidental firearms discharges.⁹ In 1990, according to the National Center for Health Statistics, the number fell to 236.¹⁰

Most of the children who are involved in fatal accidents are older children. In 1990, the most recent year for which data are available, 34 children under the age of 5 died in gun accidents. Among children aged 5-9, there were 56 fatal gun accidents; and among children aged 10-14, 146 fatal accidents.¹¹

In recent decades, the American firearms supply has risen, and now stands about 200 million guns, a third of them handguns. But as the number of guns has risen, the number of childhood gun accidents has fallen sharply, declining by nearly 50% in the last two decades. The graph at the bottom of this page illustrates the happy trend.



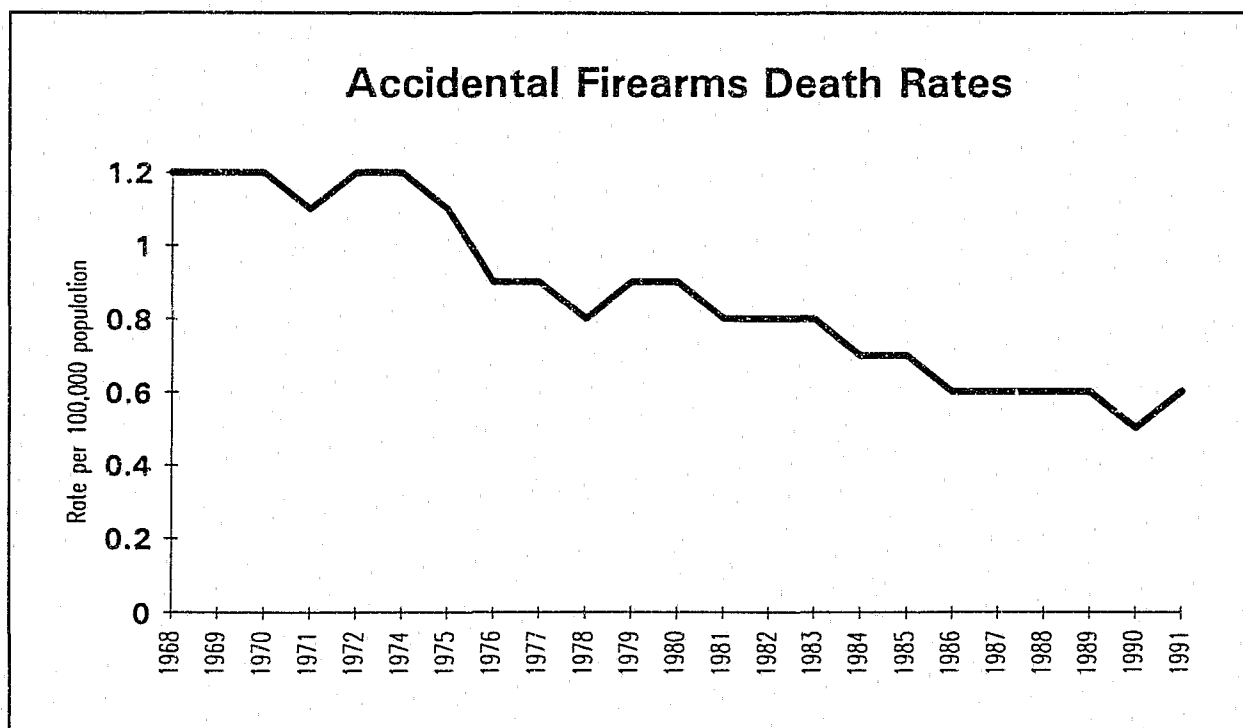
The number of fatal gun accidents involving children has fallen by over 50%, even as the number of guns and the number of children have increased.

CHILDREN AND GUNS

Notably, the overall fatal gun accident rate for the American population has been declining faster than the rate of most other types of accidents, such as car accidents or work accidents. From 1968 to 1988, the rate of fatal gun accidents fell from 1.2 per 100,000 population per year to 0.6 — a decline of 50%. In the same period, the motor vehicle fatal accident rate fell from 27.5 in 1968 to 20.1 in 1988 — a 27% decline.¹² Work deaths declined 47%.¹³

While there are enormous bureaucracies devoted to reducing work accidents (the Occupational Safety and Health Administration) and automobile accidents (the Department of Transportation) there is no government body charged with reducing firearms accidents. Yet thanks to voluntary, private educational efforts, including programs sponsored by the National Rifle Association, the Boy Scouts, 4-H, and other groups, the firearm accident rate has fallen at least as steeply than the accident rates for which federal bureaucracies are in charge.

The graph below shows the overall trend in accidental firearms deaths.¹⁴



The overall rate of fatal gun accidents has fallen by 50%. About one person in 200,000 will die in a gun accident in an average year.

The true number of childhood gun accidents might be even lower than the official figures suggest. Some supposed gun "accidents" involving older teenagers may be homicides, in which the perpetrator claims that pointing the gun at the victim's head or torso and then pulling the trigger was "an accident." (The "accident" claim is similar to some adult murderers claiming that they acted in a "fit of passion.") In addition, some "accidents" may be child-abuse homicides perpetrated by adults.¹⁵

Few if any causes of childhood death have fallen as steeply as have gun accidents, and the fall has taken place without any government programs designed to reduce accidents. The situation would be considered by many observers as proof that private safety programs can be more effective than government regulation, and that there is no persuasive case for restrictive gun controls designed to fight childhood gun accidents.

"While safety education has already saved many lives, it is opposed by many gun control organizations. These organizations favor instead a variety of restrictive laws that would impair the rights of all gunowners, ostensibly out of concern with saving children's lives."

Many gun control advocates, though, are not persuaded. In the push for restrictive laws to deal with accidents, they attempt, often successfully, to create the impression that gun accidents involving children are extremely common. While the actual numbers are readily available from government statistics, and while the government reports have never been challenged for underestimating true accident numbers, gun control advocates sometimes claim far higher numbers of childhood accidents, without giving any source for their data.¹⁶

Another approach of gun control advocates is to discuss accidents in a way that avoids mentioning the actual number of fatalities, and the sharp downward trend in the number. For example, it may be pointed out, accurately, that firearms are the fourth leading cause of accidental deaths for children aged 5 to 14 (behind auto accidents, drowning, and fires and burns); and the third leading cause for 15 to 24 year olds.¹⁷ What is omitted by the emphasis on ranking is how small a role firearms actually play in accidental deaths, since the leading causes of accidental deaths (principally motor vehicles) so hugely outnumber the lesser causes. Guns account for only 3% of accidental deaths of children 0-14.¹⁸

Compared to the risk of dying in a gun accident, a child aged 0-14 is four times more likely to drown, four times more likely to die in a fire, and 13 times more likely to die in an auto accident.¹⁹

It is to be expected that accidents and other "manmade" factors would be leading causes of death for young persons. Persons aged 1-24 rarely die of natural causes, especially in a century where medicine has advanced so far. Accordingly, any cause of death in this age group — even if it occurs infrequently — may have a relatively high rank.

In any case, showing the particular ranking of a cause of injury is hardly the same as proving that the factor related to the injury should be outlawed or drastically restricted. Among children aged 5 to 9, the rate of reported dog bites is higher than the *combined* rate of reportable childhood diseases (such as measles).²⁰ The fact does not by itself prove that dogs should be outlawed, or that the law should require that dogs always be locked up if children might come nearby.

A different tactic for creating the appearance of an accident crisis is to look at a single year in isolation. As the graph on page 7 illustrates, the overall fatal gun accident rate has fallen from 1.2 fatalities per 100,000 population in the late 1960s to 0.6 fatalities in recent years. While final numbers are available for years through 1988, the National Safety Council has offered estimates of the accident rates for 1989-91. The estimates show the 1989 rate as 0.6, the same rate as recorded for 1986, 1987, and 1988. For 1990, the NSC projects a dip down to 0.5, and for 1991, a return to 0.6. Thus, for the years 1986 through 1991, the National Safety Council sees the fatal gun accident rate as staying consistently at 0.6, except for a temporary drop to 0.5 in 1990. In short, the figures suggest great stability in the accident rate in recent years. But, if one looks only at 1991, one sees a 0.6 rate, compared to the 0.5 rate in 1990. Thus, from 1990 to 1991, the accident rate (according to preliminary NSC estimates) rose from 0.5 to 0.6, an increase of 20%.

"...outlawing swimming pools and bathtubs (350 drowning deaths) or cigarette lighters (90 deaths) would save many more children under 5 from accidental deaths than would a gun ban (34 deaths)."

As a result, persons interested in promoting the appearance of a worsening gun accident crisis can claim "gun accidents rose 20% from 1990 to 1991." While factually correct, the statement is a half-truth, since the gun accident rate from 1986 to 1991 has been quite stable, except for a small dip in 1990, followed by a return to the norm in 1991. And besides, the 1990-91 figures are necessarily imprecise, since they are only preliminary estimates.

In recent years, some medical researchers have suggested that a firearm in the home of a normal, healthy family poses a grave risk to the family's health. For example, the *Journal of*

the American Medical Association published a report which concluded that a "firearm in the home" is a risk factor for home firearm accidents.²¹ The conclusion was certainly correct, since it was nearly a tautology. Having a swimming pool in the home is a risk factor for swimming pool accidents; having a motorcycle in the home is a risk factor for motorcycle accidents; and having an appendix is a risk factor for appendicitis. The report did not prove that the presence of a gun in the home causes a significant increase in the risk of accidental death; given the very low rate of deaths from childhood gun accidents, it would be impossible to prove such a conclusion.

"Guns account for only 3% of accidental deaths of children 0-14."

Although the number of childhood gun accidents is low, and getting lower, some gun prohibitionists contend that outlawing or drastically restricting firearms would be appropriate, "if it saves one life."

If any object which is associated with about 236 accidental childhood deaths a year should be outlawed, then it would be logical to call for the prohibition of bicycles (over 400 child deaths a year).²² An even larger number of children are killed by motor vehicles (3,263).²³ Four hundred and thirty-two children die annually in fires caused by adults who fall asleep while smoking; the 432 deaths would, by the handgun-banning logic, make a persuasive case for outlawing tobacco.²⁴

If the focus is on children under age 5, then outlawing swimming pools and bathtubs (350 drowning deaths) or cigarette lighters (90 deaths) would save many more children under 5 from accidental deaths than would a gun ban (34 deaths).²⁵

Thus, the "if it saves one life" anti-accident logic applies with much greater force to bicycles, automobiles, bathtubs, swimming pools, tobacco, and cigarette lighters than to guns. Unlike gunowners, owners of these other objects have no specific Constitutional right of possession. Thus, there would little Constitutional objection to a ban on future production of these items. And while bicycles, bathtubs, and cigarette lighters make life more convenient, these objects do not save lives or prevent injury.

Guns, however, do save lives and prevent crime every day. According to data collected by the anti-gun National Alliance Against Violence, handguns are used about 645,000 times a year for protection against crime.²⁶ Separate polling, by researcher Gary Mauser, finds that guns of all types are used about 691,000 times annually for protection.²⁷

The data are consistent with polling of felony convicts in state prison systems conducted for the National Institute of Justice. Fifty-six percent of the prisoners said that a criminal would

not attack a potential victim who was known to be armed. Seventy-four percent agreed with the statement, "One reason burglars avoid houses where people are at home is that they fear being shot during the crime." Thirty-nine percent of the felons had personally decided not to commit a crime because they thought the victim might have a gun, and 8% said the experience had occurred "many times." Criminals in states with higher civilian gun ownership rates worried the most about armed victims.²⁸

Even if the figures from the National Alliance Against Violence, Professor Mauser, and the National Institute of Justice were ten times too high, the figures are still far higher than the number of times (zero), than bicycles, bathtubs, and cigarette lighters are used for self-defense each year.

Few persons who want to save "just one life" by banning handguns to eliminate handgun accidents would propose saving many more lives by banning bicycles, bathtubs, and cigarette lighters. Is it possible that the motivation for banning handguns is something other than saving lives?

Proposed solutions for Accidents

While safety education has already saved many lives, it is opposed by many gun control organizations. These organizations favor instead a variety of restrictive laws that would impair the rights of all gunowners, ostensibly out of concern with saving children's lives.

Laws regarding "Loaded" indicators would increase accidents

Sen. Metzenbaum (D-Ohio), the U.S. Senate's leading gun control advocate, proposes giving the Consumer Product Safety Commission Authority over firearms.²⁹ If the CPSC had jurisdiction of firearms, it would have authority to order manufacturers to initiate recalls of any or all privately owned firearms and ammunition that did not meet the Commission's criteria for safety. Likewise, the Commission could, by unilateral administrative action, ban the future production of any and all firearms and ammunition. Currently the Consumer Product Safety Commission is forbidden to regulate firearms precisely because Congress was afraid that regulation could become a subterfuge for gun prohibition.

One proposed federal safety criterion which tens of millions of gun would fail (and hence be subject to recall) is for the gun to have a "loaded indicator." The loaded indicator, as the name implies, signals whether a gun is loaded. The General Accounting Office claims that 23% of accidental firearms deaths could be prevented by "loaded" indicator.³⁰

It is more likely that requiring guns to have loaded indicators would increase fatal accidents. First of all, unless the requirement for a loaded indicator were made retroactive, so

that the entire United States gun stock were recalled for retrofitting, some guns would have loaded indicators and many would not. Accordingly, persons who had learned to rely on loaded indicators might treat a loaded gun without the "loaded" signal as if the gun were unloaded.

In addition, it is foolish to expect that the 50% of households which own guns would turn over their firearms for retrofitting. When the Sturm, Ruger company did a recall of some old revolvers, offering a free retrofit to prevent accidental discharges, only about 10% of the guns that had been sold were returned for the free modification — even though Ruger wrote to all known owners, and to this day advertises the free retrofit.³¹ A government-ordered retrofit would probably be less successful than Ruger's 10%, since government involvement might raise fears about gun confiscation or registration.³²

Even assuming that most guns could be retrofit, reliance on a "loaded indicator" is contrary to safe firearms handling rules. Using a loaded indicator legitimates treating a gun as unloaded, and thus engaging in all sorts of inappropriate behavior, such as pointing the "safe" gun at a person. The more cautious approach, fostered by safety training, is to treat every gun as if it were loaded. Even if a person is certain that a gun is unloaded, the gun should never be pointed at anyone, except in self-defense.

Finally, the loaded indicator is meaningless except to persons who have taken firearms safety classes and been taught its import, or who have carefully read an owner's manual for the gun. Anyone who has taken a safety class will have been drilled never to point a gun at a person, and to treat every gun as loaded. Anyone who reads the safety manual will have read safety instructions. Accordingly, the loaded indicator is a superfluity for the only population segment which would learn of it. And of course people who read safety manuals and take safety classes are the type of people least likely to cause accidents in the first place.

Childproof Devices

Another gun redesign program suggested by the General Accounting Office is that all firearms include a device, such as a pressure-sensitive grip, which could prevent them from being fired by young children. The GAO estimates that 8% of gun accidents could be prevented by some kind of child-proof device.³³ (The GAO estimate was probably twice as high as it should be, since the GAO study included twice as high a percentage of young children as the population data mandated.)³⁴

Of course a childproof device of any type could only reliably be expected to deter children under 6 (or thereabouts), who would have neither the strength nor the ingenuity to defeat a safety device.³⁵ Even then, the device might not work if the child pulled the trigger with a thumb, rather than a finger (as a child could do if pointing the gun at himself). Design standard modifications would be of little benefit in reducing the more common type of childhood

gun accident, that involving pre-teen and older boys.³⁶

During the 1880s, Daniel Baird Wesson, head of the Smith & Wesson gun company, ordered his engineers to produce a child-proof gun, after he read a newspaper account of a child killed in a gun accident. The new gun, with a safety lever in the grip, and a very hard trigger pull, was brought to market as the New Departure Model Safety Hammerless. It is said that one evening Mr. Wesson was entertaining guests in his mansion, and seeking to display his safety innovation, handed a boy a loaded Safety Hammerless and told him "Go ahead and pull the trigger." The boy did, and a bullet instantly tore through an expensive Persian carpet, lodging itself in the floor underneath Mr. Wesson's feet.³⁷

Although the GAO report builds the case for a recall of all handguns, child-resistant devices are readily available as after-market items, and can be easily attached to a gun by a consumer who needs one.

"No single safety rule, written in the crime-free confines of a legislative chamber, can determine what the best practices for gun storage will be in all likely situations."

Interestingly a large number of modern handguns already incorporate child-resistant design, but these guns are the guns which the anti-gun groups wish to see banned and confiscated. Most semiautomatic handguns have a safety switch, to prevent the gun from being accidentally fired. Only if the safety switch is turned off can the trigger mechanism be operated. In addition, to load a round into a semiautomatic, a person must pull back on the top part of the gun (the slide) to chamber the round. Pulling the slide

requires substantial physical force, more than many young children can muster. And of course many children will be unaware of how to engage the slide at all, and thus unable to load the gun.³⁸

Partly because semiautomatic handguns are so accident-resistant, a loaded, accessible handgun is statistically *less* likely to be involved in a fatal accident than a loaded, accessible long gun.³⁹

Decisions about Trigger Locks and Similar Devices are Best Made by Each Family

Many gunowners store their gun with a "trigger lock," a device which prevents the trigger from being squeezed until the lock is removed with a key. Other gunowners store their guns in safes, or in "quick-lock" safety boxes which pop open when a combination of buttons is pressed. Some gunowners store their gun separately from their ammunition, or with a critical component (such as the bolt) removed. Any of these steps may be a sensible way to deal with the presence of guns and children in the same house. NRA safety training strongly urges that any gun which is kept only for sporting purposes be stored in a condition so that it cannot be readily fired.

Does it make sense legally to mandate such storage conditions? No. In the United States, it is generally recognized that it is legitimate to own firearms for protection. The United States Constitution and most state Constitutions guarantee the right to own a gun for defense, and mandatory trigger locks nullify that right. A gun which must be locked up may not be readily available in an emergency.

"The United States Constitution and most state Constitutions guarantee the right to own a gun for defense, and mandatory trigger locks nullify that right. A gun which must be locked up may not be readily available in an emergency."

Moreover, the circumstances of protection in each individual home are too variable to mandate any one policy. A mother of a three-month-old baby, who lives in a dangerous neighborhood, could safely keep a loaded gun in a bedside drawer. When the child grew older, she might store the gun's magazine (the device containing the ammunition) on a high closet shelf, with the hope that she could retrieve and insert the magazine if she heard someone breaking into her home. If an ex-boyfriend started harassing her by phone, and threatened to come over that night and kill her, it would be sensible for her to keep the loaded gun on top of her bedside table while she slept, and even to carry the gun in holster when she was awake. No single safety rule, written in the crime-free confines of a legislative chamber, can determine what the best practices for gun storage will be in all likely situations.

In addition, safe storage laws are often vague, and gunowners have difficulty discerning what kind of storage, short of a massive safe, will satisfy the requirements. A gun can be hidden, but just as most children can find hidden Christmas presents, they can eventually find a hidden gun.

Interestingly, the advocates of requiring all firearms to be locked up do not propose that

parents be forced to lock up, or otherwise render inaccessible to children, substances such as liquor, household cleansers, or automobile keys. Every year children die from the poisonous effects of rapid ingestion of hard liquor and household cleansers, or from attempting to "drive" their parents' car. Certainly no adult has a self-defense "need" for rapid access to an unlocked liquor, cleansers, or car keys. Is it possible that persons who want to force all firearms to be locked away are less concerned with reducing childhood injuring than with attacking legitimate gun ownership?

Owner liability laws are superfluous, and sometimes cruel

Another approach to dealing with childhood gun accidents is to enact laws making the owner of the gun involved in the accident guilty of a crime. For example, California makes the offense a three-year felony. Florida, New Jersey, Illinois, and Connecticut, are among the states with similar laws.⁴⁰ These laws are generally superfluous gestures. Existing laws against reckless endangerment provide ample authority for prosecution in cases where it is warranted.

Does significant good come from handcuffing the grieving parent of a dead child, and adding even more pain and sorrow to that which the grief-stricken family must already bear? Sending the involved adult to prison may satisfy a social desire for revenge, and may generate newspaper stories warning against careless behavior. At the same time, it may be asked whether the brothers and sisters of the deceased child should also lose their parent to a three-year prison term.

Owner liability laws sometimes prevent children from engaging in lawful self-defense. In Colorado in 1992, a gunowner liability law was introduced which would have made a teenage girl and her parents guilty of a crime if the teenager shot a rapist as he broke into the family's home.⁴¹

Harassment lawsuits "succeed" even when they fail

Lawsuits against gunowners, gun stores, and gun manufacturers have become a potent tool of anti-gun organizations. Such suits have met with limited success to date, since they are based on the theory that the manufacturer knew that the gun would be a crime weapon, and in fact a very small percentage of handguns, of any type, are ever used in crime.⁴²

Taking a different tack, Texas attorney Windle Turley sued the Boy Scouts of America, claiming that the Boy Scouts magazine *Boys' Life* had enticed a 12-year-old boy into fatal play with a .22 rifle, because *Boys' Life* had run a 16-page advertising supplement involving firearms.⁴³

Yet while the anti-gun lawsuits are rarely found to have merit, they succeed on another level. Even in cases where the defendant prevails, it must spend huge sums on defense costs,

with no hope of recovering the costs after the lawsuit has been thrown out.

Safety education is most effective way to continue reducing the accident rate

When a teenage girl in Colorado found a loaded gun at a friend's house, picked it up, began playing with it, pointed it at her brother, squeezed the trigger, and saw her brother die, the children's parent explained, "We talked to our kids about AIDS, about alcohol, about drugs — but not guns. In our wildest dreams, we never thought they'd pick up a gun at a party."⁴⁴ Just as parents who do not drink and have no alcohol in the house have a responsibility to teach their children about alcohol, all parents have a responsibility to teach their children about the dangers of guns. Similarly, parents who do not own swimming pools should still "drownproof" their children.

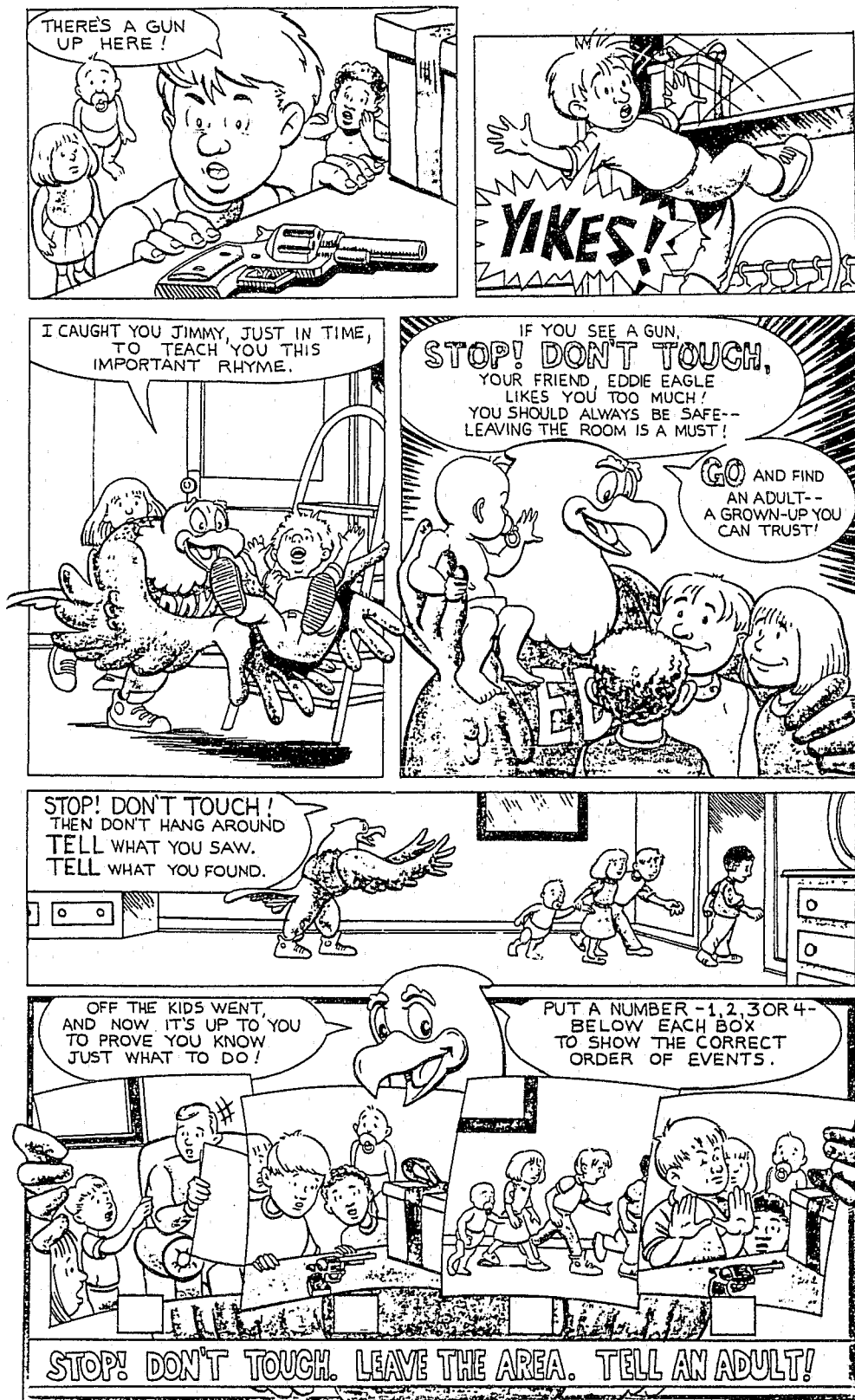
A third to a half of fatal gun accidents occur outside the child's own home. Thus, a parent's removing guns from a home, or never acquiring guns, is not enough to protect a child from gun accidents. Since there are 200 million firearms in the United States, there is a real possibility that a child may at some point encounter an unattended gun. "Child-proofing" guns is not an adequately safe approach, since any safety device can be defeated. What is more important is to "gun proof" every child. Every child — whether or not she lives in a home where guns are present — ought to be taught the fundamentals of gun safety.

