

# Gun Facts



**Version 5.0**

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# INTRODUCTION

## Purpose

The goal of *Gun Facts* is to provide a quick reference guide for civil libertarians on gun control issues. Use *Gun Facts* when composing arguments for debates, letters to editors, email to your representatives, and statements to the media.

The issue *Gun Facts* addresses is the lack of intellectual honesty by gun control advocates. Over many decades they have presented information to the media and the public that is at best inaccurate, and at worst fraudulent. *Gun Facts* is dedicated to debunking gun control myths and providing citable evidence.

Common gun control myths are listed in the pages that follow. For each myth, one or more facts are presented to refute the gun control claim, and the source of the information is fully cited.

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## Questions, corrections and suggestions

If you need to communicate with the author, send e-mail to [guy@GunFacts.info](mailto:guy@GunFacts.info). Your corrections, comments, additions, and suggestions are welcomed and encouraged. When providing new information, please cite the original reference in detail – publication, title, author, date, etc. – this is essential.

## Sources

All sources cited in this work are accurate to the best of my research. I use the most recent data I can easily find. If any more recent data is available (even if it weakens my arguments), I welcome receiving the same.

## Contributions

I accept non-tax-exempt donations to pay for the software, hardware, paper, and ink used in composing, editing, and distributing *Gun Facts*. If you would like to help, drop by [www.PayPal.com](http://www.PayPal.com) and send your donations to [guy@GunFacts.info](mailto:guy@GunFacts.info).

## Printed copies

A printed copy of the current version of *Gun Facts* can be acquired online at <http://www.GunFacts.info>

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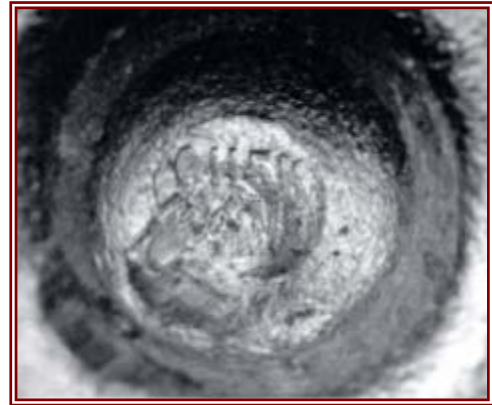
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## MICROSTAMPING

**Background:** Microstamping is a proposed means for imprinting unique serial numbers onto cartridges fired from a gun. Similar to “ballistic fingerprinting,” it allegedly helps police identify what firearm might have been used in a crime. Microstamping uses precision equipment to remove microscopic amounts of metal from the tip of the firing pin



*Micro stamped Serial Number*

### **MYTH: INDEPENDENT TESTING BY FORENSIC TECHNOLOGISTS SHOWS THE TECHNOLOGY IS RELIABLE**

**Fact:** Firing pins are readily removable and swappable in most models of handguns, and inexpensive replacement parts. Criminals who file down serial numbers on the sides of guns won’t hesitate to file or exchange firing pins.

**Fact:** 46% of impressions ranked as “unsatisfactory” (i.e., illegible) after only ten rounds.<sup>1</sup>

### **MYTH: FILING THE FIRING PIN WILL MAKE THE GUN INOPERABLE**

**Fact:** Firing pins are designed to be pushed deeply into the primer (igniter) of the round. The depth of the engraving (approximately 0.005 inch)<sup>2</sup> is vastly smaller than the tolerance of the firing pins drive depth.

**Fact:** In a test, the engravings were removed using a 50-year-old knife sharpening stone in less than a minute. The firearm still operated correctly after the filing.<sup>3</sup>

**Fact:** Even if a criminal does not file down the firing pin, they might retrieve spent cartridges. If they use a revolver, the cartridges stay with the firearm and are rarely recovered by police.

### **MYTH: THE COST PER FIREARM WILL BE CHEAP**

**Fact:** The National Shooting Sports Foundation, the representative for firearm manufactures, estimates the cost will be upwards of \$150 per firearm, more than tripling the price of self-protection and making it unaffordable for low-income people.<sup>4</sup> The Brady Campaign dispute those with firearm manufacturing experience claiming micro-stamping would cost only 50¢?

### **MYTH: THE NUMBERS WILL LET POLICE FIND THE GUN’S OWNER**

**Fact:** Most crime guns are stolen property,<sup>5</sup> which makes finding the original owner worthless.

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<sup>1</sup> “NanoTag™ Markings From Another Perspective”, George G. Krivosta, Suffolk County Crime Laboratory, Hauppauge, New York, Winter 2006 edition of the AFTE Journal

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> “Etched bullets interest law enforcement”, The Record, September 25, 2006

<sup>5</sup> “Armed and Considered Dangerous”, U.S. Department of Justice, 1986



# BALLISTIC “FINGERPRINTING”

## MYTH: EVERY FIREARM LEAVES A UNIQUE "FINGERPRINT" THAT CAN PINPOINT THE FIREARM USED

**Fact:** A group of National Research Council scientists concluded that this has not yet been fully demonstrated. Their research suggests that current technology for collecting and comparing images may not reliably distinguish very fine differences.<sup>6</sup>

**Fact:** "Firearms that generate markings on cartridge casings can change with use and can also be readily altered by the users. They are not permanently defined like fingerprints or DNA."<sup>7</sup>

**Fact:** "Automated computer matching systems do not provide conclusive results."<sup>8</sup>

**Fact:** "Because bullets are severely damaged on impact, they can only be examined manually".<sup>9</sup>

**Fact:** "Not all firearms generate markings on cartridge casings that can be identified back to the firearm."<sup>10</sup>

**Fact:** The same gun will produce different markings on bullets and casings, and different guns can produce similar markings.<sup>11</sup> Additionally, the type of ammunition actually used in a crime could differ from the type used when the gun was originally test-fired -- a difference that could lead to significant error in suggesting possible matches.<sup>12</sup>

**Fact:** The rifle used in the Martin Luther King assassination was test fired 18 times under court supervision, and the results showed that no two bullets were marked alike.<sup>13</sup> "Every test bullet was different because it was going over plating created by the previous bullet."