"Child-proofing guns is not an adequately safe approach, since any safety device can be defeated. What is more important is to 'gun proof' every child."

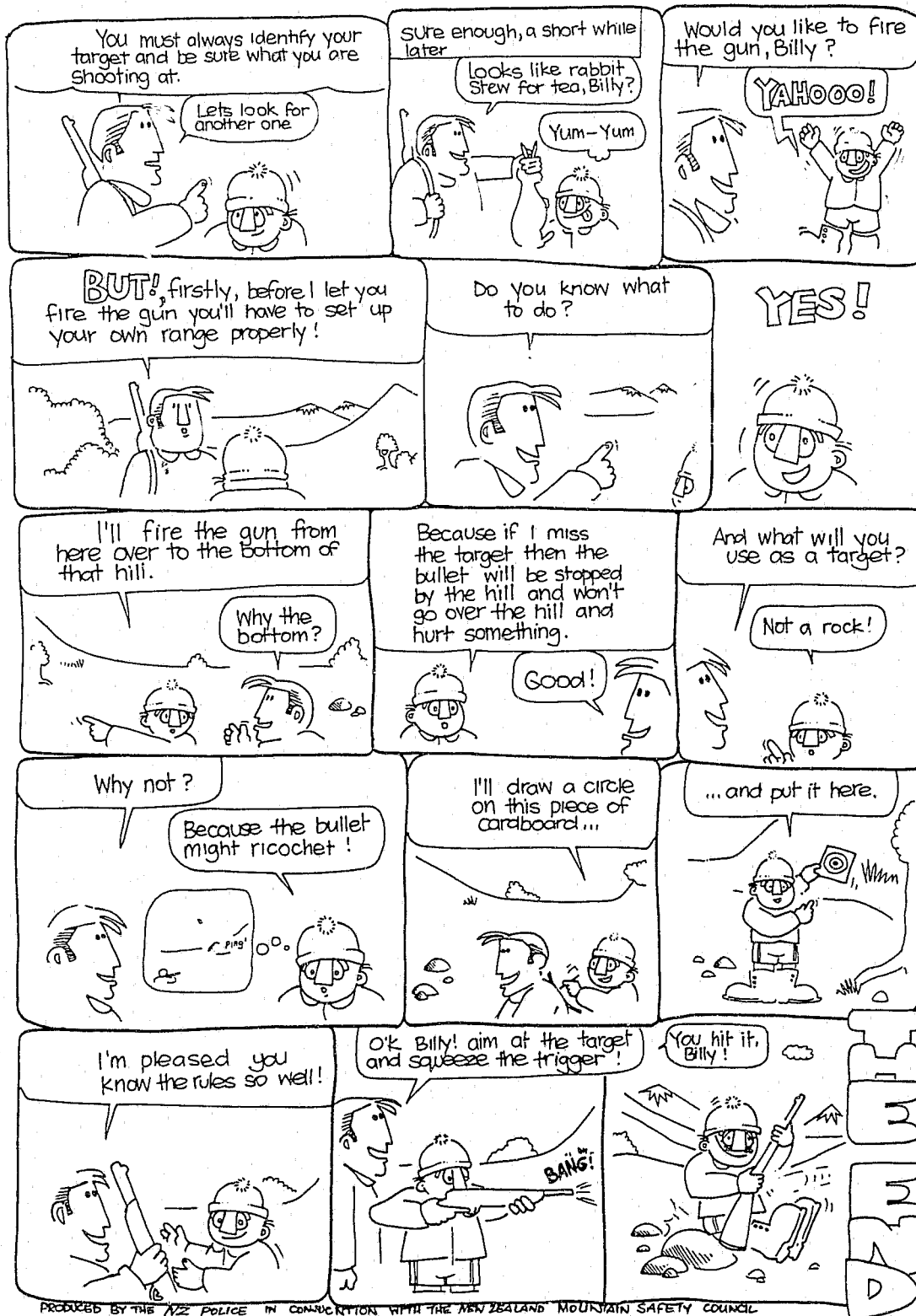
Only a minority of accidental deaths could be prevented by modifying gun design. In contrast, safety education addresses the vast majority of gun accidents, for about 84% of accidental shootings involve the violation of basic safety rules.⁴⁵ The owners of guns involved in accidental deaths of children are unlikely to have received safety training.⁴⁶

Groups such as the Boy Scouts of America, 4-H, the American Camping Association, and the National Rifle Association have long instructed children in the safe use of sporting arms. Junior target shooting programs and the like have helped millions of children and teenagers learn that guns must always be handled with extreme care, according to a strict set of safety rules, from which no deviation is ever permitted.

Sadly, some of the groups which complain the most about childhood gun accidents also complain about programs to prevent such accidents. The misnamed Educational Fund to End



The NRA's Eddie Eagle gun safety program does not endorse gun use, but is still opposed by some persons who disagree with the NRA's stand on policy questions.



The New Zealand Police's "Billy Hook" gun safety program encourages children to use guns under adult supervision.

Handgun Violence bemoans the fact that "nearly 23 percent of the accredited camps in the country offer some kind of shooting program. The affiliation of these programs with the National Rifle Association can run from the camp purchasing badges and certificates from the organization to a much more involved relationship."⁴⁷

Programs which teach the safe sporting use of guns are beneficial, but they can reach only a fraction of the childhood population. Children of parents with no interest in the sporting use of firearms will never hear these safety lessons, and it is these children — ignorant of the actual mechanics of guns, and bereft of instruction in gun safety — who are most at risk of causing a gun accident. Accordingly, it is necessary that gun safety programs be expanded to reach the broadest group of children possible.

One successful effort to promote safety training for all children is the NRA's "Eddie Eagle" Elementary Gun Safety Education Program. The Eddie Eagle Program offers curricula for children in grades K-1, 2-3, and 4-6; and uses teacher-tested materials including an animated video, cartoon workbooks, and fun safety activities. The hero, Eddie Eagle, teaches a simple safety lesson: "If you see a gun: Stop! Don't Touch. Leave the Area. Tell an Adult." The Eddie Eagle program is a more elaborate version of the approach taken by the Pennsylvania Division of the American Trauma Society. The Trauma Society gives away a coloring book warning children about various potential dangers; for firearms, the children are warned, "If you find a gun, don't touch it. Tell your parents. Remember — no gun is a toy!"⁴⁸

Eddie Eagle includes no political content, no statements about the Second Amendment, and nothing promoting the sporting use of guns. It has been adopted in 42 of Florida's 67 counties, and endorsed by the Police Athletic League. The Georgia legislature and the Oklahoma City City Council (as well as some smaller bodies) have enacted resolutions urging schools under their supervision to adopt the Eddie Eagle program.⁴⁹

Unfortunately, some anti-gun activists in positions of authority over school safety programs have refused to allow Eddie Eagle to be used in their schools, because they disagree with the NRA's position on policy questions.⁵⁰

While safety education would seem to be non-controversial, some groups actively oppose it. Some anti-gun advocates warn that safety education may promote interest in firearms.⁵¹ While no one has ever studied whether educating children about guns promotes interest in guns, research of adult-oriented safety education has not found evidence that education promotes gun use.⁵²

The American Academy of Pediatrics dismisses safety education, asserting "No published research confirms effectiveness of gun safety training for adolescents. Most preventative gun safety education is directed at hunters and marksmen, but hunting and target-shooting are a small

part of the adolescent firearms problem."⁵³ Thus, claims the AAP, only a complete ban on handguns can deal with the problem of childhood gun accidents.

The AAP's point about published research, while technically true, is meaningless. No formal research has been done on whether gun safety programs for children or teenagers reduce gun accidents. Research involving adult training has shown that it promotes safer firearms practices for adults.⁵⁴ Based on common sense, most parents believe that education reduces accidents; that is why schools teach young children about staying out of traffic, and teach teenagers about how to drive safely.

Notably, hunter safety programs have been proven to reduce hunting accidents. In the last several decades, states have required new hunters (but not persons who were already hunters) to pass a safety certification class before being granted a hunting license. Today, the majority of hunters have completed safety training, and this group is involved in disproportionately fewer accidents than hunters without training.⁵⁵ Hunting accident fatalities have fallen by 75% since the late 1960s, which also suggests that education programs are helpful.⁵⁶ There is no reason to assume that safety education suddenly becomes worthless when removed from the hunting context. The AAP's anti-education reasoning is equivalent to advocating a ban on swimming pools because some people may not pay attention to water safety instruction.

The anti-education attitudes of American gun prohibitionists starkly contrast with the approaches elsewhere. In New Zealand, the Mountain Safety Council (the leading outdoor sports organization), has worked with the police to produce a pamphlet which promotes responsible gun use by children. The booklet observes that "airgun ownership can contribute in a positive way to growing up."⁵⁷ The Council also publishes, again in conjunction with the police, a gun safety comic series called "Billy Hook" which teaches children gun safety rules. The comic endorses supervised gun use by children.⁵⁸ The official police instruction book for gunowners, the *Arms Code*, advises parents: "While children should not handle a firearm except under the supervision of a firearms license holder, it can ease their curiosity to show them your firearm and explain that it must never be touched except when you are there."⁵⁹ Over the last half-century, there has been a significant decline in firearms deaths and injuries in New Zealand, even as the number of guns has soared.⁶⁰

While schools and other social institutions have an important role to play in gun safety, the primary responsibility rests with parents. Children should learn how to unload guns (a useful skill if a playmate picks up a loaded gun). Further, a child who can, under parental supervision, invite a classmate to shoot a .22 rifle at a target range will be considerably less awed by the possibility of surreptitiously playing with a friend's father's old pistol.

Children are endangered by media imagery showing careless gun handling

While children can be affected by affirmative programs which teach gun responsibility, they can also be influenced by media images which glamorize recklessness.⁶¹

Consider a child whose exposure to firearms consists of television imagery. Studies have shown that even very young children learn skills by watching television demonstrations.⁶² What do children learn about guns from television? That the first thing you do when you get a gun is to put your finger on the trigger, and then point the gun at someone. These television demonstrations violate two key gun safety rules: keep your finger *off* the trigger unless you are ready to shoot; and *never* point a gun at another person (except in self-defense).

While the media can at least claim to be ignorant of actual gun safety rules, the anti-gun organizations have less excuse. No matter how important a lobbying group believes its political goals to be, those goals should not be furthered through advertising which directly endangers children. One of the most famous posters of the anti-gun movement shows a baby looking down the barrel of a gun.⁶³ Even presuming that the gun was unloaded (or was an imitation gun) the baby/victim in the poster has been taught that looking down the barrel of a gun is interesting. And so have all the children who see that poster.

The poster was also extremely misleading in its attempt to create an image of a widespread and frequent problem. About one child under the age of one dies in a gun accident in an average year.⁶⁴

Social intervention is needed to deal with suicides disguised as accidents.

Education can further reduce the already low number of accidents involving younger children. Most of these accidents result from ignorance of elementary safety rules.

For some of the older teenagers and adults involved in accidents, the problem is less one of ignorance than of extreme recklessness. Older teenagers involved in firearms accidents tend to be like adults involved in firearms accidents, and both groups are quite unlike the rest of the population. They are "disproportionately involved in other accidents, violent crime and heavy drinking."⁶⁵ Without guns, they would likely find some other way to kill themselves "accidentally," such as by reckless driving. Indeed, they tend to have a record of reckless driving and automobile accidents. Accordingly, social strategies that deal with the root conditions that make some people suicidally reckless with various dangerous objects would be the most effective approach to dealing with accidents involving older teenagers and adults.

The problem of gun accidents which are in essence suicide is taken up in the next section, which discusses teenagers and firearms suicide. The problem of genuine gun accidents involving children is, fortunately, relatively small. Sensible safety programs can make it even smaller.

Suicide: Are Guns the Cause?

"Teen-agers in homes with guns are 75 times more likely to kill themselves than teenagers living in homes without guns," claims *Washington Post* columnist Richard Reeves.⁶⁶ The figure has no basis in fact, and has been disavowed by its original source; but it does have an interesting genesis, which illustrates how readily factoids blossom in the gun control debate, and how they can survive even repudiation by their creators.

In an article for the *Journal of the American Medical Association*, a pair of authors studied western Pennsylvania homes where there had been a teenage suicide, an attempted teenage suicide, or a non-suicidal teenager who had been admitted to psychiatric hospital.⁶⁷ A home with a teenager who had committed suicide was twice as likely to contain a gun as was a home where a teenager had attempted suicide or where a teenager with a psychiatric problem lived. The study did not analyze any homes where teenagers without psychiatric/suicide problems lived.

*"...no statistically significant evidence
that any of the gun control laws
affected the suicide rate."*

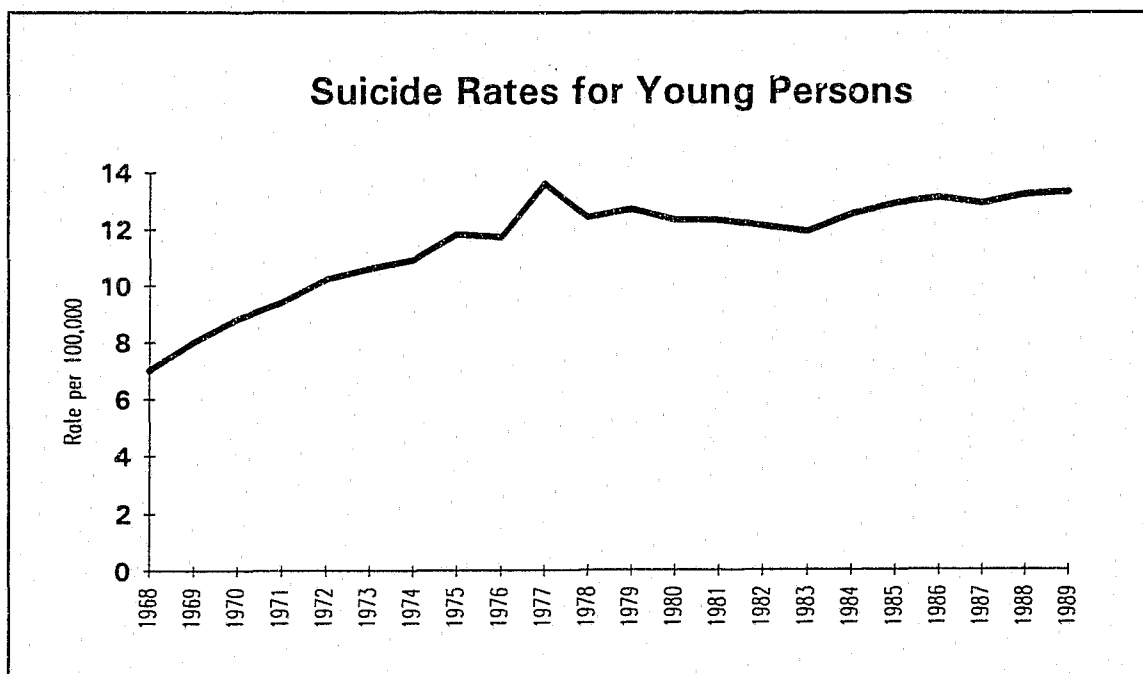
Nothing in the study had analyzed normal teenagers, or the risks associated with gun availability to non-mentally-ill teenagers. In an editorial accompanying the article, three employees of the federal Centers for Disease Control wrote: "the odds that potential suicidal adolescents will kill themselves go up 75-fold when a gun is kept in the home."⁶⁸ But nothing in the article supported a "75-fold" claim. In fact, the article suggested that the risk could increase more than two-fold. The *Journal* later published a retraction stating that instead of "75-fold," the editorial should have said "more than double."⁶⁹ And in any case, the data did not reveal anything about normal teenagers.

Unfortunately, anti-gun advocates who noticed the incorrect "75-fold" claim do not appear to have noticed *Journal's* correction. Senator John Chafee (R-RI), the prime sponsor of a bill to confiscate all handguns, repeated the "75-fold" figure to a Congressional committee.⁷⁰ And columnist Reeves took the figure one step further, by telling his readers that the "75-fold" figure applies to all teenagers, rather than only to the severely troubled teenagers that the *Journal* article had studied.⁷¹ Over ninety percent of persons who commit suicide have a psychiatric illness at the time of their act.⁷²

Yet while suicides are usually committed by persons with mental illnesses, it is also true that a large percentage of adolescents report planning a suicide (19%), and a significant percentage claim to have actually attempted suicide (7%).⁷³ Accordingly, cautious parents of teenagers may well choose to keep their guns locked and disassembled, even if their teenagers do not suffer from mental illness. But is the research evidence about suicide strong enough for legislatures to turn every parent who has a teenager and a handgun in the same home into a criminal? Or to force every gun be locked up, regardless of the particular families' circumstances? A careful review of the evidence suggests not.

First of all, gun prohibition advocates' leap from data regarding mentally ill teenagers to conclusions about teenagers as a whole is illogical. By analogy, it is likely true that convicted felons who own cars are more likely to commit bank robberies than those who have less access to ready means of escape. Such a finding would demonstrate that cars facilitate robbery (as guns can facilitate suicide). The car and robbery information might suggest prophylactic legislation such as cross-referencing automobile ownership and felony records, or even restrictions on felons owning cars. But the information would not suggest that any such law would have a significant impact in reducing robbery, or that cars "cause" robbery, or that law-abiding citizens should be forbidden to own cars.

Senator Chafee and Mr. Reeves are not the only persons who have gotten confused about the data regarding teenage gun suicide. The American Academy of Pediatrics told a Congressional Committee, "Every three hours, a teenager commits suicide with a handgun."⁷⁴ The Educational Fund to End Gun Violence,⁷⁵ and Handgun Control, Inc. also repeat the "every three hours" figure, although they claim the figure is for "firearms" rather than just handguns.⁷⁶ But the "every three hours" figure is correct only if one counts all suicides, not just gun suicides, or if one calls every person under age 25 a "teenager." The teenage gun suicide rate is only half what the anti-gun organizations contend.⁷⁷



The suicide rate for young persons rose sharply in the late 1960s through the mid-1970s, and has remained stable since then.

Gun prohibition advocates insist that America is suffering a teenage suicide epidemic. In 1992, the American Academy of Pediatrics endorsed a handgun ban while claiming "Adolescent suicides are rising sharply, and most involve handguns."⁷⁸

In fact, youth suicides are not rising sharply, as the graph on the previous page indicates. The youth suicide rate has been relatively stable during the 1980s and 1990s, after rising sharply in the 1960s and 1970s.⁷⁹

"While teenage suicide has remained stable in the U.S. in the last 15 years, teenage suicide has risen sharply in Europe, where gun control is much stricter."

The data suggest that nothing happening in recent years regarding youth suicide should encourage hasty measures based on panic about a "sudden" crisis. As Dr. L.D. Hankoff, of the New Jersey Medical Center wrote in the *Journal of the American Medical Association*:

While there has been a rise in youth suicide in the past two decades, the rates for ages 15 to 24 are lower than for any older age group. It is important to take the long view of what may appear as an epidemic. The suicide rate of persons 15 to 24 took a sharp rise around 1905 and dropped off sharply by 1920, and there is a suggestion that the rate in that group has begun to level off now after a peak increase. More importantly, the rush to school-based programs for youth suicide prevention has lacked an empirical base, produced no measurable benefit, and consumed precious health care resources.⁸⁰

During the period from the mid-1950s to the mid-1970s, when teenage suicide was rising, most of the increasing suicide rate was attributable to gun suicides. Accordingly, some physicians have contended that increasing handgun availability is associated with increased teenage suicide.⁸¹

But the data do not necessarily support this conclusion. The rise in teenage suicide began before handgun availability began to rise sharply. When the rate of handgun increase was at its highest — in 1980 — teenage suicide had leveled off.⁸² The percentage of guns involved in teenage suicides has remained stable since the mid-1970s.⁸³

Moreover, the evidence does not support the conclusion that gun control will reduce suicide. The increase in teenage suicide with firearms that occurred in the late 1960s and the first part of the next decade occurred at the same time as the greatest increase in gun control laws in American history. Congress outlawed interstate gun sales (with a few exceptions), required that all guns be registered at the point of sale, and banned the import of cheap handguns. Sales of handguns to persons under 21 were prohibited, as were sales of any gun to

persons under 18.⁸⁴ At the same time, many states and cities enacted more restrictive laws, with the laws falling most heavily on handguns, the gun used most in suicide.⁸⁵

Some researchers believe that removing one method of suicide can lower the overall suicide rate.⁸⁶ Other researchers believe that removing one means will simply result in potential suicides choosing another means. One of the most famous efforts to remove a means of suicide has been the detoxification of household gas. Some researchers have found a major life-saving effect from the detoxification, while other researchers have found no impact at all.⁸⁷

Regarding firearms, the research becomes even more difficult, for no American community has ever completely removed firearms, the way many communities could completely remove toxic household gas.⁸⁸ (Since household gas must be continuously supplied from a central source, gas is much easier than guns, which are privately owned.)

Florida State University criminologist Gary Kleck (a liberal Democrat and an ACLU member), analyzed gun control laws and suicide rates in every American city with a population over 100,000. Cross-tabulating the various cities to account for all the factors that might affect suicide, such as race (whites are more likely to be suicides), religion (Catholics are less likely), economic circumstances, and 19 gun control laws, ranging from waiting periods to handgun bans, Kleck found no statistically significant evidence that any of the gun control laws affected the suicide rate.

Data from other countries appear to support Kleck's conclusion that gun control is not an effective method for reducing suicide. While teenage suicide has remained stable in the U.S. in the last 15 years, teenage suicide has risen sharply in Europe, where gun control is much stricter. In Great Britain, where gun control laws are extremely severe, and the gun ownership rate is less than 1/10th of that in America, adolescent suicide has risen by more than 25% in just five years.⁸⁹

Similarly, Japan outlaws handguns and rifles, and makes shotguns extremely difficult to obtain.⁹⁰ Yet teenage suicide is 30% more frequent in Japan than in America.⁹¹

Perhaps one reason that gun controls do not reduce suicide is that equally lethal methods are commonly available. Hanging, carbon monoxide auto exhaust gas, and drowning are all about as likely as guns to result in a "successful" suicide.⁹²

Canadian gun controls are sometimes cited as having reduced suicide, although the evidence is not so clear as gun prohibitionists contend. In 1977, Canada enacted a law requiring a person wishing to buy a long gun to acquire a government license. Handguns were already subject to a fairly strict licensing system. According to a Canadian government study, suicides

involving firearms dropped noticeably after 1978, reversing the previous trend.⁹³ Unfortunately, the overall Canadian suicide rate increased slightly. America's suicide rate declined slightly in the same period (while American gun control laws were being relaxed).⁹⁴

One study in the *New England Journal of Medicine* compared the suicide rates of Seattle and Vancouver. While Seattle's handgun suicide rate was five times higher than Vancouver's, Vancouver's overall suicide was greater. The suicide rate in Vancouver was higher for all age groups except one. That one group was persons aged 15-24. In reporting the research, the authors emphasized the lower youth suicide rate in Vancouver. The authors asserted that gun control might reduce young people's suicide, even if it had no overall effect on total suicide rates.⁹⁵

"The Canadian data are consistent with American data, which show that areas with fewer guns do have fewer gun suicides — but they do not have overall lower suicide rates."

Logically speaking, the study's assertion was untenable. The fact that Vancouver has stricter gun laws and a lower teenage suicide rate does not prove that the strict laws caused the low youth suicide rate. The error is referred to as Argument from False Cause. To say: "Vancouver has severe gun laws, and Vancouver has a lower youth suicide rate. Therefore, gun laws reduce youth suicide," is no more logical than to say: "New York City has more churches than any other American city; New York City has more crime than any other American city. Therefore, churches cause crime."⁹⁶ It would have been just as (il)logical to say "Vancouver has strict gun laws; Vancouver has a higher suicide rate in most age groups. Therefore strict gun laws cause suicide."⁹⁷

The simplistic assertion that strict gun control somehow lowered the Vancouver youth suicide, while having no responsibility for the higher suicide rates in other age groups, was hardly persuasive. The assertion about the benefit of Vancouver's stricter laws was further undermined by the fact that at the time of the study, gun controls in Canada for teenagers were actually less formally restrictive than American laws for teenagers.⁹⁸

Although the *New England Journal* article received extensive media publicity, another study which came out the same year was little noticed outside of scholarly circles. That study analyzed suicide rates in Toronto and San Diego.

The Toronto portion of the study found that the 1977 Canadian gun laws had decreased firearms suicide by men. The San Diego portion of the study looked only at mental patients, who are forbidden by California law to possess guns, and also found that the law reduces firearms suicide by men. (The firearms suicide rate for women was already low.) But while

firearms suicide in Toronto and San Diego declined, suicide did not. "[T]he difference was apparently offset by an increase in suicide by leaping."⁹⁹

The Canadian data are consistent with American data, which show that areas with fewer guns do have fewer gun suicides — but they do not have overall lower suicide rates.¹⁰⁰

In sum, the assertion that gun control is a sure method of reducing teenage suicide is not nearly as certain as the gun prohibition lobbies insist. Too often, the difficult topic of teenage suicide is made even more difficult by the introduction of erroneous statistics and sloppy research.

Carrying of Guns at School and on the Streets

The Number of Teenagers who Carry Guns to School is Far Lower than Commonly Claimed

Every day 135,000 children carry guns to school, we are informed by the American Bar Association,¹⁰¹ by Senators Joseph Biden and Christopher Dodd (who raises the ante to "186,000"),¹⁰² and by *USA Today*.¹⁰³ A frightening figure to be sure, but, again, one that is not true.

The figure appears to be loosely extrapolated from Centers for Disease Control surveys asking children if they carried a gun for protection in the last 30 days. The estimate of 135,000 assumes that every child who said "yes" carried a gun to school every day. In fact, the data suggested that most of the students did not carry a gun every day, but only occasionally. And as the summary of the report explained, "Students were not asked if they carried weapons onto school grounds."¹⁰⁴ Accordingly, the "yes" answers applied to occasional carrying anywhere, such as in an automobile when driving at night in dangerous neighborhoods. Accordingly, Florida State University criminologist Gary Kleck estimates that, realistically, about 16,000 to 17,000 students carry a gun to school on a given day. The figure translates into about 1 in every 800 high school students.

It is sometimes said that there has been a large increase in the number of weapons found on school grounds. What has clearly increased is the number of metal detectors, locker searches, and other searches for student weapons. An increase in searches will inevitably lead to an increase in reports of an object being found. For example, the year before airport passenger screening was established, no explosive devices were found in airports. The next year, with screening in place, there was a large "increase" in the number of explosives found.¹⁰⁵ Were more people carrying explosives? More likely, more people were just getting caught.

Teenagers are often Crime Victims, even at School

Teenagers are more likely than other Americans to be the victims of violent crime. In 1986, one out six persons aged 12-19 was the victim of a street crime, compared to one of nine adult Americans. Youths are twice as likely to be assaulted, robbed, or raped as are adults.¹⁰⁶ In a six-month period in 1988-89, more than 400,000 students were victims of violent crimes at school.¹⁰⁷ An Illinois survey found that 1 in 12 public high school students was the victim of a physical attack at school, or on the way to or from school. About the same number (1 in 12), sometimes stayed home from school because of fear of physical attack.¹⁰⁸ Interestingly, although teenagers are more likely to be crime victims, they regularly carry firearms for protection at only about 1/3 the rate of older population groups, who are less likely to be crime victims.¹⁰⁹

Most Gun Carrying by Teenagers is for Legitimate Protection

While anti-gun officials may sometimes insist that there is never any legitimate reason for anyone under 18 to possess a gun, teenagers may possess firearms for the same legitimate reasons that older persons do. Foremost among these reasons is self-defense. "A lot of parents in my district are telling their children to carry weapons," observed the superintendent of a Brooklyn public school. "They give their children weapons to protect themselves when they leave the tenements."¹¹⁰ Or as one student wrote to the *Washington Post*:

To put it bluntly, I think students bring weapons to school to save their own lives. They have a constant fear of being attacked, whether for money, for drugs, or for some other reason. They feel they need to bring a weapon with them to school. To the outsider, this information may seem all blown out of proportion, or just a plain lie. The truth is that there are drugs in the schools. There are kids robbing other kids of their money and personal belongings. And these kids who are committing these crimes also carry weapons such as knives and handguns and they are not afraid to use them.

There's no doubt that we have a serious problem on our hands. I just hope we can find some way to solve it.¹¹¹

National statistics suggest that at least 90 percent of students who carry guns to school carry for legitimate protection. In 1986, there were about 1,700 armed crimes in which the criminal used a gun in American schools.¹¹² If it is assumed that each crime was perpetrated by a different armed criminal, and that each armed criminal was a student, then about 1,700 students perpetrated a crime with a firearm at school. In actuality, the number of firearmed-criminals is likely lower, since some criminals committed more than one crime, and some of the criminals were not students.

In addition, let us make the conservative assumption that only 16,000 or 17,000 students ever carry a gun to school. The 16-17,000 figure is the realistic estimate of the number of students who carry a gun to school on a given day. Since not every person who carries a gun carries it every day, the 16-17,000 figure underestimates the total number of students who carry a gun to school sometime during the year.

"...the study found that parents, gun stores, and other sources subject to law enforcement controls did not appear to be major sources of the firearms."

Making these two conservative assumptions — which artificially maximize the number of students assumed to be criminals, and artificially minimize the total number of students

carrying guns — we find that only about 10% of the students carrying guns (1,700 out of 16,000 or 17,000) commit crimes with them. In other words, at least 90% of the students carrying guns to school do so for legitimate, non-criminal purposes.

If we use the figure supplied by gun prohibition advocates — 135,000 students carrying a gun to school each day — then the number of students carrying for criminal purposes drops to less than 2% of the number of students carrying.

The statistical analysis is supported by a recent in-depth study of the weapons-carrying behavior of male students in inner-city schools in California, Illinois, Louisiana, and New Jersey. The survey also surveyed incarcerated juvenile males in those states.¹¹³ For both the schoolchildren and the teenagers in jail, the study found that "Carrying a gun has become strictly functional behavior meant to support survival."¹¹⁴

There were important differences between the students and criminal sample. For example, when asked, "Do you carry a gun all/most of the time?" fifty-five percent of the inmates said "yes," but only 12% of the students.

For both groups, obtaining a firearm was seen as easy. Only 13% of the inmates and 35% of the students said that obtaining a gun on the street is difficult. Asked if they could "get a gun with little/no trouble?" 87% of the inmates, and 65% of the students said "yes."¹¹⁵

While some researchers have asserted that the reason so many teenagers have access to firearms is that their parents leave guns unlocked, the study found that parents, gun stores, and other sources subject to law enforcement controls did not appear to be major sources of the firearms. One researcher noted, "They told us with humor how easy it was to steal a gun." Many of the guns were obtained for far less than their retail price, indicating that they were stolen. Cars were considered easy targets for stealing a gun.

Contrary to the assertion of some gun control advocates that small, cheap handguns (so-called "Saturday Night Specials") are responsible for modern youth being armed, the researchers found that among the criminals, "The preference, clearly, was for high-powered hand weapons that are well-made, accurate, easy to shoot and not easily traced — guns suitable for serious work against well-armed adversaries."

"...one student wrote: 'To put it bluntly, I think students bring weapons to school to save their own lives. They have a constant fear of being attacked, whether for money, for drugs, or for some other reason.'"

For both students and inmates, protection was the leading reason for obtaining a gun, "easily outpacing all other motivations."¹¹⁶ As other researchers have reported,¹¹⁷ self-defense by victims was common. For example, 70% of the inmates had been "scared off, shot at, wounded or captured" by an armed victim at least once.¹¹⁸

Guns at School are a Symptom of the Violent Conditions of Many Cities

While the fact that any gun crimes are committed at school is awful, as is the fact that so many students feel they need to carry a firearm for protection, guns play a relatively small role in the overall problem of violence in school. In 1986, for example, there were 41,500 aggravated assaults in schools, and 44,000 robberies. Firearms were used in 1,700 of these crimes — a little under 2 percent.¹¹⁹ Thus, even a program which eradicated all guns from school (and prevented their perpetrators from using alternative means), would fail to deal with the 98% of violent felonies at school that do not involve firearms.

To focus on "guns in school" is to miss the larger picture of the violent communities that spawn violent students. And to focus only on one instrument of violence, the gun, is to begin the search for gun control laws which have a superficial appeal, but will do nothing to remove the causes of violence. As Dr. Joseph Sheley and his co-authors wrote in the *American Journal of Diseases of Children*, after presenting their findings about violence involving inner-city high school students:

It is clear that the problem of violence in inner city schools cannot be isolated from the problems of violence in larger society; violent neighborhoods and violent communities will produce violent schools, whatever measures the schools themselves adopt. It is equally clear that this "larger" problem will not yield to simplistic, unicausal solutions. In this connection, it is useful to point out that everything that leads to gun-related violence is already against the law. What is needed are not new and more stringent gun laws but rather a concerted effort to rebuild the social structure of inner cities.¹²⁰

Another commentator traces school violence to the coercion and regimentation prevalent at so many schools today.¹²¹

It is horrific that any students in and around American schools feel a need to arm for protection. The solution to the problem is not to disarm the victims who are trying to protect themselves, but to take actions against the violent aggressors who threaten the students, and the

conditions that breed the violent aggressors.

The great majority of students carrying weapons to school are not bad kids. A 17 year old female has just as much moral right to use a firearm to resist a rapist as does a 40 year old female. A 16 year old male has the same right to escape crippling assault by a gang of thugs as does a 60 year old male. The students who carry weapons are simply coping with a terrible situation which they do not have any other idea how to deal with.

It is irresponsible — indeed childish — for adults who fixate on guns to say, in effect, “We haven’t got any solution for your problems, so we are just going to take away the only solution you could figure out and leave you on your own to figure out some other solution.”

It is also hopelessly impractical. A society which cannot protect children from rampant crime is also unlikely to be able to disarm them. Moreover, the only result of disarming students while failing to offer alternative means of protection would be to drive them into gangs for self-protection. And the result of that will be not that they eschew guns, but rather that they are exposed by their peers to guns and drugs together.

“It is horrific that any students in and around American schools feel a need to arm for protection. The solution to the problem is not to disarm the victims who are trying to protect themselves, but to take actions against the violent aggressors who threaten the students, and the conditions that breed the violent aggressors.”

Two Solutions that Won’t Work

“Gun-Free School Zones”

The catchy legislation for “Gun-Free School Zones” is a lineal descendant of the “Nuclear-Free Zones.” In the nuclear-free zones movement, pacifist city councils, as well as trendy colleges and prep schools, voted to declare themselves “nuclear free zones,” and outlaw the placement of nuclear missiles and nuclear research within their boundaries. The premise of nuclear-free zones was that by declaring themselves above the cold war, cities or schools could escape its effects. But of course the nuclear-free zones were merely symbolic gestures, which offered the appearance of peace, without doing anything to remove the causes of nuclear tension, such as the totalitarian system in the Soviet Union.

Advocates of “gun-free school zones” suffer from a similar myopia. Their premise is that

schools can become safe merely by the legislative declaration that they are a gun-free zone. Until legislatures and the rest of the community begin addressing the root causes of why students (and many teachers) feel a need to carry a firearm for protection, the schools will remain as violent as ever.

Sometimes, a bill for a "gun-free school zone" may impose a weapons prohibition far more sweeping than its innocuous title suggests. For example, a "gun-free school zone" proposal in Maryland would have outlawed the possession of kitchen knives in private homes within a thousand feet of a school.

Maryland did enact a narrower bill, but even that legislation criminalized innocent behavior. One of the more celebrated prosecutions involved a popular music teacher who inadvertently left a .22 caliber pistol on the floor of her car when she parked in her high school's parking lot one day. She was suspended without pay for two months, and forced to plead guilty to a misdemeanor in order to avoid felony charges. The students in her school were deprived of one of their best teachers, and the limited resources of the county's criminal justice system were expended to punish a good citizen who was no threat at all to public safety.¹²²

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school."*

The tendency to expand "gun-free school zones" beyond school property raises problems of its own. The typical distance for expanded "gun-free school zones" is a 1,000-foot radius around school property (including non-academic investment property, or property owned by correspondence schools). The school zone bills never require that signs making citizens aware of the school zone be posted. To the contrary, if "gun-free school zone" signs are posted at all, they are posted on school buildings — creating the misleading impression that the school zone ends where school property does. In addition, many schools have an "End School Zone" sign (for traffic purposes) quite close to the school — again creating the impression that laws relating to school zones apply only in and around the school.

While purporting to deal only with safety near schools, the 1,000-foot bills may radically alter existing law regarding the carrying of firearms. Many states, such as Colorado, allow a loaded firearm to be carried in an automobile for protection.¹²³ The thousand-foot school zone bill would abolish that right, except in open space areas a thousand feet from any school.

Whether states should outlaw the carrying of firearms in private automobiles for protection is the subject of the legitimate debate — but that debate should occur in the context of a bill which directly announces its intention to abolish self-protection carrying — not in a bill which claims to deal only with school safety.

While there may be a legitimate policy debate about turning unlicensed firearms carrying into a felony, that debate should stand on its own terms, and not be submerged in a bill whose title relates only to school safety.

The fiscal impact of felonizing a frequently-committed act is likely to be heavy. In times of budgetary constraint, when state governments are having trouble keeping violent felons in state prison, it may be asked whether it is wise to create an entirely new class of non-violent felons — whose only offense is to carry a firearm for protection hundreds of feet away from any school, in an unmarked “school zone.”

Metal Detectors in School

The effective use of metal detectors requires a large number of security officers, since huge number of students have to be scanned in a short time. A high school of 3,000-4,000 students requires 20 officers to scan and to monitor doors.¹²⁴ The detectors cost \$3,000 to \$7,000 each for the walk-through detectors, and \$15,000 for an x-ray machine for bags and purses.¹²⁵ Salaries for the personnel to run them may be an even larger expense.

Besides being expensive, metal detectors may be illegal. While the U.S. Supreme Court has ruled that students may be searched based on individualized “reasonable suspicion” (in contrast to the “probable cause” standard for adults), there is no Constitutional authorization for mass searches of individuals without any suspicion at all.¹²⁶

Although the courts have upheld the use of metal detectors at airports, the searches have been justified on the grounds that the passenger can avoid the search by checking baggage rather than carrying it in the passenger compartment, or by traveling through some other means.¹²⁷ In contrast, attendance at public school is not voluntary; it is required by government.

*“...just as metal detectors have moved
from airports into schools, there will
be pressure to move them from
schools into the streets.”*

Despite the arguments that might be offered based on the actual words of the Constitution, California Attorney General Dan Lungren (who has helped raise funds for gun control organizations) has issued an attorney general opinion finding that metal detectors are Constitutional, and encouraging their use.

Widespread use of metal detectors in school acts as a kind of social conditioning that poses a serious threat to the Fourth Amendment right to freedom from searches without probable cause. Searching a teenager's purse, or making her walk through a metal detector several times a day, is hardly likely to instill much faith in the importance of civil liberties. Indeed, students conditioned to searches without any suspicion at all in high school are unlikely to resist such searches when they become adults.

And just as metal detectors have moved from airports into schools, there will be pressure to move them from schools into the streets. The Police Foundation, one of the leading supporters of metal detectors in schools, advocates abolishing citizen handgun ownership (but not for the police), and has urged that metal detectors be set up on streets and other public places.

Putting aside Constitutional scruples, it is simply unjust for the state to compel a student to attend school, fail to provide a safe environment at school or on the way to school, and then prohibit the student from protecting himself or herself.¹²⁸

Perhaps the most harmful effect of the metal detectors is their debilitating message that a community must rely on paid security guards and their hardware in order to be secure. It does not take much imagination to figure out how to pass a weapon past a low-wage security guard, with trickery or bribery. Once past the guard, weapons could simply be stored at school.

Instead of relying on technology to solve social problems, the better solution would be to mobilize students and teachers inside the school. A first step is to ensure that responsible adults are assigned to monitor playgrounds and other areas where trouble is possible.

Another step would be for school administrations to foster volunteer student patrols, which would change the balance of power in the schoolyard, ending the reign of terror of outside intruders and gangs. In Israel, the police operate a volunteer armed citizen patrol called the "Civil Guards," which patrols dangerous neighborhoods at night; many of the volunteers are high school students who, after a short period of training, are issued firearms, like any other volunteer.

"...the American Journal of Diseases of Children: '...everything that leads to gun-related violence is already against the law. What is needed are not new and more stringent gun laws but rather a concerted effort to rebuild the social structure of inner cities.'"

If Israel can give its high school students firearms with which to conduct civil patrols, surely it is not asking too much for American high school administrators to allow their own students to form voluntary, supervised, unarmed patrols. The idea of voluntary patrols, while perhaps radical in some eyes, is much more firmly rooted in American traditions of community self-help and responsibility than are metal detectors, a technological fix that will radically undermine traditional standards of privacy, while doing little to promote real safety.

Two Novel Approaches

Drop Some Drop-out Laws

On an experimental basis, mandatory attendance laws for older high school students should be reconsidered. Schools, after all, should not be modeled after prisons. Forcing students who do not want to learn to be present on school premises anyway may do little good for the student, and may cause substantial trouble for the students who do want to learn.

The most common objection to re-examining truancy laws is that letting the older teenager out of school merely transfers the problem from the school to the street. But on the street, the drop-out will have no opportunity to disrupt the peaceful education of dozens of other children every day. For at least some drop-outs, the experience away from school might prove a sobering experience, and awaken an interest in the benefits that school attendance can provide. Other drop-outs might pass their days more happily and usefully working at a convenience store or loading dock than passing time in an overcrowded classroom from which they would graduate functionally illiterate.

Of course some teenagers will waste their lives out of school with as much determination as they wasted their lives while in school. But at least they will not prevent dozens of other students from learning.

Let Poor People Choose Their Own Schools

What could be more unfair than being forced into a dangerous situation, denied effective protection by the government, and then forbidden by the government to protect oneself? That is the situation many thousands of public school students face every day. Parents who are wealthy, such as Bill and Hillary Clinton, rarely send their children to the dysfunctional, dangerous public schools of cities such as Washington, D.C. Is it fair that poorer families do not have the same choice?

Many inner-city parochial and private schools educate children who are just as disadvantaged as the children in the nearby government schools. Yet violence in these schools is virtually unknown. Schools that are run by principals, parents, and teachers — rather than by distant bureaucracies — have proven time and again that even in the most difficult

circumstances, children can be provided a good education in a safe environment.¹²⁹

Wisconsin State Representative Polly Williams, sponsor of a successful choice program for disadvantaged students in Milwaukee, notes that a number of problem children from the Milwaukee government schools have turned into well-behaved students in alternative schools.

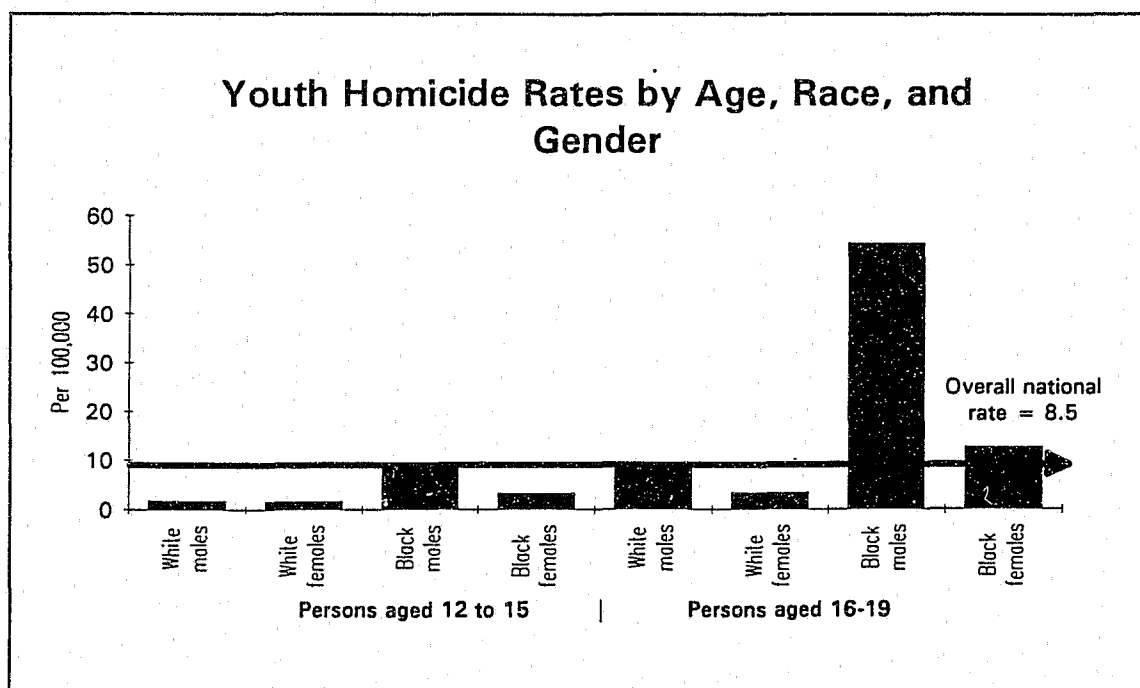
The students who are "left behind" in the government schools (by parents who did not choose an alternative school) will be better off too. For the first time, the school administration will have to deal with students and parents as clients who must be offered good reasons for choosing the government school — rather than as a captive source of tax revenue subject to being hauled into school by the police.

There are many proposals for choice in education, including charter schools, choice plans allowing parents to select any government school in a particular district, and choice plans allowing parents to select government or non-government schools. Choice will not solve everything, but it can play a major role in improving our school system. Not only can choice help resolve the immediate problem of violence in government schools, choice can raise the overall level of learning, thereby improving economic opportunities, and making a substantial long-term contribution to addressing the root causes of hopelessness and violence.

Crime: The Inner City Crisis

One of the central strategies of the gun prohibition advocates has been to tell Americans that they are all in immediate peril of gun violence. The strategy may involve exaggerating the rate of gun accidents, or announcing an epidemic of suicide among mentally healthy teenagers — caused by gun availability. Or the strategy may attempt to place Americans in fear of gun crime. For example, *Fortune* magazine touts handgun prohibition while warning its wealthy readership that the recent rise in youth homicide puts all Americans at imminent risk, for “this onslaught of childhood violence knows no boundaries of race, geography, or class.”¹³⁰ The *Journal of the American Medical Association* insists “It’s not limited to the inner city.”¹³¹

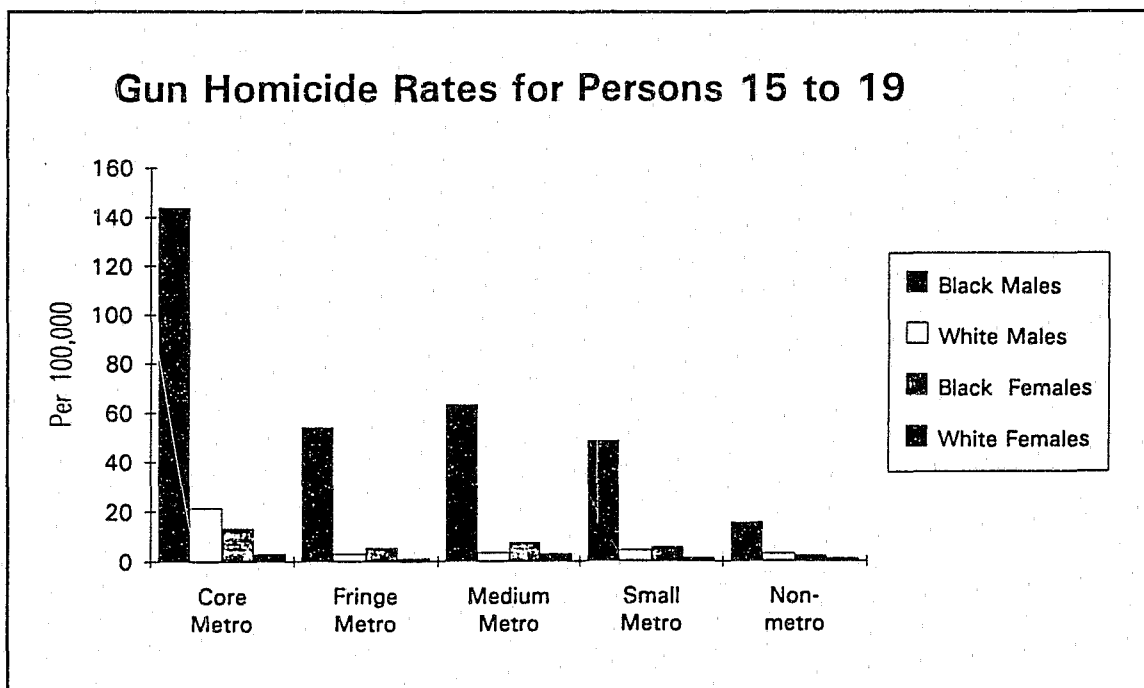
To the contrary, the problem of youth homicide is very heavily concentrated in Black males aged 15-19, as the graph below indicates.¹³² That fact, of course, is no reason to be less concerned about the youth homicide problem. Since many problems, including violence, suffered by the urban Black community are the long-term result of governmental and societal racism, the moral obligation for all Americans to respond to the crisis is all the greater. In order to respond effectively to the crisis, we must, however, attempt to understand its nature, and must not be misled by the efforts of some gun prohibition advocates to distract attention from the most important factor in any homicide: the motivations of the person perpetrating the crime.