**Fact:** "The common layman seems to believe that two bullets fired from the same weapon are identical, down to the very last striation placed on them by the weapon. The trained firearms examiner knows how far that is from reality."<sup>14</sup>

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<sup>6</sup> "Ballistic Imaging", Daniel Cork, John Rolph, Eugene Meieran, Carol Petrie, National Research Council, 2008.

<sup>7</sup> "Feasibility of a Ballistics Imaging Database for All New Handgun Sales", Frederic Tulleners, California Department of Justice, Bureau of Forensic Services, October, 2001 (henceforth "FBID").

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> "Handbook of Firearms & Ballistics: Examining and Interpreting Forensic Evidence", Heard, 1997.

<sup>12</sup> "Ballistic Imaging", Daniel Cork, John Rolph, Eugene Meieran, Carol Petrie, National Research Council, 2008.

<sup>13</sup> "Ballistics 'fingerprinting' not foolproof", Baltimore Sun, October 15, 2002.

<sup>14</sup> Winter 2006 edition of the AFTE Journal , George G. Krivosta, Suffolk County Crime Laboratory, Hauppauge, New York.

## **MYTH: A DATABASE OF BALLISTIC PROFILES WILL ALLOW POLICE TO TRACE GUN CRIMES**

**Fact:** The National Research Council deemed a national ballistics database as impractical due to practical limitations of current technology for generating and comparing images of ballistic markings.<sup>15</sup>

**Fact:** Maryland's ballistics database "is not doing anything"<sup>16</sup> and "has not met the mission statement of the state police."<sup>17</sup> In the first five years of implementation, it failed to lead to any criminal arrest or convictions, despite collecting over 80,000 specimens at a cost of \$2,567,633.<sup>18</sup>

**Fact:** More than 70% of armed career criminals get their guns from "off-the-street sales" and "criminal acts" such as burglaries<sup>19</sup>, and 71% of these firearms are stolen.<sup>20</sup> Tracing these firearms will not lead to the criminals, as the trail stops at the last legal owner.

**Fact:** Computer image matching of cartridges fails between 38-62% of the time, depending on whether the cartridges are from the same or different manufacturers.<sup>21</sup>

**Fact:** "Automated computer matching systems do not provide conclusive results" requiring that "potential candidates be manually reviewed".<sup>22</sup>

**Fact:** Criminals currently remove serial numbers from stolen guns to hide their origin. The same simple shop tools can change a ballistic profile within minutes. "The minor alteration required less than 5 minutes of labor".<sup>23</sup> Criminals will make changing ballistic profiles part of their standard procedures.

## **MYTH: BALLISTIC IMAGING IS USED IN MARYLAND AND NEW YORK AND SOLVES MANY CRIMES**

**Fact:** Not so far. Neither New York nor Maryland has reported a single prosecution based on matched casings or bullets.<sup>24, 25, 26</sup> The cost for this lack of success in Maryland exceeds \$2,500,000 a year, and in New York it exceeds \$4,000,000.

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<sup>15</sup> "Ballistic Imaging", Daniel Cork, John Rolph, Eugene Meieran, Carol Petrie, National Research Council, 2008.

<sup>16</sup> Col. Thomas E. Hutchins, the state police superintendent, "Maryland State Police Report Recommends Suspending Ballistics ID System", WBAL-TV web site, January 17, 2005.

<sup>17</sup> Sgt. Thornnie Rouse, Maryland State police spokesman, Ibid.

<sup>18</sup> MD-IBIS Progress Report #2, Maryland State Police Forensic Sciences Division, September 2004.

<sup>19</sup> "Protecting America", Bureau of Alcohol, Tobacco and Firearms, 1992.

<sup>20</sup> "Armed and Considered Dangerous", U.S. Department of Justice, 1986.

<sup>21</sup> "Feasibility of a Ballistics Imaging Database for All New Handgun Sales", Frederic Tulleners, California Department of Justice, Bureau of Forensic Services, October, 2001.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> "NY ballistic database firing blanks?", Associated Press, June 3, 2004.

<sup>25</sup> "Ballistics 'fingerprinting' not foolproof", Baltimore Sun, October 15, 2002.

<sup>26</sup> "Townsend backs New Rule on Sale of Assault Rifles", Washington Post, October 30, 2002.

**Fact:** In Syracuse, the police have not submitted less than 400 handguns for ballistic testing over a three-year span because the system is inefficient.<sup>27</sup>

### **MYTH: A BALLISTIC DATABASE IS INEXPENSIVE TO CREATE/MAINTAIN**

**Fact:** “... a huge inventory [of possible matches] will be generated for manual review.” “[The] number of candidate cases will be so large as to be impractical and will likely create logistic complications so great that they cannot be effectively addressed”.<sup>28</sup>

### **MYTH: POLICE WANT A BALLISTIC DATABASE**

**Fact:** “The National Fraternal Order of Police does not support any Federal requirement to register privately owned firearms with the Federal government,” the group said. “And, even if such a database is limited to firearms manufactured in the future, the cost to create and maintain such a system, with such small chances that it would be used to solve a firearm crime, suggests to the F.O.P. that these are law enforcement dollars best spent elsewhere.”<sup>29</sup>

**Fact:** “We in law enforcement know it will not, does not, cannot work. Then, no one has considered the hundreds of millions of guns in the US that have never been registered or tested or printed.”<sup>30</sup>

**Fact:** “One, the barrel is one of the most easily changed parts of many guns and two, the barrel, and the signature it leaves on a bullet is constantly changing.”<sup>31</sup>

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<sup>27</sup> “400 guns wait to be traced by Syracuse police”, The Post-Standard, December 8, 2002.

<sup>28</sup> “Ballistics 'fingerprinting' not foolproof”, Baltimore Sun, October 15, 2002.

<sup>29</sup> “F.O.P. Viewpoint: Ballistics Imaging and Comparison Technology”, FOP Grand Lodge, October 2002.

<sup>30</sup> Joe Horn, Detective, Retired.. Los Angeles County Sheriff's Dept., Small Arms Expert.

<sup>31</sup> Ted Deeds, chief operating officer of The Law Enforcement Alliance of America, Dodge Globe, Oct 24, 2002.

# ASSAULT WEAPONS

“Assault weapon” is an invented term. In the firearm lexicon, there is no such thing as an “assault weapon”. The closest relative is the “assault rifle”, which is a machine gun or “select fire” rifle that fires rifle cartridges.<sup>32</sup> In most cases, “assault weapons” are functionally identical to hunting rifles, though cosmetically similar to military guns.

## MYTH: ASSAULT WEAPONS ARE A SERIOUS PROBLEM IN THE U.S.

**Fact:** In 1994, before the Federal "assault weapons ban", you were eleven (11) times more likely to be beaten to death than to be killed by an “assault weapon”.<sup>33</sup> In the first year since the ban was lifted, murders declined 3.6%, and violent crime 1.7%.<sup>34</sup>

**Fact:** Nationally, “assault weapons” were used in 1.4% of crimes involving firearms and 0.25% of all violent crime before the enactment of any national or state “assault weapons” ban. In many major urban areas (San Antonio, Mobile, Nashville, etc.) and some entire states (Maryland, New Jersey, etc.) the rate is less than 0.1%<sup>35</sup>

**Fact:** Even weapons misclassified as “assault weapons” (common in the former Federal and California "assault weapons" confiscations) are used in less than 1% of all homicides.<sup>36</sup>

**Fact:** Police reports show that “assault weapons” are a non-problem:

For California:

- **Los Angeles:** In 1998, of 538 documented gun incidents, only one (0.2%) involved an "assault weapon".
- **San Francisco:** In 1998, only 2.2% of confiscated weapons were "assault weapons".
- **San Diego:** Between 1988 and 1990, only 0.3% of confiscated weapons were "assault weapons".
- “I surveyed the firearms used in violent crimes...assault-type firearms were the least of our worries.”<sup>37</sup>

For the rest of the nation:

- Between 1980 and 1994, only 2% of confiscated guns were "assault weapons".<sup>38</sup>
- Just under 2% of criminals that commit violent crimes used “assault weapons”.<sup>39</sup>

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<sup>32</sup> Department of Defense Small Arms Identification and Operations Guide

<sup>33</sup> FBI Uniform Crime Statistics, 1994

<sup>34</sup> FBI Uniform Crime Statistics, Preliminary Summary, 2004

<sup>35</sup> Gary Kleck, “Targeting Guns”, 1997, compilation of 48 metropolitan police departments from 1980-1994

<sup>36</sup> FBI Uniform Crime Statistics, 1993

<sup>37</sup> S.C. Helsley, Assistant Director DOJ Investigation and Enforcement Branch, California, October 31, 1988

<sup>38</sup> Gary Kleck, “Targeting Guns”, 1997, compilation of 48 metropolitan police departments from 1980-1994

<sup>39</sup> Gary Kleck, “Targeting Guns”, 1997, calculated from Bureau of Justice Statistics, assault weapon recovery rates

**Fact:** Only 1.4% of recovered crime weapons are models covered under the 1994 "assault weapons" ban.<sup>40</sup>

**Fact:** In Virginia, no surveyed inmates had carried an "assault weapon" during the commission of their last crime, despite 20% admitting that they had previously owned such weapons.<sup>41</sup>

**Fact:** Most "assault weapons" have no more firepower or killing capacity than the average hunting rifle and "play a small role in overall violent crime".<sup>42</sup>

**Fact:** Even the government agrees. "... the weapons banned by this legislation [1994 Federal Assault Weapons ban - since repealed] were used only rarely in gun crimes"<sup>43</sup>

"No one should have any illusions about what was accomplished (by the ban). Assault weapons play a part in only a small percentage of crime. The provision is mainly symbolic; its virtue will be if it turns out to be, as hoped, a stepping stone to broader gun control."

Washington Post editorial  
September 15, 1994

## **MYTH: EVERY 48 HOURS, AN ANALYSIS OF ASSAULT RIFLES TRACED TO CRIME IN MARYLAND**

**Fact:** This claim by Cease Fire Maryland includes firearms never used in crimes. Some examples of firearms traced include:

- 47 firearms found at the private residence of a person who passed-away from natural causes, and which were never used in any crime.
- Firearms temporarily taken from owners under court Emergency Evaluation Petitions (the firearms were not used in crimes, but the judge wanted them confiscated until other issues are resolved).

## **MYTH: ONE OUT OF FIVE POLICE OFFICERS KILLED ARE KILLED WITH ASSAULT WEAPONS<sup>44</sup>**

**Fact:** This "study" included firearms not on the former Federal "assault weapons" list. Including various legal firearms<sup>45</sup> inflated the statistics almost 100%.

**Fact:** Only 1% of police officers murdered were killed using "assault weapons". They were twice as likely to be killed with their own handgun.<sup>46</sup>

**Fact:** One federal government study found *zero* "assault weapons" were used to kill cops.<sup>47</sup>

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<sup>40</sup> From statewide recovery report from Connecticut (1988-1993) and Pennsylvania (1989-1994)

<sup>41</sup> Criminal Justice Research Center, Department of Criminal Justice Services, 1994

<sup>42</sup> Philip McGuire, Handgun Control, Inc., April 7, 1989, Mohr C. "House Panel Issue: Can Gun Ban Work." New York Times. April 7, 1989. P. A-15

<sup>43</sup> "Impacts of the 1994 Assault Weapons Ban: 1994-96.", National Institute of Justice, March 1999

<sup>44</sup> This claim was made by the anti-gun Violence Policy Center in their 2003 report titled "Officer Down"

<sup>45</sup> The "study" included legal models of the SKS, Ruger Mini-14, and M1-Carbine, which were all in circulation before the federal "assault weapons" ban and which were excluded from the ban.