The homicide rate for most groups of teenagers is low, but the rate for Black males aged 16-19 is enormous.

For inner-city black teenagers, the homicide rate is astronomical, as the graph below details. (If the category "White" were altered to "non-Hispanic white," the homicide rate for that category would fall by about half.)¹³³ The huge rise in gun crime perpetrated by older urban teenagers has not been replicated in other areas. In the suburbs, where legal restrictions on guns are generally less severe, the mortality rate has stayed about the same.¹³⁴

Gun control advocates sometimes convey the impression that current murder rates are dramatically higher than ever before. And if one looks at statistics for particular age groups, one finds a substantial rise in murder arrests. From 1985 to 1991, arrests for adults for murder declined, but arrests for murder of 17 year old males rose 121%; arrests of 16 year old males rose 158%; arrests of 15 year old males rose 217%; and arrests of boys 12 and under rose 100%.¹³⁵



The crisis of Black teenage male homicide is particularly acute in heavily urbanized areas, where legal restrictions on guns are already greatest.

But it is important to note that the American homicide rate is still reasonably stable. The homicide rate has stayed at about 9 or 10 homicides per 100,000 population for the last three decades. And happily, preliminary major city figures indicate that most cities saw a leveling off of homicide rates in 1992.¹³⁶ Analysis of homicide figures should also keep in mind that roughly 7 to 13% of American firearms homicides involve legitimate defense against criminal attack.¹³⁷

While homicide overall is stable, homicides among youths have definitely risen. To look simply at the category "youth," however, is to miss the real story. The white youth homicide arrest rate has remained stable, while the black rate has skyrocketed. The murder arrest rate of whites aged 10 to 17 was the same in the 1989 as in 1980 (having dipped in the middle of the decade, and then risen to its former level). But whereas in the 1980 the black arrest rate was four times the white rate, by 1989 the black rate was eight times the white rate.¹³⁸

*"...the regions with the most guns
are the regions with the lowest
homicide rates. And while whites are
have a higher rate of gun ownership
than blacks, they have a much lower
homicide rate."*

The conflation of black and white crime statistics is, incidentally, a common tactic of gun control advocates. The conflation produces the erroneous impression of a widespread serious problem with gun crime, rather than of a disastrous problem with gun crime among racial minorities. For example, Dr. Katherine Christoffel, of the American Academy of Pediatrics, told Congress, "A resident of Seattle is five times likelier to be murdered with a handgun than is a resident of Vancouver, just 140 miles to the north."¹³⁹ Actually, a white resident of Seattle is at no greater risk of gun violence than a white resident of Vancouver, despite Vancouver's more restrictive gun laws. A Black or Hispanic resident of Seattle, however, faces a much higher risk of gun violence.¹⁴⁰ (There are few Blacks or Hispanics in Vancouver.)

All this is not to say that America does not have a serious homicide problem. But America cannot begin addressing the murder problem without a realistic understanding of the issue. The crisis of America's rising teenage murder rate is directly linked to the crisis of America's inner-city Black youth. Unless the problems of inner city are addressed, the murder crisis will continue.

Are Guns the Cause of the Rising Homicide Rate?

Some public officials argue that the problem of teenage homicide is directly related to the availability of firearms. In a narrow sense the argument is accurate, because the majority of murders are committed with guns.

Yet it is not accurate to claim that there is a correlation between the availability of guns and the frequency of homicide. If there is any relationship between gun density and homicide in the United States, it is an inverse one. In other words, the regions with the most guns are the regions with the lowest homicide rates.¹⁴¹

And while whites have a higher rate of gun ownership than blacks, they have a much lower homicide rate.¹⁴² Time periods in which gun ownership increases heavily are not necessarily periods when homicide rates increase; conversely, periods of increasing homicide are not necessarily periods of increasing gun ownership. For example, while homicide rates were rising in the late 1980s, firearms sales were stagnant.¹⁴³

The fact that American homicide rates are often lowest among regions and population groups where gun ownership is highest should at least give pause to theorists who insist that gun prohibition is the only rational response to rising murder rates. Professor Hans Toch, of the State University of New York's School of Criminology served, in the late 1960s, on the Eisenhower Commission, whose purpose was to investigate the causes and cures of American violence. Professor Toch fully endorsed the Commission's conclusion that "reducing the availability of the handgun will reduce firearms violence." (emphasis in original). But based on modern research, Professor Toch has found:

when used for protection, firearms can seriously inhibit aggression and can provide a psychological buffer against the fear of crime. Furthermore, the fact that national patterns show little violent crime where guns are most dense implies that guns do not elicit aggression in any meaningful way. Quite the contrary, these findings suggest that high saturations of guns in places, or something correlated with that condition, inhibit illegal aggression.¹⁴⁴

One way in which high density of guns can, as Professor Toch concludes, be associated with lower levels of violence is that armed citizens provide a substantial deterrent to criminals. (See discussion on Page 9.)

"The fact that American homicide rates are often lowest among regions and population groups where gun ownership is highest should at least give pause to theorists who insist that gun prohibition is the only rational response to rising murder rates."

Another, perhaps more important factor in the association of high gun ownership rates with low crime rates is that American areas with the highest rate of gun ownership tend to be rural and small-town. In rural and small-town America, family structures are relatively strong, and communities are often more stable and unified. Thus, the problem of violence in American inner cities may have less to do with the fact that guns are available there (as they are everywhere else) than with the fact that so many families are dysfunctional, and that so little sense of community can be found.

Whatever may be said about rates of gun ownership in America, it is obvious that America has more guns — and more gun murders — than other industrial democracies. As a widely-reported study by Centers for Disease Control researchers noted, the American murder rate for teenagers is much higher than the rate in most industrial countries, where gun control laws are generally stricter. The researchers concluded that the United States need tougher gun laws.¹⁴⁵

“...comparative data shows little relation between the severity of gun laws and the homicide rate.”

While the authors of the study did an excellent job of compiling data (as they have done on other studies), their conclusion that the international data proved that America's gun laws were the cause of its high teenage homicide rate was perhaps overstated.

For example, England has harsh gun laws and a low homicide rate, but the historical evidence seems to show no cause and effect between the former and the latter. The lowest rates of violent crime and homicide in England did not occur in the period with the strongest gun laws (the late 1980s and 1990s), but in the era with the weakest gun laws.

At the turn of the 20th century, there was virtually no violent crime in England, and virtually no gun control. Anyone (children included) could buy any type of gun, no questions asked. There were no background checks, no forms to fill out, and no safety training. All that was needed was ready cash.

Yet gun homicide and other crime was only a small percentage of the current British rates. At the turn of the century, Victorian social morality was strong; it was a more effective check on British criminal impulses than are the rigid gun laws of today.¹⁴⁶

Overall, comparative data shows little relation between the severity of gun laws and the homicide rate. Scotland has rigorous gun laws, and its murder rate for males aged 15-24 is over three times as high as the rate in Switzerland.¹⁴⁷ In Switzerland, the government issues every adult male a fully-automatic Sig-Sauer assault rifle to keep at home, and trains him to use it.¹⁴⁸

The American states that impose waiting periods on gun buyers suffer killings at the same rate as the states that do not.¹⁴⁹

By looking only at firearms, the Centers for Disease Control study did not consider other factors which might explain why American males aged 15 to 24 are so much more likely to kill each other than their counterparts in other nations. America is the only country studied that has a three-and-a-half-century history of enslaving and degrading a major part of its population. And America is the only country studied where demand for drugs is sky-high, and the only country with an all-out drug war, the topic of the next section.

"A century of sternly enforced drug prohibition has resulted in drugs being more available than ever to inner-city youth. The fact should offer a caution to prohibitionists who imagine that gun laws can succeed where drug laws have failed, and somehow keep a commodity away from a market that demands it."

What Happened in 1987?

After declining for several years, the black teenage homicide rate began soaring upward in 1987. That year was not marked by any sudden increase in the availability of guns (sales were flat). What did happen in 1987 was that the drug war suddenly intensified, at the same time that drugs themselves became more dangerous.

The 1987 cocaine overdose death of college basketball star Len Bias and the popularization of crack cocaine produced an unprecedented media and political determination to fight a "drug war" in the United States.

Some drug policy scholars trace the sudden upsurge in violence to the pharmacological effects of crack/cocaine. They note that crack (like PCP and alcohol, but unlike hemp and heroin), often reduces inhibitions against violence and stimulates aggressive behavior.

Without denying the destructive effect of crack, other scholars trace the roots of the violence to governmental drug policy. They note that the "war on drugs" has lived up to its name by producing a genuine war in inner-city America. Economist Sam Staley argues that the war on drugs and the criminalization of the drug trade generate levels of violence that make the inner city unlivable, with levels of violence far higher than would occur in a world where drugs were controlled by means other than the criminal law.¹⁵⁰ Since drug dealers are likely to be carrying large sums of money, they are at serious risk of robbery. Since they cannot rely on the

police for protection, they must, to survive, protect themselves. When drug dealers engage in commercial transactions with each other, there is no Uniform Commercial Code and state district court for resolving disputes about the quality of goods sold. Disgruntled buyers, having no other means of redress, may resort to violence. Similarly, the addicts who sell drugs often end up consuming the drugs which should have been sold; higher-level dealers having no legal means of handing salespersons who stole the merchandise with which they were entrusted; because violence often results. Other drug users buy goods on credit, but fail to pay their debt. Since the seller has no lawful means of debt collection, violence again may result.¹⁵¹ In addition, when disputes are settled violently, they are often settled in the most vicious manner possible, for acquiring a reputation for being willing to "exert maximum force" may assist the resolution of future disputes.¹⁵²

The tendency of current drug laws to promote violence can be seen in a study of cocaine-related homicides in New York. Eighty-seven percent of the homicides were related to territorial disputes, debt collection, or cocaine deals gone bad. Only 7.5% of the homicides were related to the pharmacological effects of drugs.¹⁵³

While there are many reasons that teenagers join gangs, the lure of income from the drug trade is certainly an important factor. If currently-illegal drugs were sold in liquor stores, gangs would no longer be able to profit from selling substances at the artificially high prices created by prohibition laws.

Despite the youth violence engendered by drug prohibition, it may be that the prohibition strategy yields benefits that outweigh its negative effects. Any realistic analysis of American drug policy should, however, acknowledge the substantial toll of violence that is a, perhaps necessary, price that America is paying for current laws.

Who are the Gun Crime Victims?

Almost anytime a child is murdered with a gun, or dies in a gun accident, the event is at least a statewide news story — as such a tragedy should be. But it is not accurate to conclude on the basis of news coverage that gun-related deaths of children are among the major killers of children; it is not correct to assume that the amount of press coverage devoted to any event correlates with the frequency of the event. Coverage of professional football games saturates many cities' media, but in an average year in most cities, there are fewer than a dozen professional football games.

Homicides account for about 5% of the deaths of children 1-4, and 4% of children aged 5-14. The number is about the same as the children in those age groups who die of heart disease.¹⁵⁴

The relatively small fraction of homicides perpetrated against children is not likely to be solved through gun control. The most common form of homicide against younger children is child abuse murder by a relative or caretaker.¹⁵⁵ The availability of firearms has little to do with such crimes, since the murderer will generally have limitless opportunity, and vastly superior strength. (Reduced availability of firearms might, however, reduce the not insignificant number of younger teenagers who lawfully shoot abusive relatives in self-defense.)

For older teenagers (15 and up), the number of firearms murders is higher, especially for urban minority teenagers. Under what circumstances do those teenage murders take place? The American Academy of Pediatrics writes: "A common misperception is that teen homicides are largely related to crime, gang activity, or premeditated assault. The most common event precipitating a shooting is an argument, often over something later seen as trivial. Such shootings are usually impulsive, unplanned, and instantly regretted."¹⁵⁶

The American Academy of Pediatrics' assertion about the non-criminal nature of teenage homicide cited only one study as support for its conclusions. That study, however, did not claim that teenage homicides did not involve "crime, gang activity, or premeditated assault." Nor did the cited study claim that teenage shootings were "impulsive, unplanned, and instantly regretted." The cited study only discussed the relationship between murderer and victim, and showed (not surprisingly) that murderers generally target people who have offended them, rather than total strangers.¹⁵⁷

A *Philadelphia Inquirer* investigation of teenage murderers in Philadelphia casts some doubt on the proposition that homicides are "instantly regretted. Of the 57 teenage murders studied, "With few exceptions, the teenagers felt little remorse or regret." More typical were stories such as these:

- Yerodeen Williams, 17, killed a man who resisted a robbery at an automatic teller machine. "He brung it on himself," Williams later said, blaming the victim for resisting. "It must have been his time to go...I feel as though it wasn't my fault this thing happened. I ain't seen no blood or nothing."
- Kerry Marshall, 17, attempted to rob a woman and her four-year-old son. When the victim pulled out a gun of her own, he shot her dead. "I know the values," he said, blaming for her death. "If somebody was threatening me, I'd give it up 'cause material things come and go." Marshall complained about his long sentence, because "I don't even think of myself as a criminal...Everybody is vulnerable for mistakes. Mistakes will happen."
- Richard Carabello, 17, took a taxi ride, but had no money to pay for it. When the driver grew angry, Carabello killed him. "I'm not a violent person," Carabello explained, "I

didn't kill nobody. He killed himself."

- Kenyatta Miles, 18, shot a 15 year old honor student, and took his new Air Jordan sneakers. "I killed him, but not in cold blood," Miles said. "I didn't shoot him two, three, four times. I shoot him once...I wouldn't call myself no murderer...I'm not violent. I'm the easiest person to get along with...I'm not really a violent person..I look at my right hand 'cause it pulled the trigger. I blame my right hand."
- Daniel Maurice White, 16, shot a stranger in a crack house who was resisting a robbery. Again, the victim was to blame: "If somebody see you with a gun, they gonna turn the other way -- if not, they must want to get shot...It's not like I'm no serial killer. I didn't kill a lot of people."¹⁵⁸

It is not implausible that the older teenagers who commit murder share many characteristics with persons over 18 who commit murder. The studies of adult murderers have shown that murderers are not "nice" people who happened to get too emotional in the presence of a handgun. Rather, murders are generally people with long records of criminal violence.

"For America as a whole to ignore the teenage murder problem merely because most murders happen in the inner city would be callous and immoral."

Two-thirds to four-fifths of homicide offenders have prior arrest records, frequently for violent felonies.¹⁵⁹ A study by the pro-control Police Foundation of domestic homicides in Kansas City in 1977 revealed that in 85 percent of homicides among family members, the police had been called in before to break up violence.¹⁶⁰ In half the cases, the police had been called in five or more times. Thus, the average murderer is not a non-violent solid citizen who reaches for a weapon in a moment of temporary insanity. Instead, he has a record of illegal violence and trouble with the law. Such people on the fringes of society are unlikely to be affected by gun control laws.

It has long been recognized by criminologists that many murder victims, since they are friends, relatives, and "business" acquaintances of murderers, are themselves unsavory characters, and frequently criminals. For example, in a study of the victims of near-fatal domestic shootings and stabbings, 78 percent of the victims volunteered a history of hard-drug use, and 16 percent admitted using heroin the day of the incident.¹⁶¹

The pattern for teenage homicides is similar. The persons who are most likely to be killed by a teenager with a gun are gang members, gang hangers-on, and other teenage criminals.¹⁶² In many killings of inner-city high school-age persons, the victim is a person who engaged in risky behaviors, such as selling drugs.¹⁶³

Studies of trauma center patients with penetrating (bullet or knife) wounds have found that over a third of such patients are repeat users of trauma centers.¹⁶⁴ Surveys of trauma center physicians show that many have negative feelings toward the practice as a result of the "unsavory" patients who the victims of most penetrating injuries. Many physicians believe these patients are repeatedly injured because they repeatedly engage in criminal behavior.¹⁶⁵ A Baltimore journalist, who investigated his city's emergency rooms concludes, "it is safe to estimate that seven of every 10 assault victims who arrive at a Baltimore hospital are in some way culpable in the violence that has incapacitated them."¹⁶⁶

"...until we rectify the conditions that breed hostility, estrangement, futility and hopelessness, whatever else we do will come to little or nothing."

Yet while one teenage gang member killing another teenage gang member may account for an important fraction of teenage homicides, there are many other victims of these criminals who have done nothing to put themselves at risk, except being born in a dangerous neighborhood. For America as a whole to ignore the teenage murder problem merely because most murders happen in the inner city would be callous and immoral.

While there are a great many innocent victims, there are not many innocent murderers. Although the American Academy of Pediatrics asserts that most teenage murders are "instantly regretted," in reality, the majority of teenage killers seem to have no remorse for actions, and are unhappy only because they were caught.¹⁶⁷ In Harlem, for example, murderous teenagers coldly refer to killing as "getting a body."¹⁶⁸

If murderers — teenage and adult — are just ordinary people unlucky enough to be near a gun, then the simple solution to homicide is to remove guns from society. In a society with an unacceptably high level of homicide, such a simple solution may sound attractive. But if murderers are different from most other people, then America faces the much more difficult task of dealing with the social pathologies that turn people into murderers into the first place.

Social decay

The authors of the most extensive study of the gun-carrying habits of modern juvenile felons found them to be:

better armed, more criminally active, and more violent than were the adult felons of a decade ago. Even at that, one is struck less by the armament than by the

evident willingness to pull the trigger.

From the viewpoint of public policy, it matters less, perhaps, where these juveniles get their guns than where they get the idea that it is acceptable to kill. It may be convenient to think that the problems of juvenile violence could be magically solved by cracking down or getting tough, but this is unlikely. The problem before us is not so much getting guns out of the hands of juveniles as it is reducing the motivations for juveniles to arm themselves in the first place. Convincing inner-city juveniles, or adults, not to own, carry, and use guns requires convincing them that they can survive in their neighborhoods without being armed...that the customary agents of social control can be relied upon to provide for personal security. So long as this is not believed to be the case, gun ownership and carrying in the city will remain widespread.¹⁶⁹

To the enormous crisis of the inner city, many liberals and conservatives offer the same, seemingly easy solution: use government coercion to remove the evil item that is the cause of violence.

Many liberals look to guns as the cause of the inner-city's social pathologies, and fail to recognize that the willingness of many criminals to use guns, and the necessity for law-abiding residents of the inner-city to carry guns for protection, are symptoms of deeper afflictions. No set of criminal justice approaches focused on "gun control" are likely to reduce the inner-city problems regarding guns. Solutions must be found in dealing with the more complex pathologies of the lack of hope and economic opportunity, and the decay of cultural values.

At the same time, some conservatives make the same mistake with gangs and drugs that liberals make with guns. Some inner-city youth are attracted to gangs because the gangs "give estranged youth something meaningful to which they can belong, an identity otherwise lacking. Gangs express the pathology of inner-city life and the new urban culture of violence, but are the consequences of these developments, not the cause."¹⁷⁰ The criminal justice system can continue to incarcerate gang members, but gangs will remain attractive until better alternatives for identity appear.

"... as Yephet Copeland, a former member of the Hoover Street Crips in Los Angeles, put it, 'We need better schools and jobs. That's the way you stop the killing. You have to offer hope. If there's no hope, the killing will go on — gun ban or not.'"

The many youthful lives wasted through illegal drug abuse are tragic. But if there were no narcotics, these lives would be wasted through alcohol abuse, or some other method of numbing the mind to the bleakness of ordinary life. A century of sternly enforced drug

prohibition has resulted in drugs being more available than ever to inner-city youth. The fact should offer a caution to liberals who imagine that gun laws can succeed where drug laws have failed, and somehow keep a commodity away from a market that demands it. And the fact should suggest to conservatives that a better strategy to reducing drug abuse should be to offer inner-city youth a future brighter than the false and numbing consciousness offered by drug pushers.

As long as the debate over the decay of inner-city America focuses only on symptoms — guns, gangs, and drugs — there will never be a solution. As Professors Wright and Sheley put it:

[U]ntil we rectify the conditions that breed hostility, estrangement, futility and hopelessness, whatever else we do will come to little or nothing...Widespread joblessness and few opportunities for upward mobility are the heart of the problem. Stricter gun control laws, more aggressive enforcement of existing laws, a crack-down on drug traffic, police task forces aimed at juvenile gangs, metal detectors at the doors of schools, periodic searches of lockers and shake-downs of students, and other similar measures are inconsequential compared to the true need: the economic, social and moral resurrection of the inner city. Just how this might be accomplished and at what cost can be debated; the urgent need to do so cannot.¹⁷¹

Or as Yepheth Copeland, a former member of the Hoover Street Crips in Los Angeles, put it, "We need better schools and jobs. That's the way you stop the killing. You have to offer hope. If there's no hope, the killing will go on--gun ban or not."¹⁷²

How to resurrect the inner-city? Do we need a massive government jobs programs, or urban enterprise zones? Should we increase funding for public schools, or should we end-run the failed public school bureaucracy through charter schools and education vouchers? Are welfare payments insufficiently generous, or is welfare itself a cause of learned helplessness? All of these difficult questions must begin to come to the center of the public debate on the inner-city, and the disastrous condition of so many inner city youth.

"Fixating on guns seems to be, for many people, a fetish which allows them to ignore the more intransigent causes of American violence, including its dying cities, inequality, deteriorating family structure, and the all-pervasive economic and social consequences of a history of slavery and racism."

Every day that the public allows legislatures to waste their collective breath with symbolic laws that merely address the symptoms of social pathology — laws such as those forbidding the wearing of Los Angeles Raiders clothing, or gun waiting periods which will supposedly disarm teenagers who are already forbidden to buy guns — is another day wasted, another day in which the problem grows worse. Gun control is not merely a phony solution to inner-city youth violence. It is a formidable political obstacle to genuine solutions, because gun control offers political officials a high-profile (but empty) way to tell the public that the legislature is “doing something.” Every gun control bill that is introduced, and every editorial demanding that we “do something about guns,” makes it that much harder to force the political system to do something real about the desperate conditions of the inner city, to address the fundamental social pathologies of modern America.

Criminologist Gary Kleck summarizes:

Fixating on guns seems to be, for many people, a fetish which allows them to ignore the more intransigent causes of American violence, including its dying cities, inequality, deteriorating family structure, and the all-pervasive economic and social consequences of a history of slavery and racism...All parties to the crime debate would do well to give more concentrated attention to more difficult, but far more relevant, issues like how to generate more good-paying jobs for the underclass, an issue which is at the heart of the violence problem.¹⁷³

There are 200 million guns in the United States — more than enough to supply a black-market gun to anyone who wants one, no matter how severely prohibition and confiscation were enforced. As William Fox, a former member of the Brawling Street Rolling Crips observed, “How are you going to get the guns off the street that are already there? No. It ain’t going to change. It’s not the guns that have to change. It’s the people that have to change.”¹⁷⁴ It is long past time to stop fixating on the gun supply, and to start dealing with the persons who misuse guns, and the social conditions under which innocent babies grow in less than two decades into callous murderers.

Strategies to Reduce Youth Crime

Step One: Implement Effective Juvenile Justice Solutions

Better Juvenile Courts

America's juvenile courts should be the best-run part of the judicial system, but instead they are among the worst. Juvenile judges rarely have time to learn about a case in-depth. Better funding of juvenile courts might well save public revenue in the long run, through reduced costs in adult criminals courts, and reduced need for incarceration.

Open Court Records

Both the states and the federal government already have extremely tough laws for sentencing of repeat violent offenders. Unfortunately, many criminals who, in their early 20s, are facing their third or fourth felony conviction are treated as first-time offenders, because their previous felonies were committed while they were juveniles. Changing the repeat offender laws so that violent, armed felonies committed by juveniles would be counted toward habitual criminal status for adult offenders is a sensible approach toward concentrating criminal justice resources on the thugs who have shown a repeated willingness to commit violent crimes. In Colorado, House Judiciary Committee Chair Jeannie Adkins has sponsored such a law.

Restitution

One of the most shocking attributes of the new generation of criminals is their lack of human empathy for anyone else, including their victims. While the current overcrowded condition of most juvenile detention facilities makes it impossible to incarcerate all juvenile offenders who should be imprisoned, a minimum step in the resolution of any juvenile criminal case should be mandatory restitution to the victim or the victim's family.

Increased Certainty of Punishment

In Arizona, the average juvenile offender has nine encounters with the criminal justice system before he finally ends up doing time in a penal facility. A Pennsylvania study found that nearly half of juvenile offenders who commit four serious crimes are not even placed on probation.¹⁷⁵ A juvenile justice system that lets repeat offenders slip away again and again is worse than useless; by teaching young thugs that there will be no consequences for crime, an ineffective justice system reinforces criminal behavior.

It is true that deterrence may be of little value for some teenage criminals, since they may have no long-term perspective on their own life (or anyone else's). At the same time, the incarceration of violent teenage criminals can still benefit society, by incapacitating a person who would likely commit more violent crimes if left to roam at large.

While American prison capacity has more than doubled since 1980, there has been no corresponding drop in crime. Almost all of the new prison capacity (and much of the original prison capacity) has been soaked up by prisoners of the war on drugs. As a result, the levels of

punishment for violent crimes have fallen to record lows.

Multiplying the risk of apprehension by the average sentence served upon conviction, Texas A&M economist Morgan Reynolds finds that the average 1990 murderer serves 1.8 years in prison. The expected punishment for murder fell by 20% from 1988 to 1990. Similarly the expected punishment for rape (60 days in prison) fell by 25% in just two years, expected punishment for robbery fell by 50% (to a mere 23 days). Expected punishment for motor vehicle theft is only 1.5 days in prison. From 1950 to 1990, the expected punishment for all serious crimes, taken as a whole, fell by 65%. Simply put, crime pays.

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Though inner-city teenagers may not have calculated the mathematical risks of arrest, they are well aware of how minimal punishments are for even the most serious armed, violent offenses.¹⁷⁶ They cannot help but infer that society does not really take violent crime seriously. Redirecting limited prison capacity toward violent offenders, and dealing with non-violent drug offenders through other means (such as expansion of voluntary treatment programs) would be a major step forward for public safety.

It is important to remember, however, that juvenile justice programs are end of the line approaches that can often do little more than incarcerate a dangerous person. In the long run, programs which help prevent people from becoming criminals in the first place will pay for themselves many times over in juvenile justice savings, and in the savings of young lives.

Step Two: Educate Children to Have Responsible Attitudes toward Firearms

Media-generated violence

Every adult who tries to instill in children responsible attitudes toward firearms must not only teach positive lessons, but must overcome the many negative lessons taught by America's major television networks and movie industry.

Before completing sixth grade, the average American child watches 8,000 homicides and 100,000 acts of violence on television.¹⁷⁷ A look at the movie advertisement page of any major newspaper shows that cinematic entertainment is no better. At least a quarter of the movie advertising depicts someone poised to kill.

Even television shows that do not wallow in violence are still violent. For example, the heroes of the *Adam 12* television series, the friendly policemen Officers Reed and Malloy, killed

more people than an average SWAT team member kills in an entire career.¹⁷⁸

Over the last two decades, a large body of literature has linked exposure to violent television with increased physical aggressiveness among children, and to later violent criminal behavior.¹⁷⁹

One of the more recent studies was conducted by University of Washington epidemiologist Brandon Centerwall. He found homicide rates in the United States, Canada, and South Africa rose steeply about 10 to 15 years after the introduction of television in each nation. He noted that after television was introduced in Canada, the homicide rate nearly doubled, even though per capita firearms ownership rates remained stable. In the United States, the rise in firearms homicide was paralleled by an equally large rise in homicide with the hands and feet. The data therefore implies that the underlying cause of the homicide increase was not a sudden surge in availability of firearms, since there was no surge in availability of hands and feet, and hand and foot homicide rose as sharply as firearms homicide. South Africa allowed the introduction of television many years after Canada and the United States did (because the apartheid government feared that television would be destabilizing); in South Africa too, the homicide rate soared after the first generation of television children grew up.¹⁸⁰

*“cartoons and other children’s shows
contain more violence than any other
form of programming.”*

One method by which violent entertainment may promote criminal violence is simple imitation. Two surveys of young American male violent felons found that 22% to 34% had imitated crime techniques they had watched on television programs.¹⁸¹

Centerwall’s study showing a doubling of the homicide rate a generation after the introduction of television leads him to conclude that “long-term childhood exposure to television is a causal factor behind approximately one half of the homicides committed in the United States, or approximately 10,000 homicides annually.” He further estimates that as many as half of American rapes and assaults could be related to television.¹⁸²

It should be noted that another television researcher pegs the figures far lower. George Comstock, of Syracuse University’s Center for Research on Aggression, surveyed 230 studies, and concluded that at least 10 percent of American violence is a result of television and cinema violence.¹⁸³

Of course not everyone who watches a *Rambo* movie or its television equivalent becomes a criminal. The harm of violent television is felt most by the already vulnerable segments of the

population.¹⁸⁴ Alfred Blumstein, dean of John Heinz School of Public Policy and Management at Carnegie-Mellon notes that "The glorification of violence on television has little effect on most folks, but it has a powerful effect on kids who are poorly socialized...It dehumanizes them and becomes a self-fulfilling process." Repeated exposure to violence may, through a process of "disinhibition," make violence seem ordinary. Public health researcher Deborah Prothrow-Stith writes that many boys in low-income, fatherless households develop unusually close identification with the male heroes of television shows. The heroes become imaginary fathers for the boys, and the boys make up stories about what the heroes would do in the boys' own poverty-stricken neighborhood. "They ask their imaginary heroes for advice...the answer they receive is always the same. Their heroes tell them to be tough. Their heroes tell them to fight."¹⁸⁵

"...homicide rates in the United States, Canada, and South Africa rose steeply about 10 to 15 years after the introduction of television in each nation."

It is true that the major television networks have recently announced a new anti-violence initiative.¹⁸⁶ But television executives have promised less violence before, and television has remained extremely violent.¹⁸⁷

The problem with the grand statements about violence control by television executives is that they fly in the face of entertainment economics. University of Pennsylvania Communications professor George Gerbner notes that violent shows require less expensive actors, and can be more readily sold in foreign markets. The problem is even more serious for children's programming, he says. It is easier for cartoonists (especially those working on a network assembly line) to depict violence than to depict humor. Many violent cartoon plots are recycled from one show to another, with only the characters being changed.¹⁸⁸ In a 1993 report delivered to the National Cable Television Association, Gerbner noted that cartoons and other children's shows contain more violence than any other form of programming. Children's programs created for the major networks were more violent than equivalent cable programming, and averaged 32 violent acts per hour.

While television executives promise less violence, they are simultaneously pushing the latest fad in violent entertainment, so-called "reality-based television." These shows, while based on case histories of real crimes, are a poor approximation of reality, for while they show numerous shootings, they rarely show the suffering that accompanies the shooting. Indeed, for all the graphic violence, television and film portrayals of gun fights are highly unrealistic. The cameras quickly cut away from dead and dying bodies. The fast break to the commercial teaches no lesson about the permanency of death — or of injury. Few quadriplegics with shattered spines populate the world of television shootings.

Accordingly, it is reasonable to consider what steps that America can take to reduce the harm caused by violent entertainment — besides trusting the good will of the television

networks.

No matter how compelling a person may find the academic case detailing the harm of television, there is no evidence that can justify censorship. The First Amendment (like the other guarantees in the Bill of Rights) is not subject to revision on the basis of social policy. The Amendment sets an absolute bar to certain kinds of government actions — precisely because the authors of the Bill of Rights knew that broad freedoms sometimes caused social dislocations, and that cries for “reasonable” restrictions on freedom would arise.¹⁸⁹

As an empirical matter, it would not be hard to build a case for selective censorship of media crime reports. The rapid spread of carjacking from coast to coast, after a publicized incident in Detroit, might suggest that media reports about crime in one area give ideas to criminals in other areas.

In Los Angeles, a man dropped concrete from an overpass onto traffic passing below, and the crime was widely publicized in the local papers. A few days later, another man, in a different part of the city, dropped concrete over another overpass. The second man's concrete shattered the windshield of an Iranian student, and the flying glass blinded him for life. In Italy, the press often voluntarily chooses not to report suicides, so as to avoid creating copycat suicides. Would the Iranian student be able to see today if the Los Angeles media had behaved with similar restraint?

The number of assassins and mass murderers who perpetrated their crimes because they knew they would become famous is legion. Arthur Bremer, whose assassination attempt put George Wallace in a wheelchair, was motivated by the publicity that would result. John Lennon's assassin Mark David Chapman decided to end his status as “Mr. Nobody” by garnering the fame that would come when he “killed the biggest Somebody on earth.”¹⁹⁰ John Hinckley, who nearly killed President Reagan and crippled press secretary James Brady, thought that his act would attract the attention and the affection of actress Jody Foster. Today, John Hinckley continues to reap the fame of his vicious act, as U.S. Rep. Charles Schumer cites John Hinckley's claim that a waiting period would have stopped him from shooting President Reagan. (The claim is incredible, and proves little more than Hinckley's desire to continue to be quoted in the wire services and in Congressional committees. Hinckley had no felony record or public record of mental illness when he bought the two guns that he used in the assassination attempt. He bought both guns five months before perpetrating the crime, thus placing him far outside the bounds of a one-week “cooling off” period.)¹⁹¹

Jamie Fox and Jack Levin, of Northeastern University, studied mass murders in public places during the last three decades; they concluded that the number of such murders has increased in part because the fame with one murderer achieves as a result of sensationalist media coverage of the crime inspires other potential murders to seek similar notoriety.¹⁹²

Suppose that there were a law that prohibited the press from mentioning the name of an assassin or mass murderer. Would Arthur Bremer, Mark David Chapman, and John Hinckley have perpetrated their crimes if such a law were in effect? Does the media *need* to report the names of every assassins and mass murderer, or would simply reporting all the other facts of the killing satisfy a "reasonable" understanding of the Freedom of the Press? Would press associations that fought a law against reporting the names of assassins and mass murderers be accused of a "fixation" on the First Amendment?

Fictionalized treatments of crime can also lead directly to real crime. John Hinckley drew inspiration from the dozens of times he watched the movie *Taxi Driver*, about an assassin who stalks a Presidential candidate, and wins a young woman's affection.¹⁹³ The man who murdered 22 people in Luby's Cafeteria in Killeen, Texas in October 1991 was found with a ticket to the film *The Fisher King* in his pocket; the film depicts a mass murder in a restaurant. In January 1993, in Grayson, Kentucky, 17-year-old Scott Pennington fatally shot a teacher and a janitor, and held a class hostage; he had recently written a book report on a Stephen King novel in which a student shoots a teacher and holds a class hostage. The revival of the American Ku Klux Klan (and the countless violent crimes that resulted) was inspired by D.W. Griffith's 1915 film *The Birth of Nation*. Griffith's 12-reel film was the first modern motion picture, and the first full-length film to demonstrate the immense commercial potential of cinema (it grossed \$18 million). Based on the Thomas Dixon novel *The Clansman*, *Birth of a Nation* presented a distorted picture of the South during Reconstruction, and extolled the Ku Klux Klan.¹⁹⁴

At least in some cases, censorship of crime reports or crime entertainment could save lives. That fact, however, is of no consequence against the clear command of the First Amendment.

Some controls on television violence, however, would likely not violate the First Amendment.

Doctor Centerwall suggests that all new television sets be required to have built-in time-channel lock circuitry, so that parents could "lock out" a particular station or a particular set of viewing times, even when they are not home to supervise television use. Unless the law mandates that such circuitry be included with every television, time-locking capability will not be available to lower-income homes, which are most at risk.¹⁹⁵ In 1990, Congress enacted the Television Decoder Circuitry Act, requiring that most televisions built in 1993 and thereafter have built-in closed-caption circuitry for the hearing impaired. There was no objection that the Act's engineering requirements for television sets violated the First Amendment rights of television makers or viewers. Similarly, requiring a time and channel control to be included in new television sets would not seem to violate the First Amendment.¹⁹⁶ Newer and more expensive, devices employ magnetic cards and card-readers to allow parents to control how many total hours of television can be watched.¹⁹⁷ In future years, Congress might also consider requiring that these devices be incorporated in television design.

Another useful step would be to require the entertainment industry to comply with the

same gun laws that law-abiding citizens must obey. The Hollywood moguls who promote pro-death cinema such as the *Terminator* and *Lethal Weapon* movies series are a much greater threat to public safety than gun collectors who keep a few war-time souvenirs locked in a case on their wall. At the least, the entertainment industry (and Congress too) ought to live by the same laws which it advocates for the rest of the country. Applying California's "assault weapon" ban to Hollywood, just as it applies to everyone else in California, would not violate the First Amendment.¹⁹⁸

There may be many other steps that could be taken to deal with violence-promoting entertainment. Those steps which do not infringe the freedom of speech deserve serious consideration.

Education and Socialization

The most important factor affecting how children deal with guns is how they are taught about them. A study of 675 Rochester, New York ninth and tenth graders contrasted children who had been socialized into gun use by their family with children who had been socialized into gun use by peers. For the children whose families had taught them about lawful gun use, the children were at no greater risk of becoming involved in crime, gangs, or drugs than children with no exposure to guns. But the children who were taught about guns by their peers were at high risk of all types of crime and improper behavior, including gun crime.¹⁹⁹

"For the children whose families had taught them about lawful gun use, the children were at no greater risk of becoming involved in crime, gangs, or drugs than children with no exposure to guns. But the children who were taught about guns by their peers were at high risk of all types of crime and improper behavior, including gun crime."

A survey of felony prisoners in Western Australia seems to validate the hypothesis that use of firearms in crime depends less on the availability of guns than on the social conditioning toward them. Rural Aborigines in northwest Australia grow up in a culture where they are surrounded by guns; yet those Aborigines who become criminals are far less likely to perpetrate armed crimes than are their white counterparts. As one Aborigine prisoner put, "Guns are for shooting tucker [food], not people."²⁰⁰ Likewise, Aborigine criminals who had been introduced to firearms by authority figures, such as fathers or grandfathers, were less likely to commit armed offenses than were criminals who had been introduced to guns by peers, such as brothers or friends.²⁰¹

The repressive gun laws of cities such as Chicago, Washington, and New York are not merely ineffective. These laws are themselves a cause of gun violence. By making gun ownership either illegal, or possible only for wealthy persons with the clout to move through numerous bureaucratic obstacles, the anti-gun laws drive most legitimate gunowners underground.

While a man who operates a *bodega* on the Lower East Side of New York City might keep a pistol hidden under the counter in case of a robbery (since he knows that the police cannot protect him), the man will likely not take the illegal gun out for practice at a target. Even if the man acquired a gun license, he could not take his teenage son to a target range to teach him responsible gun use. For the teenager even to hold the gun in his hand under immediate adult supervision at a licensed target range would require the teenager to acquire his own (expensive) handgun license.²⁰²

An airgun (which uses compressed gas to fire a pellet) can be safely fired inside an apartment, yet New York City makes it illegal for minors even to hold an airgun in their hands under direct parental supervision. Thus, the city closes off one more avenue for children to be taught responsible attitudes toward guns.

Having driven responsible gunowners into the suburbs or into hiding, New York, Chicago, and Washington are raising a generation of children whose only visible role models of gun ownership are criminals and violent television characters. In the city where no child can legally shoot a BB gun with his father, children learn about guns on the street, and shoot each other with .45 pistols.

In a society with 200 million guns, it is childish to imagine that gun control laws will prevent children from having access to guns. To fail to teach responsible gun use — under the supervision of responsible adults — to America's young people is to sow the seeds of a public health disaster, the murder epidemic that too many American cities have created for themselves.

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Sports Programs

One place where young people can be exposed to responsible approaches toward firearms is school sports. To require school districts to offer marksmanship programs would be an intrusion on local prerogative. On the other hand, there seems to be no downside to letting the decision about school programs remain under local control. State laws taking away such local authority should be lifted. In Illinois, laws make it difficult for high schools or colleges to offer target shooting as an option for student athletes.²⁰³

Target shooting has a number of benefits in the context of character development in a city or school. The emphasis on mental discipline leads some students to report improved ability to concentrate. Target shooting is non-sexist. Females play on the same teams as males, and regularly defeat them. Many differently-abled students (such as those in wheelchairs) can compete on equal terms with everyone else. Parents report that the sport helps students improve their ability to concentrate, and thus builds their study skills.²⁰⁴

The only facility needed can fit into a 20' by 50' room. A student who has been the worst player on the junior high football team can take up marksmanship for the first time in high school and win awards. And while high school or college football players do not learn an activity that they can enjoy for the rest of their lives, target shooting, like golf, is a lifetime sport; a number of national champions have been nearly 70 years old.

Target shooting has a lower injury rate than any other sport, and fights between competitors are nonexistent. From a safety standpoint, there has never been an incident of one competitor deliberately harming another in a sanctioned match. In baseball, spiked soles and beanballs are used to threaten, and sometimes inflict, serious bodily harm. Hockey, boxing, and football all involve the intentional infliction of physical suffering on the opponent.

According to the National Athletic Trainers Association, about 40% of American high school football players every year will sustain an injury that will "require the player to suspend activity for at least the remainder of the day on which the injury occurred." Nine thousand three hundred players will require knee surgery.²⁰⁵

Thomas Jefferson advised his nephew: "Games played with a bat and ball are too violent, and stamp no character on the mind...[A]s to the species of exercise, I advise the gun."²⁰⁶ Were Jefferson to visit a high school shooting competition, and then a high school football game where students cheered as a player was slammed to the ground, Jefferson would deem his view confirmed.

The surest argument against permitting schools to offer marksmanship classes is that doing so legitimizes gun ownership. So it does. Yet even America's gun control lobbies insist that they have no quarrel with legitimate use of long guns. If there is no campaign against

sporting use, and some sporting uses would reduce the injury rate in school sports, why not allow schools the choice?

The promotion of responsible gun habits through school sports programs will not turn hardcore gang members into law-abiding citizens, any more than the Police Athletic League programs turn all gang members into law-abiding football players. But sports programs can reach the large segment of the teen population that is susceptible to influence from a variety of sources.

Politically Slanted Education

Classroom education about responsible firearms attitude can also be valuable, especially if it does not promote a political agenda of its sponsor. The Eddie Eagle Elementary Gun Safety program (detailed on Page 18) teaches young children not to touch an unattended gun. There is no political content. Eddie Eagle, however, is limited, in that it is aimed at young children, and therefore designed to prevent accidents, not intentional crimes.

While Eddie Eagle has no political content, the Center to Prevent Handgun Violence, a tax-exempt off-shoot of the anti-gun lobby Handgun Control, Inc. offers a highly politicized "safety" program called "KIDS+GUNS: A Deadly Equation." The program has been adopted in Florida's Dade County Public Schools and elsewhere. The curriculum for younger students involves children's books which extol pacifism. For example, one book is Dr. Seuss's *The Butter Battle Book*, a volume written at the height of the nuclear freeze campaign, which posits moral equivalence between the United States and the Soviet Union. The book's allegorical message asserts that the conflict between Communist and Western society is as trivial as the conflict over which side of the bread that butter should be placed on. Accordingly, free societies and Communist countries should learn how to settle their trivial disputes without violence.

The many Cuban refugees now living in Dade County would likely be disconcerted to learn that their school system, in conjunction with a pacifist Washington organization, is promoting a curriculum based on the premise that the struggle against Communism was meaningless.

In contrast to the political programs, programs used at many other high schools and junior highs take a politically neutral approach, and employ violence management classes that help young people deal with anger. Using role-playing and other techniques, the programs explain that walking away from a fight over scuffed sneakers is not dishonorable, and that talking to a friend about a perceived insult is a better response than a deadly attack. These programs have a great deal to offer, and, even in times of budget shortages, deserve full funding.

Step Three: Move Beyond Symbolic and Badly-Conceived Anti-Gun Laws

A large number of gun control measures have been proffered as solutions to the problems of children and guns. Whatever may be the merits of these proposals regarding adult gun misuse, the programs will take our society no further to resolving the real problems of children and guns, but will instead offer legislators a convenient stratagem for avoiding real (and expensive) solutions.

Banning Handguns

In a survey of Washington, D.C. violent criminals confined at the Lorton, Virginia prison, the criminals (most of them under 30) did not seem to be influenced by gun control laws. Seventy-seven percent of them had acquired a handgun in the District, where handgun sales are illegal and handgun possession is almost entirely outlawed. Two out of three agreed that gun control would not reduce D.C.'s violence.²⁰⁷

The American Academy of Pediatrics proposes that handguns be outlawed for the entire population, since it is not suitable for children to have handguns. The Constitution has long been clear that the rights of adults may not be constricted to what is suitable for children. As Justice Frankfurter put it, allowing adults to possess only what is suitable for children, "is to burn down the house to roast a pig." Or as Justice White wrote, "The government may not reduce the adult population...to...only what is fit for children."²⁰⁸

After all, alcohol and tobacco are not suitable for children, but these products remain legal — even though they are associated with tens of thousands of deaths or crimes annually, and even though these two drugs have (unlike guns) no capacity to save lives by providing protection against crime.

Gun prohibitionist Katherine Christoffel, of the American Academy of Pediatrics, argues that the Second Amendment is obsolete, for "No one can believe that our Founding Fathers, in crafting the Second Amendment, intended to leave American children as vulnerable to firearms violence as they are today."²⁰⁹ But guns in the late 18th century and early 19th century were actually more prone to accidental discharge than they are today; guns were owned by a higher

"As long as Mayor Dinkins can respond to New York murders by talking about the Brady Bill, he will never be forced to re-examine the New York City government's disastrous welfare and child protection system."

percentage of the population, and guns were more likely to be kept loaded than they are today.²¹⁰ And then, as now, some persons contrasted the high American murder rate with the much lower British rate.²¹¹

The eagerness of gun prohibitionists to outlaw handguns is based in part on a determination that handguns are worthless. The American Academy of Pediatrics claims that a ban on handguns would be appropriate "because of their very limited ability to provide personal protection."²¹² But in fact, handguns provide an enormous public health benefit, because they are used so often to prevent crime; handguns are used for defense 645,000 times a year, or once every 48 seconds. (See discussion on Page 9).

Banning so-called "Assault Rifles"

Of the approximately 300 gun-related homicides committed against children under 14 in 1990, only 40 involved rifles of any type. Other studies have shown that for rifle homicides in general, fewer than a quarter involve calibers that could theoretically belong to an "assault rifle." Accordingly, no more than 10 of the 300 gun-related murders of children (about 3%) involve "assault rifles."²¹³

Banning Air Guns

The American Academy of Pediatrics calls for outlawing "deadly air guns," although only two deaths a year for the entire U.S. population involve air guns.²¹⁴ In terms of child deaths caused, air guns exact a toll about equal to that of baby rattles.

The Brady Bill

The "Brady Bill," requiring that handgun buyers receive police permission and wait at least 5 government-working-days, would have little effect on access to firearms by minors. Ever since the federal Gun Control Act of 1968, it has been illegal for anyone under 18 to buy a gun of any type, and illegal for anyone under 21 to buy a handgun.

Nevertheless, since children and guns are today's hot button for gun control, Brady Bill supporters claim that the main virtue of the bill is that it will save children's lives. "I'm not here to ask Congress to help me," announced Handgun Control, Inc. Chair Sarah Brady at a press conference reintroducing the Brady Bill. "But do it for our kids," she said, "They deserve a future. And we owe it to them to see that they have one." Mrs. Brady pointed out that nearly 4,000 persons under the age of 20 had been murdered in 1991. Acting Attorney General

"The 'Brady Bill,' requiring that handgun buyers receive police permission and wait at least 5 government-working-days, would have little effect on access to firearms by minors. Ever since the federal Gun Control Act of 1968, it has been illegal for anyone under 18 to buy a gun of any type, and illegal for anyone under 21 to buy a handgun."

Stewart Gerson chimed in that the Department of Justice endorsed the Brady Bill because Gerson was "sick of seeing kids gunned down in random violence."²¹⁵

Neither Mrs. Brady nor Mr. Gerson suggested how many lives might actually be saved by the Brady Bill. Nor did they cite studies showing how state-level laws like the Brady Bill, in effect in over 20 states, have saved lives, because there are no such studies; *all* the scholarly research has found no statistically significant anti-crime impact from laws such as the Brady Bill.²¹⁶

Some Brady Bill supporters acknowledge that the bill may have little impact, but they support it anyway because they believe that there is a need to "do something" about youth violence. While there is certainly a need to do something, enactment of the Brady Bill is worse than doing nothing.

To allow Congress and state legislatures to debate and enact waiting periods as if such laws would have a measurable impact on violent crime is to allow them a cheap political alternative to addressing the real causes of crime, including the social decay that has bred a callous ghetto culture, where human life is cheaper than a pair of sneakers.

HOW A WAITING PERIOD FOR GUN PURCHASES WOULD AFFECT CRIMINALS... (I'M SURE)



In this context, the Brady Bill is not simply a meaningless gesture; it is an active obstacle to dealing with the deadly problem of inner-city violence. As long as politicians can offer palliatives such as the Brady Bill, as long President Clinton can get away with telling audiences that the number one step in dealing with inner city crime is to pass the Brady Bill, then President Clinton and other politicians will never address the more difficult solutions that might make a genuine dent in the killing fields of inner city America.

It might also be noted that the problems of teenage gun crime are worst in cities such as New York, Chicago, and Washington with the most severe anti-gun laws. Not only are the laws in themselves ineffective, and not only have the laws repressed the visibility of responsible adult gunowners to set a good example for the next generation, the laws have enabled politicians such as Mayor Dinkins of New York and the Mayors Daley of Chicago to avoid dealing with the root of the violence problem. As long as Mayor Dinkins can respond to New York murders by talking about the Brady Bill, he will never be forced to re-examine the New York City government's disastrous welfare and child protection system. And until New York City does reform the policies that encourage the bearing of illegitimate children, and which provide those children no effective protection from widespread child abuse, New York City will remain an incubator for violent crime.