<sup>46</sup> "Law Enforcement Officers Killed and Assaulted", FBI, 1994

## **MYTH: ASSAULT WEAPONS ARE FAVORED BY CRIMINALS**

**Fact:** Only 8% of criminals use anything that is classified (even incorrectly) as an "assault weapon"<sup>48</sup>, though less than 1% claimed to use these firearms when committing crimes.<sup>49</sup>

**Fact:** Criminals are as likely to carry single shot (derringer-type) handguns as they are to carry "assault weapons".<sup>50</sup>

**Fact:** "Assault rifles have never been an issue in law enforcement. I have been on this job for 25 years and I haven't seen a drug dealer carry one. They are not used in crimes, they are not used against police officers."<sup>51</sup>

**Fact:** "Since police started keeping statistics, we now know that "assault weapons" are/were used in an underwhelming 0.026 of 1% of crimes in New Jersey. This means that my officers are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the streets."<sup>52</sup>

**Thoughts:** "Assault weapons" are large and unwieldy. Even misclassified handguns tend to be bigger than practical for concealed carry. Criminals (who, incidentally, disregard concealed carry laws) are unlikely to carry "assault weapons."

## **MYTH: ASSAULT WEAPONS CAN BE EASILY CONVERTED TO MACHINE GUNS**

**Fact:** Firearms that can be "readily converted" are already prohibited by law.<sup>53</sup>

**Fact:** None of the firearms on the list of banned weapons can be readily converted.<sup>54</sup>

**Fact:** Only 0.15% of over 4,000 weapons confiscated in Los Angeles in one year were converted, and only 0.3% had any evidence of an attempt to convert.<sup>55</sup>

## **MYTH: ASSAULT WEAPONS ARE USED IN 16% OF HOMICIDES**

**Fact:** This figure was concocted to promote an "assault weapons" bill in New York. The classification scheme used encompassed most firearms sold in the U.S. since 1987 (center fire rifles and shotguns holding more than six cartridges, and handguns holding more than 10 rounds). By misclassifying "assault weapons", they expanded the scope of a non-problem.

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<sup>47</sup> U.S. Department of Justice, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers", August 2006

<sup>48</sup> Bureau of Justice Statistics, "Firearm Use by Offenders", November 2001

<sup>49</sup> Ibid.

<sup>50</sup> Ibid

<sup>51</sup> Deputy Chief of Police Joseph Constance, Trenton NJ, testimony - Senate Judiciary Committee in Aug 1993

<sup>52</sup> Ibid

<sup>53</sup> U.S. Code title 26, subtitle E, Chapter 53, subchapter B, part 1, section 5845

<sup>54</sup> BATF test as reported in the New York Times, April 3, 1989

<sup>55</sup> Jimmy Trahin, Los Angeles Detective, Congressional testimony, Subcommittee on the Constitution of the Committee on the Judiciary, May 5, 1989, 101st Congress, 1st Session. May 5, 1989. Washington, DC: US Government Printing Office. p. 379



## MYTH: THE 1994 (FORMER) FEDERAL ASSAULT WEAPONS BAN WAS EFFECTIVE

**Fact:** “ ... we cannot clearly credit the ban with any of the nation’s recent drop in gun violence.”<sup>56</sup>

**Fact:** The ban covered only 1.39% of the models of firearms on the market, so the ban’s effectiveness is automatically limited.

**Fact:** "The ban has failed to reduce the average number of victims per gun murder incident or multiple gunshot wound victims."<sup>57</sup>

**Fact:** "The public safety benefits of the 1994 ban have not yet been demonstrated."<sup>58</sup>

**Fact:** "The ban triggered speculative price increases and ramped-up production of the banned firearms"<sup>59</sup>

**Fact:** "The ban ... ramped-up production of the banned firearms prior to the law's implementation"<sup>60</sup> and thus increased the total supply over the following decade.

**Fact:** The Brady Campaign claims that “After the 1994 ban, there were 18% fewer "assault weapons" traced to crime in the first eight months of 1995 than were traced in the same period in 1994”. However they failed to note (and these are mentioned in the NIJ study) that:

1. “Assault weapons” traces were minimal before the ban (due to their infrequent use in crimes), so an 18% change enters the realm of statistical irrelevancy.
2. Fewer “assault weapons” were available to criminals because collectors bought-up the available supply before the ban.

## MYTH: NOBODY NEEDS AN ASSAULT WEAPON

**Fact:** Recall the Rodney King riots in that anti-gun city of Los Angeles. Every major news network carried footage of Korean storeowners sitting on the roofs of their stores, armed with “assault weapons”.<sup>61</sup> Those were the stores that did *not* get burned to the ground, and those were the people that were *not* dragged into the street and beaten by rioters. "You can't get around the

"Passing a law like the assault weapons ban is a symbolic, purely symbolic move ... Its only real justification is not to reduce crime but to desensitize the public to the regulation of weapons in preparation for their ultimate confiscation."

Charles Krauthammer, Syndicated Columnist, The Washington Post, April 5, 1996

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<sup>56</sup> “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003”, National Institute of Justice, June 2004

<sup>57</sup> “Impacts of the 1994 Assault Weapons Ban: 1994-96.”, National Institute of Justice, March 1999

<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> Ibid

<sup>61</sup> Washington Post, May 2, 1992

image of people shooting at people to protect their stores and it working. This is damaging to the [gun control] movement."<sup>62</sup>

**Fact:** There are many reasons people prefer to use these firearms:

- They are easy to operate
- They are very reliable in outdoor conditions (backpacking, hunting, etc.)
- They are accurate
- They are good for recreational and competitive target shooting
- They have value in many self-defense situations

**Fact:** There are many sports in which these firearms are required:

- Many hunters use these firearms
- Three-gun target matches
- Camp Perry competitions, especially the Service Rifle events
- DCM/CMP competitions
- Bodyguard simulations

**Fact:** Ours is a Bill of Rights, not a Bill of Needs.

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<sup>62</sup> Josh Sugarmann, executive director of the Violence Policy Center, Washington Post, May 18, 1993

## CRIME AND GUNS

Basic to the debates on gun control is the fact that most violent crime is committed by repeat offenders. Dealing with recidivism is key to solving violence.

- 71% of gunshot victims had previous arrest records.
- 64% had been convicted of a crime.
- Each had an average of 11 prior arrests<sup>63</sup>.
- 63% of *victims* have criminal histories and 73% of the time they know their assailant (twice as often as victims without criminal histories)<sup>64</sup>.