Buy-back programs

Government or private programs to buy guns from citizens willing to turn them in do have the advantage of not violating anyone's Constitutional rights. The buy-backs are well-intentioned, but they are a waste of taxpayer or corporate money. Buy-backs allow professional gun thieves a ready market for selling their stolen goods, no questions asked. The people who turn in firearms tend to be the widows of hunters, rather than teenage gang members who have suddenly decided to abandon a life of violence. Buy-backs also send the social message that dealing with violence can be accomplished by removing one instrument of violence, rather than controlling or reforming violent people and the conditions that create them.

As long as American cities remain the dangerous places that they are, the need to carry firearms for protection will persist (see Page 27). Thus, gun buy-backs are unlikely to make any significant dent in the numbers of youths carrying guns.

Banning Gun Possession by Minors

Some elected officials have proposed laws to more or less outlaw the possession of firearms by persons under 18. Oftentimes the laws are badly drafted, and outlaw activity which cannot rationally be considered illegitimate. For example, an ordinance was proposed in Aurora, Colorado that outlawed gun possession by minors in terms so broad that even minors with a state hunting license were forbidden to carry a firearm while hunting. Indeed, the ordinance even prevented a 17-year-old licensed hunter from another city from carrying an unloaded rifle in the trunk of his car, while driving along the interstate highway that passes through Aurora, on the way to go hunting elsewhere in the state.

As detailed above, it is already illegal nationwide for minors to buy guns in stores. The laws regarding gun possession by minors, then, make it unlawful for adults to give or loan guns to minors, even though being taught about guns by adults is the best way for minors to learn responsible attitudes about guns.

Because minors are not necessarily as responsible as adults, it might be Constitutional for laws to require that minors with guns be subjected to restrictions that could not Constitutionally be applied to adults. For example, a law could require that minors only carry guns if they have permission from their parents, or if they have passed a safety training class. The National Rifle Association has supported such laws in Arizona and Colorado.

On the other hand, many anti-minor laws unconstitutionally strip young people of their right to lawful self-defense. Does it really enhance public safety to enact laws which command that a 16-year-old female driving home from the library at night may not possess a handgun to shoot a rapist, or that a 17-year-old male who works the sales counter at his father's store may not have the right to resist a robbery with a shotgun — even when the minors have parental permission, and have passed a safety training class?

While minors generally are not accorded the broadest range of Constitutional rights applicable to adults, it is clear that the Constitutional rights of minors may not be wholly abridged. For example, while school newspapers may be subject to certain controls not applicable to independently-owned newspapers (since school papers are part of the school curriculum), juvenile students have free speech rights, even on school property.²¹⁷ Similarly, while lockers of juveniles in public schools can be searched under a "reasonable suspicion" standard rather than the "probable cause" standard that applies to adults, juveniles may not be stripped of Fourth Amendment protections and searched at will.²¹⁸ Students who are suspended from public school have Constitutional due process rights to a fair hearing, albeit not a full-blown adversarial hearing with a right to counsel.²¹⁹

Although a Constitutional argument could be made in favor of requiring minors who wish to carry a firearm for protection to pass a safety class or to receive written parental permission, there can be no Constitutional argument for completely abrogating the self-defense rights of minors.

Step Four: Start Dealing with Social Pathologies

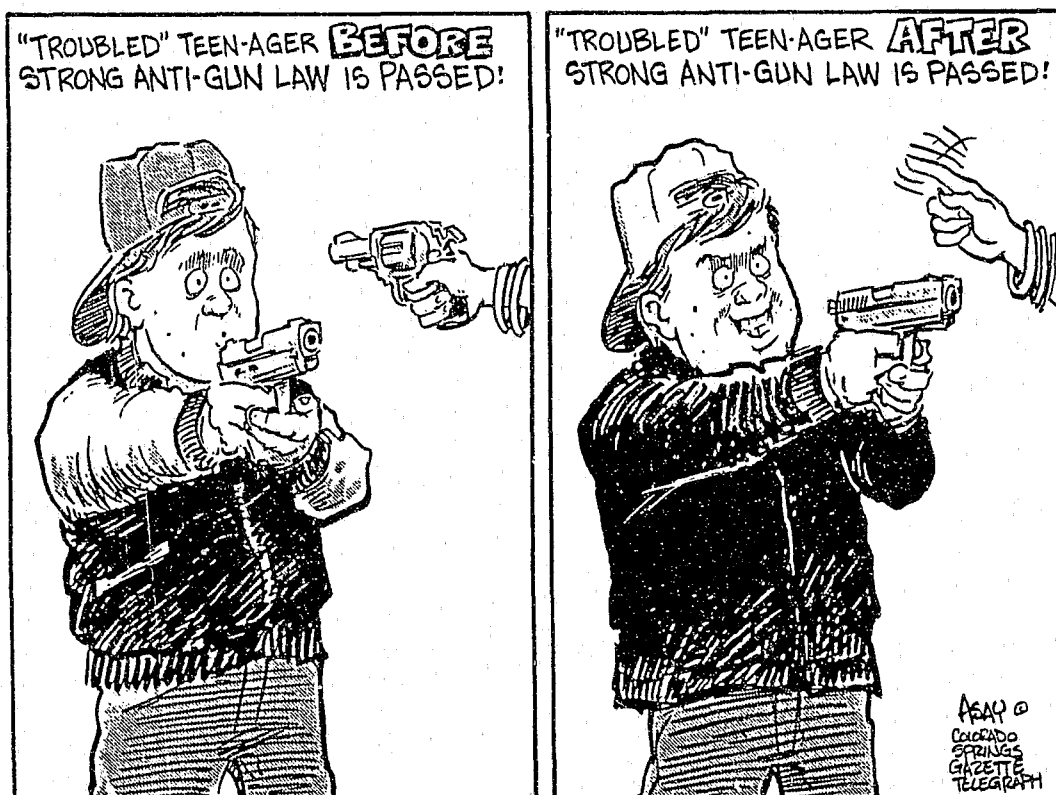
Improving the juvenile justice system is a first step toward reducing teenage criminal violence. (See suggestions on Page 49.) Taking violent teenagers off the streets is a more effective approach than leaving them on the street and enacting gun control palliatives. After all,

teenagers have ready access to drugs, despite the severe prohibition of drugs for nearly a century. It is foolish to pretend that gun control will somehow succeed where drug control has failed.

In the long term, the most effective solutions will be found in addressing the social conditions that have caused so many inner-city youth to value their own lives and the lives of others so cheaply. As one author put it, "The solution is in the playpen, not in the state pen."²²⁰ Every day hundreds of children are born to women with inadequate pre-natal care, and hundreds more are physically and sexually abused. Many more children, while not directly abused, suffer from "father hunger," growing up in a family where the father has left, or was never present to begin with. And today, 18% of American children live in poverty. Does it make sense to start spending more money on children today, knowing that a child who can lead a healthy childhood is much less likely to need to be incarcerated (at great taxpayer expense) when he becomes a teenager?

There are no simple solutions to today's social pathologies; if there were, the solutions would already have been implemented. Yet the sooner it is recognized that political discussion about violence must start debating the ways to remedy urban decay, and must abandon the focus on useless gestures such as gun control, the sooner America will begin making forward progress.

Social programs, unlike gun control, typically involve heavy tax revenue expenditures. That is one reason why New York City Mayor David Dinkins makes a ban on semiautomatic "assault weapons" (used in about 1% of New York City gun crime²²¹) the focus of his anti-crime effort, and why he ignores the shambles at the City's child welfare agencies, where barely literate city employees do nothing to save children from being murdered by their parents, even when the children arrive at city hospitals time and again with broken bones, scars, and bruises symptomatic of child abuse.²²²



True, hiring child abuse workers who can write coherent English is more expensive than New York City's current policy of hiring those who cannot. And skimping on early childhood programs also produces short-term savings. In the long run, though, these savings are dwarfed by the costs of imprisoning children who could have been helped, but who have grown into criminals.

One promising approach to preventing crime is Hawaii's Healthy Start program. The state identifies at-risk parents (alcoholics and victims of child or spouse abuse) and offers them free in-home counseling. The program helps parents learn non-abusive approaches to child care, and also assists the parents' application for Medicaid assistance and job training programs. While at-risk parents who are not contacted by the program have a 20% risk of perpetrating child abuse, the abuse rate in homes covered by Healthy Start is only 2%. Since child abuse is linked to crime (84% of first-time juvenile offenders in Denver reported having been abused before age 6), the funds expended in Healthy Start result in savings many times over in reduced criminal justice and victim treatment costs.²²³

Another innovative approach is the Positive Adolescent Choices Training (PACT) program, which uses role-playing to help teenagers deal with anger through talking problems out, rather than "getting even" through a physical attack. PACT and similar programs aim to help teenagers develop empathy for other persons.²²⁴

There are many other ways that American government can work to remediate the social ills that lie at the heart of America's problem of inner-city teenage violence. Fixing the present government schools system would certainly be a start. (See discussion on Page 35.)

While Americans must insist that the government begin confronting the real causes of crimes, the problem is ultimately not within the government's sole power to solve. The problem can only be solved one child at a time, as America's more affluent population reaches out to its neighbors through Big Brother programs, literacy tutoring, the Boy Scouts and Girl Scouts, church programs, and the great range of private endeavors that have worked for America in previous decades.²²⁵ As the African saying puts it, "It takes a whole village to raise a child." Such an approach requires far more effort on the part of every citizen than simply watching the evening news and nodding in agreement as President Clinton promises that enacting the Brady Bill will reduce teenage gun violence. Perhaps that is why President Clinton, and so many other politicians, are so eager to offer voters the placebo of gun control, rather than to challenge voters with the moral obligation to lead the moral and social reconstruction of urban America.

Conclusion

America does have a problem with children and guns, but the problem is very different from the one invented by the anti-gun lobbies. These lobbies distribute booklets with a cover of an infant playing with a gun. Yet while there are 40,000 infant deaths every year, perhaps one is a gun accident.²²⁶ Gun accidents have declined by 50% in the last two decades, and can continue to fall even more unless anti-gun bureaucrats succeed in quashing safety education programs.

Contrary to the assertions of gun prohibitionists, there is no epidemic of teenage gun suicide; the teenage suicide rates and gun suicides rates have been stable since the 1970s. The most persuasive social science research indicates that gun controls will not impact teenage suicides.

America has a terrible problem of teenage gun crime, both in and out of schools. Despite the sometimes hysterical claims of the national media, the problem is not uniform throughout America, but is very heavily concentrated among older adolescent males in large metro areas, and within that group heavily concentrated among urban low-income blacks.²²⁷ Within this group, the rate of gun-related death is appallingly large, and calls for immediate action.

Dealing with the social pathologies that beset inner-city minorities is the most realistic approach to dealing with the group's very high homicide rate. Since drugs are readily available in the inner city, despite extremely severe national prohibition, it is foolish to expect that gun controls will take guns out of the inner cities. The longer that the debate focuses narrowly on one of the symptoms of social decay — the use of guns in homicide — the longer the elected officials and American society will postpone the difficult work of restoring hope to the underclass.

Gun control advocates, however, attempt to shift the focus away from the despair of the inner city, and convince America that there is a children and guns epidemic throughout the United States. While isolated incidents of firearms homicide are sometimes used as the basis for a claim that teenage firearms homicide is prevalent throughout America, the claim has no statistical basis in fact.²²⁸ As detailed above, some medical organizations misinform the public through offering wildly inaccurate claims about children and guns.²²⁹

At 1966 hearings dealing with the problem of "juvenile delinquents" using guns, Senators Edward Kennedy, Thomas Dodd, and others wrote a report which promised, "By prohibiting the mail-order traffic in concealable firearms entirely and restricting the over-the-counter purchase of concealable firearms by nonresidents, and by regulating the mail-order traffic in shotguns and rifles, the problem will be substantially alleviated."²³⁰ Every one of Senator Kennedy's proposals (and then some) became federal law in the Gun Control Act of 1968.

Twenty-five years later, there is no reputable criminological evidence that the restrictions have "substantially alleviated" the problem of juvenile delinquents carrying guns. Yet rather than concede that the Gun Control Act of 1968 is a failure and should be repealed, gun control advocates call for more and more restrictive legislation, which they promise — this time for sure — will take guns away from juveniles.

The reality of American history is that juveniles have always had ready access to firearms, ever since the first old world settlers arrived in Massachusetts and Virginia. With 200 million guns (a third of them handguns) already in private hands, the situation is not likely to change. What has changed in recent decades is not the availability of guns to juveniles, but the way that juveniles have treated those guns.

"Gun control" became a major national issue in modern times thanks to Connecticut Senator Thomas Dodd's Juvenile Delinquency Subcommittee. Senator Dodd had been preparing to hold the television and motion picture industries accountable for the surge in teenage violence perpetrated by "juvenile delinquents." The industries persuaded Senator Dodd to direct his fire at guns instead, and Senator Dodd made himself a national celebrity by taking up the "gun control" cudgel.

The history of the juveniles and guns issue in the United States has been three decades of politicians who dislike the idea of private gun ownership pushing for "one more" repressive gun control that will supposedly disarm youthful thugs. The laws never succeed, but the sponsors of the failed laws respond by pushing for yet another law which will supposedly succeed where the last one did not. Every time gun control fails, the explanation is that more gun control is needed; the pattern brings to mind the story Abraham Lincoln told about the man who sawed a piece of wood three times — and it was still too short.

Free-market economists such as Ludwig von Mises have noted that government intervention in the economy which produces inflation tends to damage the economy, thus producing calls for yet more intervention, which further damages the economy, and produces a demand for yet more intervention. In terms of producing ever greater governmental intrusion in economic affairs, nothing succeeds like the failure of previous intrusions.

The gun prohibitions and near-prohibitions of cities such as Washington, Chicago, and New York, have not only failed to disarm criminals, they have substantially worsened gun crime by leaving generations of children with no positive models of responsible civilian gun use. The only gun-users that children in these cities can regularly see are criminals, police (often perceived as a hostile presence), and the most irresponsible set of gun users possible: television and movie characters.

Will elected officials continue to offer the public only the empty promises of gun control,

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or will they begin the hard work of combatting the true causes of American violence? The answer may determine whether the Americans of the 1990s bequeath to 21st century Americans a society with more violence and less freedom, or a society that in the 1990s finally began to reverse the blight of its inner cities.

Endnotes

1. John Darling, former member of the Board of Directors of the Center to Prevent Handgun Violence, "You Must Educate Your Children," *USA Today*, June 19, 1989. (The Center is a tax-exempt spin-off of the anti-gun lobby Handgun Control, Inc.).
2. Richard Reeves, "Give Gun Control a Chance," *Baltimore Sun*, Sept. 25, 1992, p. 9.
3. Marc B. Goldstein, "Guns Don't Kill but They Sure Make it Easier," *Hartford Courant*, July 5, 1992, p. 14.
4. Sen. Joseph Biden, "Statement of Senator Joseph R. Biden, Jr., Chairman, Senate Judiciary Comm., 'Children and Guns: Why the Recent Rise?'" Senate Comm. on the Judiciary, Oct. 1, 1992, p.2 ("135,000 children are carrying guns to school everyday [sic]"); Senator John Chafee, "Testimony of Senator John H. Chafee Before the Senate Judiciary Committee During Hearings on 'Kids and Guns'," Oct. 1, 1992, p. 1 ("An estimated 135,000 boys carry guns to school every day."); Dr. Katherine Christoffel, American Academy of Pediatrics, testimony on "Children and Guns," House Select Comm. on Children, Youth and Families, June 15, 1989 ("An estimated 135,000 boys carried handguns to school daily in 1987..."). Also, "When Guns Go to School," *USA Today*, Feb. 28, 1992; *Crime Control Digest*, Aug. 5, 1991, p. 9.
Senator Christopher Dodd pegs the number even higher. "Statement of Senator Christopher J. Dodd," Hearing on "Children of War: Violence and America's Youth," Senate Subcomm. on Children, Family, Drugs, and Alcoholism, July 23, 1992, p. 1. ("Each day, 186,000 students bring a gun to school, many out of fear.")
5. American Academy of Pediatrics, reported in "Doctors Worry About Gun Deaths," *Aurora Beacon News*, Oct. 23, 1989 (Associated Press). The 45,000 figure is much larger than the total number of gun deaths for all ages combined.
6. C. Everett Koop & George D. Lundberg, "Violence in America: A Public Health Emergency," *Journal of the American Medical Association*, 267 (June 10, 1992), p. 3075. The actual number of annual suicides (by all methods) is about 30,000, and the number of homicides (by all methods, and including lawful killings) is about 22,000. National Center for Health Statistics, data for 1988. Thus, Dr. Koop's suicide-homicide claim is about 20 times too high.
7. "Kids and Guns: A Report from America's Classroom Killing Grounds," *Newsweek*, March 9, 1992, p. 22.
8. Teret & Wintemute, "Handgun Injuries: The Epidemiologic Evidence for Assessing Legal Responsibility," 6 *Hamline Law Review* 341, 346 (1983).
9. United States General Accounting Office, *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented*, March 1991 (hereinafter "GAO Report"), p. 2.
For children under 15, accidental deaths are about 43% of total firearms deaths. For persons over 15, however, accidents constitute only 5% of firearms deaths. For children under 15, males are three times as like to suffer a fatal accident as females, and whites are more likely to suffer an accident than blacks. Patti J. Patterson & Alfonso H. Holguin, study of Texas incidents published in *Texas Medicine*, and discussed in "Survey Says 43% of Childhood Firearms Deaths Unintentional," *Crime Victims Digest*, July 1990, p. 9.
There are as many as 105 nonfatal accidental injuries for every accidental fatality. Data from 10 cities, reported in GAO Report, p. 4.
Including non-fatal accidents, gun accidents cause 1 billion dollars in lifetime medical costs per year for all

age groups. GAO Report, p. 3. Total American medical expenditures in a given year are about 390 billion dollars.

10. Figures from the graph at the bottom of the page are from the National Safety Council's annual book *Accident Facts*. The 1989 and 1990 figures are estimates from the National Center for Health Statistics.

11. National Safety Council, *Accident Facts: 1992 Edition* (Itasca, Illinois: National Safety Council, 1992), p. 22.

In Colorado, there are an average of four fatal firearms accidents per year among children aged 0-14. Johns Hopkins Injury Prevention Center, *Childhood Injury State-by-State Mortality Facts* (Johns Hopkins Univ. Sch. of Public Health: Jan. 1989), p. 46.

12. *Accident Facts, 1992 Edition*, p. 33. (The figures are not broken down by age group.)

13. *Accident Facts: 1992 Edition*, p. 37.

14. *Accident Facts: 1992 Edition*, p. 33. The 1989-91 figures are estimates.

15. Gary Kleck, *Point Blank* (Hawthorne, New York: Aldine, 1991), chapter 7.

16. For example, an American Academy of Pediatrics advisor claims "five hundred." Dr. Robert Tanz, Northwestern University Medical School, quoted in Joan DeClaire, "Kids & Guns," *View*, Sept./Oct. 1992, pp. 30, 33.

17. GAO Report, p. 2.

18. *Accident Facts: 1992 Edition*, p. 22.

19. *Accident Facts, 1992 Edition*, p. 22.

20. Jane Mattern Vachon, "Should You Trust a Tail-Wagging Dog?" *Reader's Digest*, Nov. 1992, p. 134.

21. R.K. Lee & J.J. Sacks, "Latchkey Children and Guns at Home," *Journal of the American Medical Association* 264 (1990): 3120. The study also asserted, but offered no evidence to prove, that latchkey children were a risk factor for gun accidents.

22. *Accident Facts, 1992 Edition*, p. 65 (1988 figures).

23. *Accident Facts, 1992 Edition*, p. 22.

24. Centers for Disease Control, "Mortality and Morbidity Weekly Report," March 11, 1988, pp. 144-45.

25. The number of children under age 5 who die in fires started by playing with cigarette lighters is 90. *Consumer's Research*, May 1988, p. 34. The figure for drowning deaths is from National Safety Council figures for 1988.

The chances that a child between the ages of one and nine will die from a firearms related injury are about 1 in 10,000. (Based on Maryland data for 1980-86 contained in the article "Firearms Fatalities: A Leading Cause of Death in Maryland," and prepared by the Johns Hopkins School of Hygiene and Public Health.

26. Gary Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems* 35 (No. 1, Feb. 1988): 1-21.

The NAAV had hired Peter Hart, a leading Democratic pollster, to survey Americans on guns, and to ask,

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among other things: "Within the past five years, have you yourself or another member of your household used a handgun, even if it was not fired, for self-protection or protection of property at home, work, or elsewhere, excluding military service or police work?" Six percent answered "yes." Follow-up questions revealed that 3% of the defensive users has used the handgun against a person, 2% against an animal, and 1% against a both. (That 4% saying "yes" to defensive gun use against persons meant that about 18% of households where a handgun was owned for protection had actually used the handgun for protection.)

Kleck took Hart's number of 4% "yes" for use of a gun in defense against a person in the last five years. Kleck made the conservative assumption that each "yes" related to only one gun usage in the last five years — that no household used a firearm for self-defense two or more times in the five years. Thus, 3,224,880 households reported self-defense usage. Kleck then divided by five (since the question had asked about usage in the last five years) to arrive at an estimate for the annual number of uses of a handgun for self-defense: 644,976. (Or roughly once every 48 seconds.) The 95% confidence interval for Kleck's estimate is 468,000 to 822,000 uses per year.

Since Kleck's estimate is based on responses to a pollster, it should be emphasized that the 645,000 figure is necessarily imprecise. The original question posed by Peter Hart could have elicited a "yes" answer from an insecure gunowner who had perceived a criminal threat which did not in fact exist. Kleck partly controlled self-defense inflation from false "yes" answers by assuming that each "yes" answer related to only one defensive use. In addition, the 645,000 estimate applies only to handguns; the original question did not ask about defensive use of rifles or shotguns.

27. Discussed in Kleck, *Point Blank*.

28. James Wright and Peter Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (New York: Aldine, 1986).

29. GAO Report, p. 4. The Senator introduced the bill as S. 892 in the 102d Congress. The laws restricting the Consumer Product Safety Commission are found at 15 U.S.C. § 2052(a)(1)(E) & § 2080(d)&(e).

30. GAO Report, p. 24 (345 of 1,501 accidental deaths studied). It should be noted that GAO prepared the study at Senator Metzenbaum's request, and it is not impossible that the Agency tried to arrive at policy conclusions which would please the powerful Senator.

31. Paul Blackman, *Children and Firearms: Lies the CDC Loves*, paper presented at the American Society of Criminology, New Orleans, Nov. 4-7, 1992, p. 17 and 23.

32. Also the Ruger refit benefitted any owner who thought that he might accidentally drop the gun one day. The government retrofit would benefit only those owners who expected the gun to one day be handled by a person reckless enough to point a gun at someone else for fun.

33. GAO Report, p. 3.

34. About 3.5% of accidents included children under 5, but the GAO study made children under 5 into 8% of the sample. Conversely, 40% of firearms accidents involve persons over 30, but the GAO sample included only 16% from this age group. Office of Policy, Assistant Comptroller General, Letter to Dr. Paul Blackman (NRA), May 31, 1991. Accordingly, the GAO's estimate that a childproof grip would save \$170 million per year in medical costs was likely at least twice as high as it should have been. GAO Report, p. 4.

The GAO also likely overestimated the number of handguns involved in gun accidents, since the GAO sample over-represented urban areas, where the handgun: long-gun ratio is apt to be higher.

The GAO's estimate of the medical costs which arguably could be saved through increased gun regulations may be compared to the two billion dollars annually that are spent on medical care for persons injured while sliding

into base during softball games. There are about 1.7 million sliding injuries per year, which cost an average of \$1,223 to treat.

35. GAO Report, at 3.

36. "Modifications in gun design are unlikely to reduce injury, since those at greatest risk are preteen and teenage boys, both of whom possess adult abilities to circumvent gun safety features." "Policy Statement: Firearms and Adolescents," *AAP News*, Jan. 1992.

37. Massad Ayoob, *Gun Proof Your Children* (Concord, N.H.: Police Bookshelf, 1986), p.8.

38. In regards to rifles, many so-called "assault rifles" can use plastic, translucent magazines (ammunition feeding devices), which make it easier for the user to tell if the gun is loaded.

39. Kleck, *Point Blank*, pp. 280-81.

40. Fla. Stat. §§ 784.05, 791.175.

41. SB 92-182. A spokesman for the Denver Police Department defended the provision by telling the Senate Judiciary Committee that shooting a person is a traumatic experience which should be avoided.

42. For example, *Farley v. Guns Unlimited and S.W. Daniel, Inc.*, Virginia Beach, Virginia Circuit Court, no. 89-2047; *Bengston v. Intratec U.S.A.*, Superior Court of Middlesex, Conn., No CV-87-00487025 (case dismissed).

43. The trial court threw out the suit against the Boys Scouts, but allowed the suit against the advertisers to proceed. *Way v. Boy Scouts of America*, no. 90-12265-I, discussed in "Boy Scout Gun Suit Rejected," *ABA Journal*, Jan. 1992, p. 21.

44. Kevin Simpson, "While Children Die, Colorado Balks at Firearms Reforms," *Denver Post*, Sept. 26, 1991, p. B1.

45. GAO Report, p. 18 (of 107 accidental deaths examined, at least 90 involved violation of NRA gun safety practices).

46. M. Heins, R. Kahn, & J. Bjordnal, "Gunshot Wounds in Children," *American Journal of Public Health* 64 (1974): 326-30.

47. William W. Treanor & Marjolijn Bijlefeld (Educational Fund to End Gun Violence), *Kids & Guns: A Child Safety Scandal* (2d ed.), p. 17.

48. American Trauma Society, Pennsylvania Division, "Ouch!" *Anybody Can Get Hurt*. One shortcoming of the Pennsylvania brochure is that it teaches by negative example. Rather than showing a child refusing to touch the gun, the comic shows the child accidentally shooting a friend. In contrast, the fire safety example shows a child leaving a burning house, rather than a child being burned to death after he fails to evacuate.

49. Even the *Washington Post* calls Eddie Eagle a "must for any parent who keeps a gun in the home." *Washington Post*, Jan. 7, 1992, p. B5.

50. Cheryl Jackson, "Gun Safety Backers Shun NRA Material," (Cleveland) *Plain Dealer*, March 27, 1992.

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51. National Committee for Injury Prevention and Control, *Injury Prevention: Meeting the Challenge* (New York: Oxford, 1989), p. 266. Similarly, a government researcher in Western Australia concluded that firearms safety classes in high schools might reduce injuries. Nevertheless, the researcher opposed the idea because classes might encourage an interest in firearms and because instructors might suggest it was legitimate to own firearms. O.F. Dixon, *Review of Firearms Legislation: Report to the Minister for Police and Traffic* (Perth, Australia: Government Printer, 1981).

52. Ronald E. Vogel & Charles Dean, "The Effectiveness of a Handgun Safety Education Program," *Journal of Police Science and Administration* 14 (1986): 242-49. The program failed to change the reckless habits of the small percent of handgun owners who do not ensure that their gun is unloaded before cleaning it.

53. American Academy of Pediatrics, Committee on Adolescence, *News Release*, p. 21.

54. In a test program in Charlotte, North Carolina, the city's Police Department made April 1985 into "Handgun Safety Month," and blitzed the city with public service announcements, brochures, and speeches. Follow-up polling showed that the program significantly increased the percentage of handgun owners who kept their gun locked, but did not increase the numbers of owners who took additional safety classes or who taught their children about handguns. Ronald E. Vogel & Charles Dean, "The Effectiveness of a Handgun Safety Education Program," *Journal of Police Science and Administration* 14 (1986): 242-49.

A rather implausible criticism of Eddie Eagle was offered by ABC Primetime Live's Diane Sawyer. In a program that described the problems of accidental shootings by children, and also detailed the Eddie Eagle gun safety education program, Ms. Sawyer stated, "In the last year we could find figures available, there was a 25 percent increase in the number of 16-year-old kids committing homicides with guns. So coloring books are not working." "Real Young Guns," *ABC News Primetime Live*, Feb. 22, 1990, show #129, transcript p. 2. Ms. Sawyer's conclusion failed to consider that 1. Eddie Eagle is intended to prevent accidents involving pre-teen children, rather than intentional murders by teenagers; and 2. no person aged 16 at the time Ms. Sawyer's statistics were compiled could have taken the Eddie Eagle safety class.

55. Kleck, *Point Blank*, chapter 6; Hunter Education Association, *Hunting Accident Report with Graphics of 1986-1990 Data* (Seattle: Outdoor Empire Pub., 1991).

56. National Safety Council, *Accident Facts, 1968 edition* and *Accident Facts, 1991 edition*.

57. New Zealand Police & New Zealand Mountain Safety Council, *Beginning with Airguns* (Wellington, Government Printer, 1986), p. 2.

58. In *Billy Hook Goes to Manuka Lodge*, young Billy learns essential gun safety rules. Home from the lodge, he goes target shooting with his father. See also, New Zealand Police & New Zealand Mountain Safety Council, *Gun Safety with Billy Hook* (n.d.).

59. New Zealand Police, *Arms Code: Firearms Safety Manual Issued by the New Zealand Police* (Upper Hutt, New Zealand: Wright & Carman, n.d.), p. 33.

60. Charles I.H. Forsyth, *Firearms in New Zealand* (Thorndon, Wellington: New Zealand Mountain Safety Council, 1985), pp. 2, 121.

61. In a highly-publicized shooting of a 10-year-old boy by a playmate, the playmate was reportedly watching a movie called *Gorcha*. The playmate asked his friends if they wanted to see a real gun, and went to his father's closet to get a .357 magnum, which he then loaded and accidentally fired. "Real Young Guns," *ABC News Primetime*

Live, Feb. 22, 1990, show #129, transcript, p. 1.

62. A.N. Meltzoff, "Imitation of Televised Models by Infants," *Child Development* 59 (1988): 1221-29; A.N. Meltzoff, "Memory in Infancy," in eds. L.R. Squire, J. Byrne, L. Nadel, H. Roedinger, D. Schacter, R. Thompson, *Encyclopedia of Learning and Memory* (New York: MacMillan, 1992).

63. William W. Treanor & Marjolijn Bijlefeld (Educational Fund to End Gun Violence), *Kids & Guns: A Child Safety Scandal* (2d ed.). The photo is also used by Handgun Control, Inc.'s tax-exempt spin-off. Center to Prevent Handgun Violence, "Handgun Violence: An American Epidemic" (no date)(fund raising flyer).

64. *Accident Facts, 1992 Edition*, p. 22 (1988 data).

65. Philip Cook, "The Role of Firearms in Violent Crime: An Interpretative Review of the Literature," in eds. M. Wolfgang and N. Weiler, *Criminal Violence* (Beverly Hills, California: Sage, 1982), pp. 236, 269. Also, Roger Lane, "On the Social Meaning of Homicide Trends in America," in ed. Ted R. Gurr, *Violence in America*, vol. I (1989), p. 59 ("[T]he psychological profile of the accident-prone suggests the same kind of aggressiveness shown by most murderers."); Kleck, *Point Blank*, pp. 282-87.

66. Richard Reeves, "Give Gun Control a Chance," *Baltimore Sun*, Sept. 25, 1992, p. 9 (citing David Brent et al "The Presence and Accessibility of Firearms in the Homes of Adolescent Suicides," *Journal of the American Medical Association*.)

67. David A. Brent, J. A. Perper, C.J. Allman, G.M. Moritz, M.E. Wartella, J.P. Zelenak, "The Presence and Accessibility of Firearms in the Homes of Adolescent Suicides: A Case-controlled Study," *Journal of the American Medical Association*, 266 (1991): 2989-95.

68. Mark L. Rosenberg, James A. Mercy, & Vernon Houk, "Guns and Adolescent Suicides," *JAMA* 266 (1991): 3030.

69. *JAMA*, 267 (April 8, 1992), p. 1992.

70. John Chafee, "Children Carrying Weapons: Why the Recent Increase," testimony before U.S. Sen. Comm. on the Judiciary, 102d Cong., Oct. 1, 1992, p. 1.

71. Richard Reeves, "Give Gun Control a Chance," *Baltimore Sun*, Sept. 25, 1992, p. 9.

72. E. Robins, G.E. Murphy, R.H. Wilkinson Jr., S. Gassner, & J. Kayes, "Some Clinical Considerations in the Prevention of Suicide Based on a Study of 134 Successful Suicides," *American Journal of Public Health* 49 (1959): 888-99; B. Barraclough, J. Bunch, B. Nelson, P. Sainsbury, "A Hundred Cases of Suicide: Clinical Aspects," *British Journal of Psychiatry* 125 (1974): 355-73.

73. "Behaviors Related to Unintentional and Intentional Injuries Among High School Students — United States, 1991," *Morbidity and Mortality Weekly Report*, 41 (Oct. 16, 1992), p. 761.

74. U.S. House of Representatives, *Children and Guns*, hearing before the Select Comm. on Children, Youth, and Families, 101st Cong., 1st sess., June 15, 1989, p. 45.

75. Treanor & Bijlefeld, 1989, p. 3.

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76. Handgun Control, Inc., *Handgun Facts*; Center to Prevent Handgun Violence, *Facts about...Teen Suicide & Handguns* 1991 (flyer).
77. National Center for Health Statistics, *Vital Statistics of the United States*, vol. II, "Mortality: Part A," (Wash.: U.S. Pub. Health Serv., 1991).
78. American Academy of Pediatrics, Committee on Adolescence, *News Release*.
79. The data in the graph is based on the "Suicide Date Page" for the years 1986, 1987, 1988, and 1989 prepared by J.L. McIntosh for the American Association of Suicidology, and on other data graciously supplied by the Association to the author. The data is derived from reports for the National Center for Health Statistics, and published annually in *Vital Statistics of the United States*. The graph presents data for the age grouping of 15 to 24 years because that is how the National Center for Health Statistics collects and disseminates the data. Data only for persons aged 19 or under was not available.
- The suicide rate for persons aged 5-14 is considerably lower, amounting to 0.7 per 100,000 population per year (in 1987, 1988, and 1989; and 0.8 in 1986).
80. L.D. Hankoff, "Suicide," *JAMA* 268 (Dec. 9, 1992): 3257 (review of *Assessment and Prediction of Suicide*).
81. American Academy of Pediatrics, Committee on Adolescence, 1992.
82. Kleck, *Point Blank*, chapter 6.
83. Statement of Prof. Gary Kleck before the U.S. House of Representatives, *Children and Guns*, hearing before the Select Comm. on Children, Youth, and Families, 101st Cong., 1st sess., June 15, 1989, pp. 57, 64 (showing National Center for Health Statistics data for 1974-85). About 60% of suicides of persons under age 19 involve a firearm, about the same as the percentage for the population as a whole.
84. Gun Control Act of 1968, 18 United States Code, §§ 921-29.
85. While federal restrictions on interstate gun sales probably could not be expected to have any effect on suicide, many states and cities were adopting handgun licensing laws, which in effect served as a "cooling off period" for handgun buyers, but which apparently had little impact on suicide.
86. Citations to many of the leading studies can be found in Peter A. Marzuk, Andrew C. Leon, Kenneth Tardiff, Edward B. Morgan, Marina Stajic, & J. John Mann, "The Effect of Access to Lethal Methods of Injury on Suicide Rates," *Arch. Gen. Psychiatry*, 49 (June 1992): 451-58.
87. For an article arguing in favor of the detoxification program, see Ronald V. Clarke & Pat Mayhew, "The British Gas Suicide Story and Its Criminological Implications" in ed. Michael Tonry & Norval Morris, *Crime and Justice: A Review of Research* 10 (Univ. of Chicago, 1988): 79-116.
88. Some of the studies arguing that gun control could reduce suicide, see J. Boyd, "The Increasing Rate of Suicide by Firearms," *New England Journal of Medicine*, 308 (1983): 872-74; J. Boyd & E. Moscicki, "Firearms and Youth Suicide," *American Journal of Public Health*, 76 (1986): 1240-42; R. Markush & A. Bartolucci, "Firearms and Suicide in the United States," *American Journal of Public Health*, 74 (1984): 123-27; D. Brent et al., "The Presence and Accessibility of Firearms in the Home of Adolescent Suicides," *JAMA* 266 (1991): 2989-95.
89. "Teenage Deaths Increasing Across Europe," *CJ International* 1 (Nov.-Dec. 1991), p. 4.

90. Kopel, *Samurai*, pp. 20-21.
91. L. Craig Parker, *The Japanese Police System Today: An American Perspective* (Tokyo & New York: Kodansha International, 1984), p. 149.
92. Kleck, *Point Blank*.
93. Elisabeth Scarff, *Evaluation of the Canadian Gun Control Legislation* (Ottawa: Canadian Government Publishing Centre, 1983) (prepared for the Solicitor General of Canada), pp. 5, 29.
94. Robert J. Mundt, "Gun Control and Rates of Firearms Violence in Canada and the United States," *Canadian Journal of Criminology* 32 (no.1, January 1990), pp. 144-46; Paul Blackman, *The Canadian Gun Law: Bill C-51 Its Effectiveness and Lessons for Research on the "Gun Control" Issue*, paper presented at American Society of Criminology, Cincinnati, Ohio, November 7-11, 1984, p. 17. The total Canadian suicide rate rose from 12.8 in 1970-77 to 14.1 in 1978-85. During the late 1970s and early 1980s, many American states enacted preemption laws, which forbade local governments to regulate guns, and abolished existing local regulations.
95. John Henry Sloan, Frederick P. Rivara, Donald T. Reay, James A.J. Ferris, Arthur L. Kellerman, "Firearms Regulations and the Rate of Suicide: A Comparison of Two Metropolitan Areas," *New England Journal of Medicine*, 322 (Feb. 8, 1990): 369-73.
96. See W.L. Reese, *Dictionary of Philosophy and Religion* (Atlantic Highlands, N.J.: Humanities Press, 1980), p. 168.
97. There is no research proving that gun ownership is associated with mental health. It is interesting to note, however, that the western Pennsylvania study (see text at note 67), showed the homes of mentally ill/suicidal teenagers to possess guns at a lower overall rate than is generally believed to exist for western Pennsylvania as a whole. Paul Blackman, "Firearms Access and Suicide," *JAMA*, 267 (June 10, 1992), p. 3026 (letter to the editor).
- Japanese scholars Mamoru Iga and Kichinosuke Tatai argue that one reason Japan has a suicide problem is that people have little sympathy for suicide victims. Iga and Tatai suggest that the lack of sympathy (and hence the lack of social will to deal with a high suicide rate) is based on the Japanese' feelings of insecurity and consequent lack of empathy. They trace the lack of empathy to a "dread of power." That dread is caused in part by the awareness that a person cannot count on others for help against violence or against authority. In addition, say Iga and Tatai, the dread of power stems from the people being forbidden to possess swords or firearms for self-defense. Mamoru Iga and Kichinosuke Tatai, "Characteristics of Suicide and Attitudes toward Suicides in Japan," in ed. Norman L. Farberow, *Suicide in Different Cultures* (Baltimore: University Park Press, 1975), p. 273.
- Stated another way, Japanese firearms prohibition is part of an ethic that subordinates the individual to society. When the individual finds himself not fitting in to social expectations, self-destruction may often seem appropriate, since in a conflict between the individual and society, society is, by definition, right. It is interesting to note that the overall violent death rates (counting both murders and suicides) in many of the developed countries are approximately the same. America has a high murder rate, but a relatively low suicide rate. Japan and Switzerland have very low murder rates, but suicide rates twice the American level. Seymour Martin Lipset notes the high suicide rates in Japan and western European countries and speculates that "psychopaths there turn it on themselves." David Rosenbaum, "The Symptoms Surround Us, But What is the Malady?" *New York Times*, April 5, 1981, p. IV:1, col. 5.
- The suggestion that strict firearms controls or uninterest in firearms are, at least indirectly, related to authoritarian cultural attitudes that promote suicide or to feelings of individual helplessness that promote suicide is, of course, merely an indication of a potentially interesting area for further research, rather than a definitive conclusion.

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98. Canadian law allowed long gun purchases at age 16, and handgun purchases at age 18. Canadian Criminal Code §§ 104(2)(a), 106.1 (3)(a). [The ages were raised by laws enacted in late 1991.] In the United States, the corresponding legal ages are 18 and 21. 18 United States Code § 922(b)(1). The authors did not compare the current Canadian suicide rates with the rate before the restrictive 1977 control system went into effect.
99. Charles L. Rich, James G. Young, Richard C. Fowler, John Wagner, Nancy A. Black, "Guns and Suicide: Possible Effects of Some Specific Legislation," *American Journal of Psychiatry*, 147 (no. 3, March 1990): 342-46.
100. Kleck, *Point Blank*.
101. L. Stanley Chauvin, "Startling Statistics About Children," *ABA Journal*, Feb. 1990, p. 8.
102. Sen. Joseph Biden, "Statement of Senator Joseph R. Biden, Jr., Chairman, Senate Judiciary Comm., 'Children and Guns: Why the Recent Rise?'" Senate Comm. on the Judiciary, Oct. 1, 1992, p.2 ("135,000 children are carrying guns to school everyday [sic]"); Senator John Chafee, "Testimony of Senator John H. Chafee Before the Senate Judiciary Committee During Hearings on 'Kids and Guns'," Oct. 1, 1992, p. 1 ("An estimated 135,000 boys carry guns to school every day.")
- Senator Christopher Dodd comes up with an even larger figure. "Statement of Senator Christopher J. Dodd," Hearing on "Children of War: Violence and America's Youth," Senate Subcomm. on Children, Family, Drugs, and Alcoholism, July 23, 1992, p. 1. ("Each day, 186,000 students bring a gun to school, many out of fear.")
103. "When Guns Go to School," *USA Today*, Feb. 28, 1992; *Crime Control Digest*, Aug. 5, 1991, p. 9.
104. U.S. Dept. of Health & Human Services, *Morbidity and Mortality Weekly Report*, 40 (no. 40, Oct. 11, 1991), p. 681.
105. Bureau of Justice of Statistics, U.S. Dept. of Justice, *Sourcebook of Criminal Justice — 1983* (1984), p. 410.
106. James R. Weasel, "Kids and Crime," *School Safety*, Spring 1988, 4, 5.
107. Catherine J. Whitaker & Lisa Bastian, Bureau of Justice Statistics, *Teenage Victims: A National Crime Survey Report*, NCJ-128129 (Washington: U.S. Dept. of Justice, May 1991).
108. 1990 surveys conducted by Illinois Criminal Justice Information Authority.
109. Kleck, *Point Blank*, p. 117 (adult carry rate, citing Feb. 1985 Roper poll).
110. Joanne Wassermann, "Kids on Defense," (New York) *Daily News*.
111. "Students Speak Out: Why Do Some Students Carry Weapons to School?" *Washington Post*, Dec. 1, 1988, p. Md. 15.
112. Weasel, *supra* note 106, p. 4. To the extent that crimes were not reported, the number would be higher.
113. James D. Wright, Joseph F. Sheley, M. Dwayne Smith, "Kids, Guns and Killing Fields," *Society* 30 (no. 1, 1992): 84-89."
114. Michael Perlstein, "Guns are Protection, Teens Explain," (New Orleans) *Times-Picayune*, Nov. 6, 1992, p. 1.

115. "Have you ever owned a gun?" 86% inmates; 30% students. "If you've owned a gun recently, was it automatic/semi-automatic?" 57% inmates; 49% students.
116. Wright, et al., *Society*, *supra* note 113, p. 88.
117. See Page 9.
118. Wright, et al., *Society*, *supra* note 113, p.88.
119. Wetzle, *supra* note 106.
120. Sheley et al., p. 682.
121. Guns do not make schools dangerous places. Guns are in schools because schools are dangerous places. [Schools focus on regimentation, which leads to rebellion, which leads to violence.] In response, school administrators have emulated police states. Just as in the worst dictatorship, students must have special passes to travel in the halls at the wrong time, they must have picture identifications that must be immediately produced upon the demand of one of the teachers/guards/administrative goons. Doors are locked, sections of the school are blocked off. Anyone voluntarily missing from class is punished. Rebellion against teachers or administrators is the worst crime of all....Those who don't wish to affiliate with gangs often find themselves defenseless unless they drop out, go to private schools or carry arms...the liberals' solution to all this is to outlaw guns in schools, so turning those who turn arms to defend themselves into criminals
"Guns in Schools," *The Nay Sayer*, Apr. 1992, pp. 1-2.
122. Maria E. Odum, "Teacher Arrested with Gun is Back at School: Students Join Celebration of 'One of the Happiest Days of My Life'," *Washington Post*, Jan. 9, 1993.
123. Colorado Revised Statutes, § 18-12-105.
124. "Irushalmi Responds to Growing Needs of Security Staff," *School Safety Update*, Dec. 1991, p. 5.
125. Carol Innerst, "'Airline Security' Enters Education," *Washington Times*, Aug. 23, 1992, p. A16.
126. *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985).
127. For an excellent survey of the issue, see Stephen P. Halbrook, "Firearms, the Fourth Amendment, and Air Carrier Security," 52 *Journal of Air Law and Commerce* 585 (1987).
128. A. Mackay-Smith, "Should Schools Permit Searching Students for Weapons, Drugs?" *Wall Street Journal*, May 30, 1984. Mackay-Smith discussed policy in Detroit, where police searches looked for knives and Mace carried by girls to protect themselves from rapists.
129. Anna David, "Disestablishing Public Education," *The Freeman* (Feb. 1993): 68-71.
130. Ronald Henkoff, "Kids are Killing, Dying, Bleeding," *Fortune*, Aug. 10, 1992.
131. Paul Cotton, "Gun-Associated Violence Increasingly Viewed as Public Health Challenge," *JAMA* 267 (1992): 1171-74.

132. U.S. Dept. of Justice, Bureau of Justice Statistics, "Teenage Victims: A National Crime Survey Report," NCJ-128129 (May 1991), p. 11.
133. Blackman, *Children and Firearms: Lies the CDC Loves*, p. 3.
134. Leland Ropp, Paul Visintainer, Jame Uman, & David Treloar, "Death in the City: An American Childhood Tragedy," *JAMA* 267 (June 3, 1992): 2905-10.
135. Fox Butterfield, "Seeds of Murder Epidemic: Teen-Age Boys with Guns," *New York Times*, Oct. 19, 1992, (Reporting study by James A. Fox, dean of Northeastern University's College of Criminal Justice, by National Crime Analysis Project at Northeastern).
136. Criminal Justice professor William Wilbanks, quoted in "Homicide Down, Leveling Off in Many Major Cities," *Crime Control Digest*, Dec. 14, 1992, pp. 9-10.
137. Kleck, *Point Blank*.
138. Howard N. Snyder, "Arrests of Youth 1990," OJJDP (Office of Juvenile Justice and Delinquency Programs, Dept. of Justice) Update on Statistics, Jan. 1992, pp. 9-11; Marcella Hammett, Kenneth E. Powell, Patrick W. O'Carroll, and Sharon T. Clanton, "Homicide Surveillance — United States 1979-1988," *Morbidity and Mortality Weekly Report* 41 (S-3): 1-33; Lois Fingerhut, Joel Kleinman, Elizabeth Godfrey, & Harry Rosenberg, "Firearm Mortality Among Children, Youth, and Young Adults 1-34 Years of Age, Trends and Current Status: United States 1979-1988," *Monthly Vital Statistics Report* 39 (11 Sup.)(March 14, 1991, CDC National Center for Health Statistics), pp. 7-8.
- One recent article did find an increase in white youth homicide rates. Lois A. Fingerhut, "Firearms Mortality Among Children, Youth, and Young Adults 1-34 Years of Age, Trends and Current Status: United States, 1985-90," *Advance Data*, 231 (March 23, 1993, National Center for Health Statistics): 1-20. The report did not separate Hispanic and non-Hispanic whites, so it is possible that the increase may be related to crack-cocaine becoming popular in the Hispanic community later than in the Black community. It should also be noted that most types of homicide, including homicide involving white youths, fell from 1980 until the middle of the decade, and then rose during the rest of the decade, eventually returning to the 1980 level. Accordingly, while a study of 1985-1990 would show a rise, a study of 1980-1990 would find long-term stability.
139. Christoffel, June 15, 1989, *supra* note 4.
140. J.H. Sloan, A.L. Kellerman, D.I. Reay, J.A. Fenis, T. Koepsell, F.P. Rivara, C. Rice, L. Gray, & J. Logerfo, "Handgun: Regulations, Crime, Assaults, and Homicide: A Tale of Two Cities," *New England Journal of Medicine* 319 (Nov. 10, 1988): 1256-1262.
141. Kleck, *Point Blank*.
142. Kleck, *Point Blank*.
143. Walter J. Howe, "Firearm Production, Imports, and Exports," *Shooting Industry* (Jan. 1992): 91-118.
144. Toch & Lizotte, "Research & Policy: The Case of Gun Control," in eds. P. Suedfeld & P. Tetlock, *Psychology and Social Advocacy* (New York: Hemisphere Press, 1990).

145. Lois A. Fingerhut & Joel C. Kleinman, "International and Interstate Comparisons of Homicide Among Young Males," *JAMA*, 263 (June 27, 1990): 3292-95.
146. David B. Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo: Prometheus Books, 1992).
147. Fingerhut & Kleinman, p. 3923 (the rates were 1.4 in Switzerland and 5.0 in Scotland for 1987).
148. Kopel, *Samurai*, pp. 282-84.
149. Criminological data about waiting periods are detailed in endnote 216 .
150. Sam Staley, *Drug Policy and the Decline of American Cities* (Transaction: 1992).
151. Eric Sterling, "Outline of Some Issues Involving Drug Trafficking," address to National Conference on Schools and Communities, Washington, D.C., Dec. 16, 1992.
152. L. Dash, "A Dealer's Creed: Be Willing to Die," *Washington Post*, April 3, 1989.
153. Discussed in Ira Glasser, "Taking Liberties: Taboo No More," *Civil Liberties* (Fall/Winter 1989).
154. Select Comm. on Children, Youth, and Families, *U.S. Children and Their Families: Current Conditions and Recent Trends, 1989*, 101st Cong., 1st sess., Sept. 1989 (Wash.: Govt. Print. Off.)(1986 data).
155. J.A. Jason, "Childhood Homicide Spectrum," *AJDC* 137 (1983): 578-581.
156. AAP, "Firearms and Adolescents."
157. Blackman, *Lies the CDC Loves*, p. 28.
158. Dianna Marder, "A New Generation of Killers: Feeling No Blame and No Shame," *Philadelphia Inquirer*, Dec. 6, 1992, p. 1. It is disturbing to consider how frequently the comments of the killers, blaming the victims for resisting, echo the insistent advice of gun control organizations and some law enforcement administrators that victims of a criminal attack should never do anything but passively submit. Could the advice, repeated frequently and unquestioningly by the media, have provided the killers with a perceived social legitimization of the killing?
159. Donald B. Kates, *Why Handgun Bans Can't Work* (Bellevue, Wash.: Second Amendment Foundation, 1982), pp. 25-26. See also Gary Kleck, "Policy Lessons from Recent Gun Control Research," *Journal of Law and Contemporary Problems* 49 (Winter 1986), pp. 40-41, stating that 70-75 percent of domestic homicide offenders have a previous arrest, and about half have a previous conviction.
160. M. Wilt, G. Marie, J. Bannon, R. K. Breedlove, J. W. Kennish, D. M. Snadker, and R. K. Satwell, *Domestic Violence and the Police: Studies in Detroit and Kansas City* (Washington: Government Printing Office, 1977).
161. Kirkpatrick and Walt, "The High Cost of Gunshot and Stab Wounds," *Journal of Surgical Research* 14 (1973): 261-62.