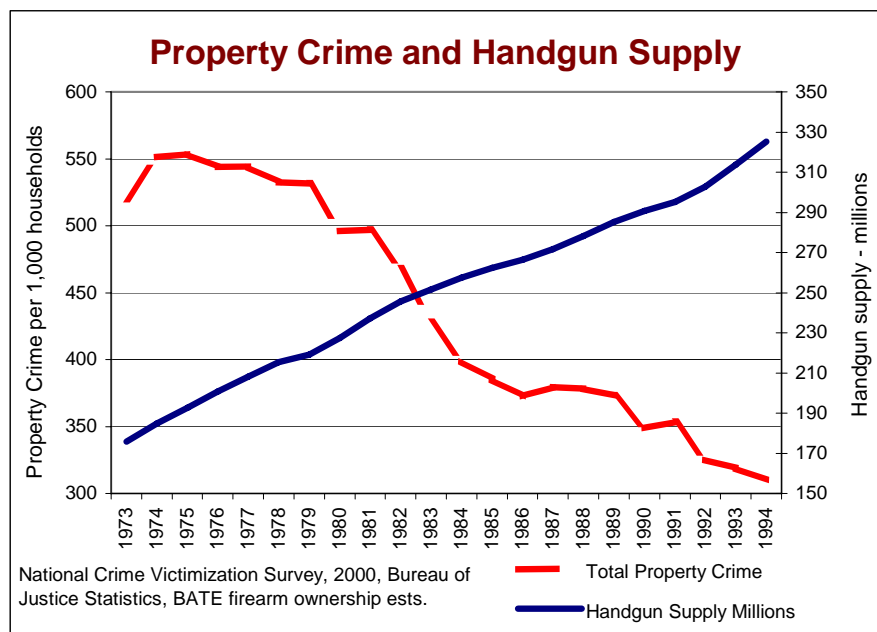
***Most gun violence is between criminals. This should be the public policy focus.***

### MYTH: GUNS ARE NOT A GOOD DETERRENT TO CRIME

**Fact:** Guns prevent an estimated 2.5 million crimes a year, or 6,849 every day.<sup>65</sup> Often the gun is never fired and no blood (including the criminal's) is shed.

**Fact:** It seems to be slowing down property crime (especially burglaries). The chart shows the legal handgun supply in America (mainly in civilian hands) to the property crime rate.<sup>66</sup>

**Fact:** Every day, 550 rapes, 1,100 murders, and 5,200 other violent crimes are prevented just by showing a gun. In less than 0.9% of these instances is the gun ever actually fired.<sup>67</sup>



<sup>63</sup> Richard Lumb, Paul Friday, City of Charlotte Gunshot Study, Department of Criminal Justice, 1994

<sup>64</sup> San Francisco Department of Public Health and San Francisco Injury Center, "Firearm-related Injury Incidents in 1999 – Annual Report", February 2002

<sup>65</sup> "Targeting Guns", Dr. Gary Kleck, Criminologist, Florida State University, 1997

<sup>66</sup> National Crime Victimization Survey, 2000, Bureau of Justice Statistics, BATF estimates on handgun supply

<sup>67</sup> Ibid

**Fact:** 60% of convicted felons admitted that they avoided committing crimes when they knew the victim was armed. 40% of convicted felons admitted that they avoided committing crimes when they thought the victim might be armed.<sup>68</sup>

**Fact:** Felons report that they avoid entering houses where people are at home because they fear being shot.<sup>69</sup>

**Fact:** 59% of the burglaries in Britain, which has tough gun control laws, are “hot burglaries”<sup>70</sup> which are burglaries committed while the home is occupied by the owner/renter. By contrast, the U.S., with more lenient gun control laws, has a “hot burglary” rate of only 13%.<sup>71</sup>

**Fact:** Washington D.C. has essentially banned gun ownership since 1976 and has a murder rate of 56.9 per 100,000. Across the river in Arlington, Virginia, gun ownership is less restricted. There, the murder rate is just 1.6 per 100,000, less than three percent of the Washington, D.C. rate.<sup>72</sup>

**Fact:** 26% of all retail businesses report keeping a gun on the premises for crime control.<sup>73</sup>

**Fact:** In 1982, Kennesaw, GA passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate dropped 89% the following year.<sup>74</sup>

**Fact:** A survey of felons revealed the following:<sup>75</sup>

- 74% of felons agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime."
- 57% of felons polled agreed, "criminals are more worried about meeting an armed victim than they are about running into the police."

## **MYTH: GUNS ARE OFTEN USED TO COMMIT VIOLENT CRIMES**

**Fact:** 90% of all violent crimes in the U.S. do not involve firearms of any type.<sup>76</sup>

**Fact:** Even in crimes where the offender possessed a gun during the commission of the crime, 83% did not use or threaten to use the gun.<sup>77</sup>

**Fact:** Less than 1% of firearms will ever be used in the commission of a crime.<sup>78</sup>

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<sup>68</sup> James Wright and Peter Rossi, “Armed and Considered Dangerous: A Survey of Felons and Their Firearms”, New York: Aldine, 1986

<sup>69</sup> Ibid

<sup>70</sup> A “hot burglary” is when the burglar enters a home while the residents are there

<sup>71</sup> Dr. Gary Kleck, Criminologist, Florida State University (1997) and Kopel (1992 and 1999)

<sup>72</sup> FBI, “Crime in the United States”, 1998

<sup>73</sup> U.S. Small Business Administration, “Crime Against Small Business”, 1969, Senate Document No. 91-14

<sup>74</sup> Dr. Gary Kleck, “Crime Control Through the Private Use of Armed Force”, Social Problems, February 1988

<sup>75</sup> U.S. Bureau of Justice Statistics Federal Firearms Offenders study, 1997. Department of Justice, National Institute of Justice, "The Armed Criminal in America: A Survey of Incarcerated Felons," Research Report, July 1985

<sup>76</sup> Bureau of Alcohol, Tobacco and Firearms, 1998

<sup>77</sup> National Crime Victimization Survey, 1994, Bureau of Justice Statistics

**Fact:** Two-thirds of the people who die each year from gunfire are criminals being shot by other criminals.<sup>79</sup>