162. Joseph F. Sheley, Zina T. McGee, James D. Wright, "Gun-related Violence in and Around Inner-City Schools," *American Journal of Diseases of Children* (AJDC), 146 (June 1992): 677-82; Janet L. Lauritsen, Robert J. Sampson, & John H. Laub, "The Link between Offending and Victimization among Adolescents," *Criminology* 29 (1991): 265-92.
163. Joseph F. Sheley, Zina T. McGee, James D. Wright, "Gun-Related Violence in and Around Inner-City Schools," *American Journal of Diseases of Children*, 146 (June 1992): 677-82.
164. M.C. Morrissey, R.C. Byrd, E.A. Deitch, "The Incidence of Recurrent Penetrating Trauma in an Urban Trauma Center," *Journal of Trauma* 31 (1991): 1536-38; D.W. Sims, B.A. Bivins, F.N. Obeid, et al., "Urban Trauma: A Chronic Recurrent Disease," *Journal of Trauma* 29 (1989): 940.
165. J.D. Richardson & F.B. Miller, "Will Future Surgeons Be Interested in a Trauma Call?" *Journal of Trauma* 32 (1992): 229-35.
166. David Simon, "A Journalist's Eye View of the Trauma Physician's Dilemma," *Archives of Otolaryngology* 118 (June 1992) 577, 578.
167. Interviews with young inmates in Lorton prison, which houses Washington, D.C. felons, in Pressley & Harriston, "A Crazy Fascination with Guns," *Washington Post*, Feb. 2, 1992.
168. Eric Pooley, "Kids with Guns," *New York*, Aug. 5, 1991, p. 25.
169. Wright, et al., *Society*, *supra* note 113, pp. 88-89.
170. James D. Wright & Joseph Sheley, "Teenage Violence and the Underclass," *Peace Review* (Fall 1992), p. 32, 34.
171. Wright & Sheley, *supra* note 170, p. 35.
172. "Platform: 'The Right to Bear Arms is Outdated'," *Los Angeles Times*, Jan. 18, 1993.
173. Gary Kleck, "Guns and Violence: A Summary of the Field," paper presented at the Annual Meeting of the American Political Science Association, August 29, 1991, p. 18.
174. "Platform: 'The Right to Bear Arms is Outdated'," *Los Angeles Times*, Jan. 18, 1993.
175. Study by the University of Pennsylvania's Marvin Wolfgang, Paul E. Tracy, & Robert M. Figlio, discussed in "Studying Chronic Offenders," *School Safety*, Spring 1988, p. 32.
176. Morgan Reynolds, "Why Does Crime Pay?" National Center for Policy Analysis, Policy Backgrounder No. 123, Dec. 8, 1992.
177. American Psychological Association, cited in Henkoff, p. 163.
178. Massad Ayoob, *Gun Proof You Children* (Concord, N.H.: Police Bookshelf, 1986), p. 5.
179. For a good summary of the literature, see Brandon Centerwall, "Television and Violence: The Scale of the Problem and Where to Go from Here," *JAMA* 267 (June 10, 1992): 3059-63.

180. Brandon Centerwall, "Exposure to Television as a Risk Factor for Violence," *American Journal of Epidemiology* 129 (April 1989): 643-52. Centerwall's study was limited to whites in South Africa and the United States.
181. M.S. Heller & S. Polsky, *Studies in Violence and Television* (New York: American Broadcasting Co., 1986), discussed in Centerwall, "Television and Violence," *supra* note 179, p. 3059.
182. Centerwall, "Television and Violence," *supra* note 179, p. 3061.
183. "The Power of 'Cowabunga'," *Maclean's*, Dec. 7, 1992, p. 50.
184. Thus, Japan is apparently able to ingest large doses of extremely violent entertainment, because its family structures and social cohesion are very strong. Kopel, *Samurai*, p. 413.
185. Deborah Prothrow-Stith & Michael Weisman, *Deadly Consequences* (New York: Harpers Collins, 1991), p. 46, reporting observations of Emmett Folger, a youth worker in the Dorchester Youth Collaborative in Boston.
186. Bob Dart, "War Against TV Violence," *Denver Post*, Dec. 5, 1992, p. 1 (Cox News Service).
187. Centerwall, "Television and Violence," *supra* note 179, citing N. Signorielli, L. Gross, & M. Morgan, "Violence in Television Programs: Ten Years Later," in eds. D. Pearl, L. Bouthilet, & J. Lazar, *Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties* (Rockville, Maryland: Natl. Inst. for Mental Health, 1982): 158-73; G. Gerbner, L. Gross, M. Morgan, & N. Signorielli, *The Violence Profile: Enduring Patterns* (Phil.: Annenberg School of Communications, 1989).
188. "Prime-Time Violence," *Maclean's*, Dec. 7, 1992, pp. 40, 41.
189. In the case of *American Booksellers Assoc. v. Hudnut*, 771 F.2d 323, 329-30 (7th Cir. 1985), *aff'd*, 475 U.S. 1001 (1986), the Seventh Circuit Court of Appeals explained that no degree of compelling evidence could overcome the command of the First Amendment:

[W]e accept the premises of this legislation [against sexualized depictions of women as subordinate]. Depictions of subordination tend to perpetuate subordination. The subordinate status of women in turns leads to affront and lower pay at work, insult and injury at home, battery and rape on the streets ... Yet all is protected as speech, however insidious.

Ironically, some of the civil libertarians who embrace most strongly the courts' First Amendment protection of all free speech, no matter how strong the evidence of that the speech causes harm, are willing to ignore the Second Amendment, because they believe that the ownership of guns is harmful. The appropriate response to both the censorship lobby and the gun control lobby is to suggest that they seek to amend the Constitution, rather than lawlessly ignoring parts with which they disagree.
190. Jack Jones, *Ler Me Take You Down: Inside the Mind of Mark David Chapman, the Man Who Killed John Lennon* (New York: Villard Books, 1993).
191. For further discussion of the Brady Bill, see Page 60.
192. J. Fox & J. Levin, *Mass Murder* (Plenum Press, 1985).
193. Prothrow-Stith, p. 41.

194. George Brown Tindall & David Shi, *America: A Narrative History* (New York: W.W. Norton, 1992) (3d ed.), p. 1076.
195. Centerwall, "Television and Violence," *supra* note 179, pp. 3062-63.
196. If, however, Senator Chafee (R-RI) were calling for the confiscation of all privately-owned television sets, if some Washington lobbies insisted that no-one needed their own television since they could always watch movies in public theaters, if other lobbies suggested that television viewing should be permissible only when the viewer was watching "legitimate sports," and if anti-television law professors claimed that the First Amendment freedom of the press granted no right to ordinary citizens, but instead protected government-sponsored speech from interference, then frightened television owners and manufacturers might resist any new government controls on television. The extremist attitude of many gun control advocates towards the right to bear arms (insisting that handguns should be confiscated, or that only guns for "legitimate sports" should be permitted, or that the Second Amendment "right of the people" protects only guns owned by the government) poisons the dialogue about gun control, and is an important cause of why so many gunowners instinctively oppose all forms of control. See generally Don B. Kates, Jr., "Bigotry, Symbolism and Ideology in the Battle over Gun Control," *Public Interest Law Review* (Carolina Academic Press: 1992): 31-46.
197. "Tune Out, Kids," *Newsweek*, April 5, 1993, p. 57.
198. While enacting an "assault weapon" prohibition without a cinematic exemption would seem to pose no First Amendment problem, it is possible that repealing an existing exemption would violate the First Amendment, if the purpose of the repeal were to suppress the content of the kinds of movies in which "assault weapons" are used. Compare *R.A.V. v. City of St. Paul*, 112 S.Ct. 2538, 2543-44 (1992).
199. Alan J. Lizotte & James M. Tesoriero, *Patterns of Adolescent Firearms Ownership and Use* (Albany: Hindelang Criminal Justice Research Center, State University of New York, 1991), Rochester Youth Development Study, Working Paper no. 11.
200. Richard W. Harding and Ann Blake, *Weapons Choice by Violent Officers in Western Australia: A Pilot Study*, Research Report no. 1. (Nedlands, Western Australia: Crime Research Centre, University of Western Australia, n.d.), pp. 16-17.
201. Harding and Blake, pp. 20-21.
202. At least according to police interpretation of New York City's laws.
203. Ill. Stat. Ann. chap. 38, § 87-2 (Smith-Hurd 1977)(prohibition on possessing handgun without a license, with no exception for school sports).
204. Woody Anderson, "Aiming at a Scholarship," *Hartford Courant*, Mar. 4, 1994, p. D-9.
205. "The October Almanac," *Atlantic*, Oct. 1988, p. 16.
206. John Foley, *The Jefferson Encyclopedia* (New York: Russell & Russell, 1967), p. 318.
207. Sue Anne Pressley & Keith Harrison, "A Crazy Fascination with Guns," *Washington Post*, Feb. 2, 1992.

208. *Sable Communications v. F.C.C.*, 109 S.Ct. 2829 (1989)(unanimous opinion); *Butler v. Michigan*, 352 U.S. 380 (1957),

209. U.S. House 1989, *supra* note 4, p. 40.

Dr. Christoffel's response to the practical difficulties of removing handguns from American society is to point to Japan's successful experience in disarming its population, as detailed in Noel Perrin's excellent book *Giving Up the Gun: Japan's Reversion to the Sword, 1543-1879* (Boston: David R. Godine, 1979). Several factors which were crucial to the Japanese disarmament may not be present in the modern United States: the gun ban was implemented and enforced by a totalitarian government; people voluntarily surrendered their guns because the government successfully convinced them that the guns would be melted to build a giant temple to the Buddha (the melted guns were actually used to build a monument to the current dictator, Hidéyoshi); there was little gun ownership to begin with by anyone outside the military; guns had only existed in Japan for about half a century, and had acquired little popularity outside of military use; there were no elements in Japanese culture with any affection for the symbolic value of firearms; and there was little violent crime, so ordinary persons had little need to consider individual protection. The contrast of all the above factors with the modern United States is stark. See generally David B. Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo: Prometheus Books, 1992), chapter 2.

210. The majority of guns today are owned for recreation or for collecting, and thus are kept unloaded almost all the time. Gun ownership in the early American republic was more likely to be for self-protection, or for hunting to put food on the table that night — both uses requiring a gun to be loaded almost all the time.

211. Duane B. Davis, *Homicide in American Fiction, 1798-1860* (Ithaca, N.Y.: Cornell Univ. Pr., 1957), p. 242 n.1.

212. Christoffel, June 15, 1989, *supra* note 4.

213. For an overview of the "assault weapon" issue, see Eric C. Morgan & David B. Kopel, *The "Assault Weapon" Panic: Political Correctness Takes Aim at the Constitution*, Independence Institute, Issue Paper no. 10-93 (Golden, Colorado: April 10, 1993).

214. AAP Committee on Adolescence, "Firearms and Adolescents," *AAP News*, Jan. 1992, pp. 20-21.

215. "Congress Begins Push to Pass Brady Handgun Bill," *Crime Control Digest*, March 1, 1993; Ronald J. Ostrow, "Justice Official Backs Gun-Buying Wait," *Los Angeles Times*, Feb. 25, 1993, p. A10; Roger Simon, "Brady Finally Sniffs Victory in Battle for Handgun Law," *Baltimore Sun*, Feb. 24, 1993.

216. Professor Matthew DeZee states: "I firmly believe that more restrictive legislation is necessary to reduce the volume of gun crime." Yet his comparative study of state laws, including waiting periods, found "The results indicate that not a single gun control law, and not all the gun control laws added together, had a significant impact...in determining gun violence. It appears, then, that present legislation created to reduce the level of violence in society falls short of its goals...Gun laws do not appear to affect gun crimes." Matthew DeZee, "Gun Control Legislation: Impact and Ideology," *Law & Policy Quarterly* 5 (July 1983): 363-79.

Professors Joseph P. Magadinno and Marshall H. Medoff, both of California State University, Long Beach, performed two studies of waiting periods at the state level. The first study, using data from 1979 and previous years, compared the 1979 robbery and homicide rates in states that had waiting periods with states that did not. The study also looked at changes in the robbery and homicide rates in states which had recently changed their laws regarding firearms sales. Both aspects of the study found that there was no correlation between waiting periods and lower homicide or robbery rates. "Homicides, Robberies and State 'Cooling-Off' Schemes," in ed. Don B. Kates, Jr., *Why Handgun Bans Can't Work* (Bellevue, Wash: Second Amendment Foundation, 1982), pp. 101-12.

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A second study by Magadinno and Medoff analyzed state gun laws and rates of homicide, robbery, and aggravated assault in 1960 and 1970. The results were consistent with the hypothesis that stricter state gun control laws have no impact on crime. "An Empirical Analysis of Federal and State Firearms Control Laws," in ed. Don B. Kates, Jr., *Firearms and Violence: Issues of Public Policy* (Cambridge, Mass.: Ballinger, 1984): 225-58 (the study also found no perceptible impact on crime or gun acquisition from the federal Gun Control Act of 1968).

When the U.S. Senate Judiciary Committee investigated the issue, the Committee found no evidence that waiting periods affect crime. There was no correlation between a waiting period and lower crime rates. *Report on the Federal Firearm Owners Protection Act*, S. Rep. no 3476, 97th Cong., 2d sess. (1982), pp. 51-52.

Under the Carter Administration, the National Institute of Justice offered a grant to the former president of the American Sociological Association and two colleagues to survey the field of research on gun control. Peter Rossi and his coauthors Jim Wright and Kathleen Daly began their work convinced of the need for strict national gun control. Indeed, Wright had already written about the need for more control. After looking at the data, however, the three researchers found no convincing evidence that gun control curbs crime. James D. Wright, Peter Rossi, & Kathleen Daly, *Under the Gun* (Hawthorne, New York: Aldine, 1983). A few years later, Wright and Rossi conducted another National Institute of Justice study, this one of the gun use patterns of criminals. They interviewed prisoners in ten state systems. Notably, the second National Institute of Justice study discovered that felons in states with strict laws found obtaining a gun no more difficult than in states with more moderate laws. Almost all felons, regardless of the severity of their state's laws, reported that they would have little or no difficulty obtaining a gun soon after release.

Wright and Rossi summarize:

One might as a matter of federal policy require that every firearms transaction be reported to the cognizant authorities, and the appropriate criminal records check undertaken; but one quickly senses that this measure would have little or no effect on the criminal users whom we are trying to interdict and a considerable effect on legitimate users....The ideal gun crime policy is one that impacts directly on the illicit user but leaves the legitimate user pretty much alone

The Armed Criminal in America, p. 46 (report to National Institute of Justice; later republished as *Armed and Considered Dangerous*).

For an overview of waiting periods, see David B. Kopel, *Why Gun Waiting Periods Threaten Public Safety*, Independence Institute Issue Paper no. 4-91 (March 25, 1991), available from the Independence Institute, Golden, Colorado.

217. *Tinker v. Des Moines School District*, 393 U.S. 503 (1969).

218. *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985).

219. *Goss v. Lopez*, 419 U.S. 565 (1975).

220. Carole A. McKelvy, "Children Who Kill," *School Safety*, Spring 1988, p. 12.

221. Of 16,000 guns seized by New York City police in 1988, only 80 were "assault-type" rifles. Lt. Moran of the New York City Police Ballistics Unit, in *White Plains Reporter-Dispatch*, March 27, 1989 (Associated Press report).

222. Mitchell Powell & Rita Giordano, "Parents Who Kill: Crime But Little Punishment," *New York Newsday*, Jan. 8, 1992, p. 1. (In one case, "untrained and inexperienced caseworkers ignored blisters and bruises on the boy, failed to talk with his three siblings or his father, failed even to have sufficient command of the English language to write intelligible reports.")

223. Ronald Henkoff, "Kids are Killing, Dying, Bleeding," *Fortune*, Aug. 10, 1992, p. 68.

It is possible that some of the prisoners who reported abuse were not in fact abused.

224. Henkoff, p. 68.

225. For an excellent description of how scouting programs have helped inner-city teenagers, see Mark Parenti, "Scouts 'n the Hood," *Policy Review* (Spring 1993): 62-66.

226. About 10 infants a year die from non-accidental shootings. National Safety Council, 1992, p. 22; Federal Bureau of Investigation, 1992, p. 18.

227. *Newsweek* magazine's coverage of the children and guns issue is typical of how gun control advocates may claim insistently that there is a national problem of children committing crimes with guns, but produce no evidence for the claim. In a March 9, 1992 cover story, "Kids and Guns: A Report from America's Classroom Killing Grounds," the magazine claims that "gun violence is on the rise in schools all over America," but provides no evidence except for a lurid discussion of particular incidents of violence at a few schools. For a detailed analysis of the *Newsweek* issue, see Lee Nisbet (Medaille College, Buffalo, New York), "How a Media Giant Covers Gun Violence in America's Public Schools," paper presented at the annual meeting of the American Society of Criminology, New Orleans, Nov. 1992.

228. Ellen Graham, "Mainstream America Finds It Isn't Immune to Kids Killing Kids," *Wall Street Journal*, Feb. 7, 1992, p. A1. The article detailed the plight of the mother of a New Jersey shooting victim who "has written to every state legislator seeking a sponsor" of a law to make adults criminally responsible for children's misuse of a gun. Consistent with the article's theme that suburban American was denying there as a gun problem, the article stated that the woman's push for parental liability was "shaping up as a lonely crusade." If the woman's crusade was "lonely," it was because New Jersey already had just enacted such law, three weeks before the article appeared. Senator Richard Codey, "Letters to the Editor," *Wall Street Journal*, Mar. 5, 1992.

229. The roots of America's problem of teenage violence — very heavily concentrated among inner-city older black male teenagers — lie in America's history of racial oppression, in American culture's glamorization of violence and individualism, and the failed "drug war." To assert that firearms are a "disease vector" which are the cause of violence is to apply simplistically the germ theory of body disease to the much more complex problems of human behavior. Since the hosts with the most "disease vectors" (rural areas, and predominantly white areas), have the *least* occurrence of the "disease" of homicide, the germ theory of guns is a less than sufficient explanation for America's homicide problem.

How can medical research bodies, such as the Centers for Disease Control or the *Journal of the American Medical Association* produce such simplistic "guns are germs" reports, and congratulate themselves on applying "scientific" methods to controlling the "disease" of homicide? How can groups such as the American Academy of Pediatrics make the gross factual errors detailed in this Issue Paper?

What is presently occurring with medicine is a phenomenon typical of intellectual disciplines in the relatively early years of their growth. Today, it seems self-evident that the study of governmental institutions and political behavior is quite dissimilar from the working out of calculus problems. While a calculus equation (usually) has a single correct solution, which can always be found through correct application of mathematical rules, politics is far too complex for rigid principles to always lead to a "correct" answer. Any competent calculus student can predict with certainty a future point on a calculus graph, but not even the most brilliant political scholar can predict with certainty the result of the next election.

Accordingly, in every university, the department which studies political behavior is considered a humanities department, because the study of politics is methodologically closer to the study of history or the study of literature than it is to the study of physics or the study of chemistry. Yet the political behavior department is generally called the "Political Science Department." The phrase "political science" is a relic of the 18th century Enlightenment, when thinkers such as the French physiocrats believed that all human behavior could be analyzed according to rational rules, and, once the rules were mastered, predicted with as much certainty as an astronomer could predict the motion of planets. Some scholars actually wrote a "political calculus" which claimed to mathematically quantify all political behavior.

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In modern times, scholars of politics have outgrown their predecessor's conceit that the study of politics was a "science."

In the 1870s and 1880s, Harvard Law School Dean Christopher Columbus Langdell and the rest of the Harvard faculty announced to the world the birth of "legal science." Under the premises of "legal science," every legal problem had a single, correct solution, just as every physics problem had a single solution. (Or so it was thought in the days before quantum mechanics.) Using the "legal science" methodology, a judge need only find the correct rules of decision, apply them to the facts at hand, and reach the inevitable result.

By the early decades of the 20th century, "legal science" had been largely discredited. While Langdell and his Harvard scholars had claimed to have found a unitary body of case law which articulated the rules of legal science, the rules of decision actually amounted to a selective reading of Massachusetts, New York, and English cases, with the selectivity generally applied in ways that favored corporate power. Rather than being a single, coherent body of scientific truth, law was a highly complex and often conflicting set of rules of decision. While a Massachusetts court might decide a particular case one way, an Ohio court might decide a similar case the opposite way; the opinions of both courts could find ample support in legal precedent and principles.

While for the simplest legal questions there is a clearly correct answer (e.g. "Can a person not pay his income taxes simply because he does not want to?"), the most important legal questions do not yield a single correct answer which can be scientifically discovered. That is why truly challenging legal questions — those which are decided by state supreme courts, federal courts of appeals, and the U.S. Supreme Court — so frequently result in concurring and dissenting opinions.

While the practice of medicine is older than the study of political behavior, the age of competent medicine — in which a physician was more likely to help a patient than to harm — is little more than a century old. The study of disease and human body has progressed quite far in the last century, through the application of scientific methods. It should perhaps be understandable that a relatively immature discipline such as medicine should fall easy prey to the conceit that its scientific methods can resolve the problems of violence which have thus far eluded the solutions of political scientists, criminologists, and philosophers. And physicians, being highly respected, find that their "scientific" statements on social policy are taken seriously, and are rarely skeptically analyzed by the media.

Thus, modern America witnesses the spectacle of groups such as Physicians for Social Responsibility, a group of doctors who ventured outside their area of expertise to promote unilateral American disarmament as the best way to prevent the disease of nuclear war. The group's leader, Dr. Helen Caldicott, predicted in 1984 that nuclear with the USSR was "a mathematical certainty" if Ronald Reagan were re-elected.

Dr. Caldicott's scientific conclusions notwithstanding, the world survived Mr. Reagan's re-election. With the threat of nuclear war receding, pacifists are turning their attention away from disarming the American government, and towards disarming the American people. Like Physicians for Social Responsibility, which found no moral distinction between a nuclear weapon owned by the American government and one owned by a Communist dictatorship, domestic pacifists consider a firearm owned for protection to be as illegitimate as one owned for crime. The pacifist elements of the medical community today promote the disarmament of law-abiding, mentally healthy Americans, and they wrap their moral claim in the cloak of "science."

But their methods fall far short of scientific ideals. Their articles cite sources which have concluded the opposite of what the pacifists cite them for. They make immense quantitative errors. And they unscientifically ignore the vast set of factors which influences human behavior, and instead attribute the problem of human violence almost exclusively to their *idée fixe*, the gun.

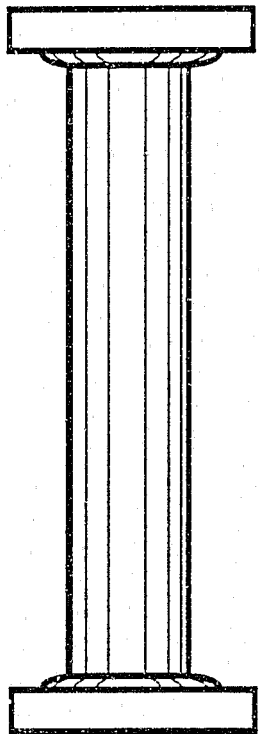
Workers in late 19th century America were forced to deal with an intellectual regime of "legal science" which convinced itself (and much of America) that scientific principles proved that legal disputes between workers and employers should be resolved in favor of employers. Americans of the late 20th century must deal with the "scientific" reality that guns are germs. Since ideas and discourse spread faster in this era than in the 19th century, perhaps it may be hoped that medicine will outgrow its "scientific" social policy conceits faster than law did.

In the meantime, it is the responsibility of today's public policy makers to make their decisions based on hard facts and careful reasoning, rather than the pseudo-science of gun prohibition.

ENDNOTES

230. U.S. Senate Comm. on the Judiciary, "Federal Firearms Amendments of 1966," (Report together with Individual Views, to accompany S. 3767), 89th Cong., 2d sess, p. 60 (Individual views of Senator Kennedy et al.).

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