### **MYTH: HIGH CAPACITY SEMI-AUTOMATICS ARE PREFERRED BY CRIMINALS**

**Fact:** The use of semi-automatic handguns used in crimes is slightly less than the ratio of semi-automatic handguns owned by private citizens. Any increase in style and capacity simply reflects the overall supply of the various types of firearms.<sup>80</sup>

### **MYTH: BANNING "SATURDAY NIGHT SPECIALS" REDUCES CRIME**

**Fact:** This was the conclusion of the Johns Hopkins University Center for Gun Policy and Research – and it is wrong. They studied firearm homicide rates from Maryland after passage of a Saturday Night Special ban in 1998. It seems the firearm homicide rate has gone up and stayed up, while the homicide rate declined over the rest of the country.<sup>81</sup>

**Fact:** Even banning guns does not slow down criminals. In the U.K., where private ownership of firearms is practically forbidden, criminals have and use guns regularly, and even build their own. One enterprising fellow converted 170 starter pistols to functioning firearms and sold them to gangs. Hundreds of such underground gun factories have been established, contributing to a 35% jump in gun violence.<sup>82</sup>

### **MYTH: CRIMINALS PREFER "SATURDAY NIGHT SPECIALS"<sup>83</sup>**

**Fact:** "Saturday Night Specials" were used in less than 3% of crimes involving guns.<sup>84</sup>

**Fact:** Fewer than 2% of all "Saturday Night Specials" made are used in crimes.

**Fact:** "What was available was the overriding factor in weapon choice [by criminals]."<sup>85</sup>

### **MYTH: GUN SHOWS ARE SUPERMARKETS FOR CRIMINALS**

**Fact:** Only 0.7% of convicts bought their firearms at gun shows. 39.2% obtained them from illegal street dealers.<sup>86</sup>

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<sup>78</sup> FBI Uniform Crime Statistics, 1994

<sup>79</sup> Ibid

<sup>80</sup> Gary Kleck, Targeting Guns, 1977

<sup>81</sup> Center for Disease Control, "Injury Mortality Reports 1981-1998", online at <http://webapp.cdc.gov/sasweb/ncipc/mortrate9.html>

<sup>82</sup> "Gun crime spreads 'like a cancer' across Britain", The Guardian, Oct 5, 2003

<sup>83</sup> "Saturday Night Special" is a term, with racist original, describing a inexpensive firearm. Part of the origin of the term came from "suicide special", describing an inexpensive handgun purchased specifically for committing suicide. The racist origins are too detestable to repeat here.

<sup>84</sup> FBI Uniform Crime Statistics, 1994

<sup>85</sup> U.S. Department of Justice, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers", August 2006

<sup>86</sup> Bureau of Justice Statistics, "Firearm Use by Offenders", February 2002

**Fact:** Less than 1% of “crime guns” were obtained at gun shows<sup>87</sup>. This is a reduction from a 1997 study that found 1.7% - 2% of guns used in criminal offenses were purchased at gun shows.<sup>88</sup>

**Fact:** The FBI concluded in one study that no firearms acquired at gun shows were used to kill cops. “In contrast to media myth, none of the firearms in the study were obtained from gun shows.”<sup>89</sup>

**Fact:** Only 5% of metropolitan police departments believe gun shows are a problem.<sup>90</sup>

**Fact:** Only 3.5% of youthful offenders reported that they obtained their last handgun at a gun show.<sup>91</sup>

**Fact:** 93% of guns used in crimes are obtained illegally (i.e., not at gun stores or gun shows).<sup>92</sup>

**Fact:** At most, 14% of all firearms traced in investigations were purchased at gun shows.<sup>93</sup> But this includes all firearms that the police traced, regardless of if they were used in crimes or not, which overstates the acquisition rate.

**Fact:** Gun dealers are federally licensed. They are bound to stringent rules for sales that apply equally whether they are dealing from a storefront or a gun show.<sup>94</sup>

**Fact:** Most crime guns are either bought off the street from illegal sources (39.2%) or through family members or friends (39.6%).<sup>95</sup>

### **MYTH: 25-50% OF THE VENDORS AT MOST GUN SHOWS ARE “UNLICENSED DEALERS”**

**Fact:** There is no such thing as an “unlicensed dealer,” except for people who buy and sell antique – curio – firearms as a hobby.

**Fact:** This 25-50% figure can only be achieved if you include those dealers *not selling guns* at these shows. These non-gun dealers include knife makers, ammunition dealers, accessories dealers, military artifact traders, clothing vendors, bumper sticker sellers, and hobbyists. In short, 50% of the vendors at shows are not selling firearms at all!

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<sup>87</sup> Ibid

<sup>88</sup> National Institute of Justice, the research arm of the U.S. Department of Justice. According to an NIJ study released in December 1997 "Homicide in Eight U.S. Cities"

<sup>89</sup> U.S. Department of Justice, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers", August 2006

<sup>90</sup> Center to Prevent Handgun Violence survey of 37 police departments in large cities, reported in a CPHV report titled “On the Front Line: Making Gun Interdiction Work”, February 1998

<sup>91</sup> Timothy S. Bynum, Todd G. Beitzel, Tracy A. O’Connell & Sean P. Varano, “Patterns in Gun Acquisition and Use by Youthful Offenders in Michigan”, 1999

<sup>92</sup> BATF, 1999

<sup>93</sup> BATF, June 2000, covers only July 1996 through December 1998

<sup>94</sup> BATF, 2000

<sup>95</sup> “Firearm use by Offenders”, Bureau of Justice Statistics, November 2001



## **MYTH: REGULATION OF GUN SHOWS WOULD REDUCE “STRAW SALES”**

**Fact:** The main study that makes this claim had no scientific means for determining what sales at the show were “straw sales.” Behaviours that Dr. Wintermute cited as “clear evidence” of a straw purchase were observational only, and were more likely instances of more experienced acquaintances helping in a purchase decision. No attempts were made to verify that the sales in question were straw sales.<sup>96</sup>

## **MYTH: PRISON ISN'T THE ANSWER TO CRIME CONTROL**

**Fact:** From 1960-1980, per capita imprisonment for violent crimes fell from 738 to 227. In the same period, violent crime rates nationwide tripled.

**Fact:** Why does crime rise when criminals are released from prison early? Because they are likely to commit more crimes. 67.5% were re-arrested for new felonies or serious misdemeanors within three years. Extrapolating, those released felons killed another 2,282 people.<sup>97</sup>

**Fact:** 45% of state prisoners, at the time they committed their offenses, were under conditional supervision in the community--either on probation or on parole.<sup>98</sup> Keeping violent convicts in prison would reduce violent crimes.

**Fact:** Homicide convicts serve a little more than ½ of their original sentences.<sup>99</sup> Given that men tend to be less prone to violent behavior as they age<sup>100</sup>, holding them for their full sentences would probably reduce violence significantly.

**Fact:** In 1991, 13,200 homicides were committed by felons on parole or probation. For comparison sake, this is about ½ of the 1999 annual gun death totals (keep in mind that gun deaths fell from 1991 to 1999).

**Fact:** Los Angeles county saw repeat offender and re-arrest rates soar after authorities closed jails and released prisoners early. In less than three years, early release of prisoners in LA resulted in:<sup>101</sup>

- 15,775 Rearrested convicts
- 1,443 Assault charges<sup>102</sup>
- 518 Robbery charges
- 215 Sex offense charges
- 16 Murder charges

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<sup>96</sup> “Gun shows across a multistate American gun market”, Dr. GJ Wintermute, British Medical Journal, 2007

<sup>97</sup> “Reentry Trends in the U.S., Recidivism”, Department of Justice, 1999

<sup>98</sup> US Bureau of Justice Statistics, 1991

<sup>99</sup> “Firearm Use by Offenders”, Bureau of Justice Statistics, November, 2001

<sup>100</sup> Homicide rates peak in the 18-24 year old group, Bureau of Justice Statistics, online database

<sup>101</sup> “Releasing Inmates Early Has a Costly Human Toll”, Los Angeles Times, May 14, 2006

<sup>102</sup> Keep in mind these are just charges. Each arrested convict may have committed multiple crimes.

## **MYTH: WAITING PERIODS PREVENT RASH CRIMES AND REDUCE VIOLENT CRIME RATES**

**Fact:** The “time-to-crime” of a firearm ranges from one to 12 years, making it rare that a newly purchased firearm is used in a crime.<sup>103</sup>

**Fact:** The national five-day waiting period under the Brady Bill had no impact on murder or robbery. In fact, there was a slight increase in rape and aggravated assault, indicating no effective suppression of certain violent crimes. Thus, for two crime categories, a possible effect was to delay law-abiding citizens from getting a gun for protection. The risks were greatest for crimes against women.<sup>104</sup>

**Fact:** Comparing homicide rates in 18 states that had waiting periods and background checks before the Brady bill, with rates in the 32 states that had no comparable laws, the difference in change of homicide rates was “insignificant”.<sup>105</sup>

## **MYTH: GUN MAKERS ARE SELLING PLASTIC GUNS THAT SLIP THROUGH METAL DETECTORS**

**Fact:** There is no such thing as a ‘plastic gun’. This myth started in 1980<sup>106</sup> when Glock began marketing a handgun with a polymer frame, not the entire firearm. Most of a Glock is metal (83% by weight), detectable in common metal and x-ray detectors. “[D]espite a relatively common impression to the contrary, there is no current non-metal firearm not reasonably detectable by present technology and methods in use at our airports today, nor to my knowledge, is anyone on the threshold of developing such a firearm.”<sup>107</sup>

Incidentally, Glock is one of the favorite handguns of police departments *because it is lightweight, thanks to the polymer frame.*

## **MYTH: MACHINE GUNS<sup>108</sup> ARE FAVORED BY CRIMINALS**

**Fact:** In the drug-ridden Miami of 1980, fewer than 1% of all gun homicides were with machine guns.<sup>109</sup>

**Fact:** None of over 2,220 firearms recovered from crime scenes by the Minneapolis police in 1987-89 were machine guns.<sup>110</sup>

**Fact:** 0.7% of seized guns in Detroit in 1991-92 were machine guns.<sup>111</sup>

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<sup>103</sup> Bureau of Alcohol, Tobacco and Firearms as reported by Time Magazine, July 12, 2002

<sup>104</sup> Dr. John Lott Jr., University of Chicago School of Law, 1997

<sup>105</sup> Dr. Jens Ludwig, Dr. Philip J. Cook, Journal of the American Medical Association, August 2000

<sup>106</sup> Heckler and Koch made a polymer framed firearm earlier, in 1968, but the myth seems to have erupted after Glock began promoting theirs to police departments.

<sup>107</sup> Billie Vincent, FAA Director of Civil Aviation Security, House Subcommittee on Crime, May 15, 1986

<sup>108</sup> In this myth, “machine gun” represents “fully automatic” firearms, ones that fire bullets as long as the trigger is pulled.

<sup>109</sup> Miami Herald, August 23, 1984, based on figures from Dr. Joseph Davis, Dade County medical examiner

<sup>110</sup> 1994, Minnesota Medical Association Firearm Injury Prevention Task Force

# GUNS AND CRIME PREVENTION

## MYTH: PRIVATE OWNERSHIP OF GUNS IS NOT EFFECTIVE IN PREVENTING CRIME

**Fact:** Every year, people in the United States use a gun to defend themselves against criminals an estimated 2,500,000 times – more than 6,500 people a day, or once every 13 seconds.<sup>112</sup> Of these instances, 15.6% of the people using a firearm defensively stated that they "almost certainly" saved their lives by doing so.

*Firearms are used **60 times** more often to protect lives than to take lives.*

**Fact:** In 83.5% (2,087,500) of these successful gun defenses, the attacker either threatened or used force first, proving that guns are very well suited for self-defense.

**Fact:** Of the 2,500,000 times citizens use guns to defend themselves, 92% merely brandish their gun or fire a warning shot to scare off their attackers.

**Fact:** Less than 8% of the time does a citizen wound his or her attacker, and in less than one in a thousand instances is the attacker killed.<sup>113</sup>

**Fact:** For every accidental death, suicide, or homicide with a firearm, 10 lives are saved through defensive use.

**Fact:** When using guns in self-defense<sup>114</sup>:

- 83% of robbery victims were not injured.
- 88% of assault victims were not hurt.
- 76% of all self-defense use of guns never involve firing a single shot.

**Fact:** After the implementation of Canada's 1977 gun controls prohibiting handgun possession for protection, the "breaking and entering" crime rate rose 25%, surpassing the American rate.<sup>115</sup>

## MYTH: ONLY POLICE SHOULD HAVE GUNS

**Fact:** "...most criminals are more worried about meeting an armed victim than they are about running into the police."<sup>116</sup>

**Fact:** 11% of police shootings kill an innocent person - about 2% of shootings by citizens kill an innocent person.<sup>117</sup>

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<sup>111</sup> J. Gayle Mericle, 1989, Unpublished report of the Metropolitan Area Narcotics Squad, Will and Grundy Counties

<sup>112</sup> Fall 1995, Journal of Criminal Law and Criminology

<sup>113</sup> FBI, "Critical Incidents in Policing", 1991

<sup>114</sup> National Crime Victimization Survey, 1979-1985

<sup>115</sup> Pat Mayhew, Residential Burglary: A Comparison of the United States, Canada and England and Wales (Nat'l Inst. of Just., Wash., D.C., 1987)

<sup>116</sup> Wright and Rossi, "Armed and Considered Dangerous: A Survey of Felons and Their Firearms", 1986

<sup>117</sup> Cramer C and Kopel D. "Shall issue: the new wave of concealed handgun permit laws." Golden CO: Independence Institute Issue Paper. October 17, 1994

**Fact:** Police have trouble keeping their own guns. Hundreds of firearms are missing from the FBI and 449 of them have been involved in crimes.<sup>118</sup>

**Fact:** People who saw the helplessness of the L.A. Police Department during the 1992 King Riots or the looting and violence in New Orleans after hurricane Katrina know that citizens need guns to defend themselves.

### **MYTH: YOU ARE MORE LIKELY TO BE INJURED OR KILLED USING A GUN FOR SELF-DEFENSE**

**Fact:** You are far more likely to survive a violent assault if you defend yourself with a gun. In episodes where a robbery victim was injured, the injury/defense rates were:<sup>119</sup>

Resisting with a gun	6%
Did nothing at all	25%
Resisted with a knife	40%
Non-violent resistance	45%

### **MYTH: GUNS ARE NOT EFFECTIVE IN PREVENTING CRIME AGAINST WOMEN**

**Fact:** Of the 2,500,000 annual self-defense cases using guns, more than 7.7% (192,500) are by women defending themselves against sexual abuse.

**Fact:** When a woman was armed with a gun or knife, only 3% of rape attacks are completed, compared to 32% when unarmed.<sup>120</sup>

**Fact:** The probability of serious injury from an attack is 2.5 times greater for women offering no resistance than for women resisting with a gun. Men also benefit from using a gun, but the benefits are smaller at 1.4 times more likely to receive a serious injury.<sup>121</sup>

**Fact:** 28.5% of women have a gun in the house.<sup>122</sup>

**Fact:** 41.7% of women either own or have rapid access to guns.<sup>123</sup>

**Fact:** In 1966, the city of Orlando responded to a wave of sexual assaults by offering firearms training classes to women. Rapes dropped by nearly 90% the following year.

<b>Rape Rates 1995–2003 (per 100,000 pop.)</b>			
	1995	2003	% Change
Australia	72.5	91.7	+26.5
United Kingdom	43.3	69.2	+59.8
United States	37.1	32.1	-13.5

<sup>118</sup> ABC News, July 17, 2001

<sup>119</sup> British Home Office – not a “pro-gun” organization by any means

<sup>120</sup> U.S. Department of Justice, Law Enforcement Assistance Administration, Rape Victimization in 26 American Cities, 1979

<sup>121</sup> Department of Justice's National Crime Victimization Survey

<sup>122</sup> Smith, T: 2001 National Gun Policy Survey of the National Opinion Research Center: Research Findings. National Opinion Research Center, University of Chicago, December 2001.

<sup>123</sup> Ibid

**Fact:** Firearm availability appears to be particularly useful in avoiding rape. Australia and the United Kingdom virtually banned handgun ownership. During the same period handgun ownership in the United States steadily rose. Yet the rate of rape decreased in the United States, and skyrocketed in the other countries.

**Fact:** More Americans believe having a gun in the home makes them safer. This belief grows every year the survey is taken.<sup>124</sup>

**Fact:** Arthur Kellerman, a researcher whose work is often cited by gun control groups said “If you've got to resist, you're chances of being hurt are less the more lethal your weapon. If that were my wife, would I want her to have a .38 Special in her hand? Yeah.”<sup>125</sup>

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<sup>124</sup> Gallup Poll, " Americans by Slight Margin Say Gun in the Home Makes It Safer", October 20, 2006

<sup>125</sup> “Gun Crazy”, S.F. Examiner, April 3, 1994

# LICENSING AND REGISTRATION

## MYTH: OTHER COUNTRIES REGISTER GUNS TO FIGHT CRIME

**Fact:** Most of these laws were enacted in the post World War I period to prevent civil uprisings as had occurred in Russia. A report of “Committee on the Control of Firearms,” written by the British Home Office officials in 1918, was the basis for registration in the U.K., Australia, Canada, and New Zealand.<sup>126</sup>

**Fact:** Though restrictions were few in the United States and the number of legally held handguns exceeded those on the Canadian side by a factor of 10, rates of homicide were virtually identical.<sup>127</sup>

## MYTH: GUN REGISTRATION WORKS

**Fact:** Not in New Zealand. They repealed their gun registration law in the 1980s after police acknowledged its worthlessness.<sup>128</sup>

**Fact:** Not in Australia. “It seems just to be an elaborate system of arithmetic with no tangible aim. Probably, and with the best of intentions, it may have been thought, that if it were known what firearms each individual in Victoria owned, some form of control may be exercised, and those who were guilty of criminal misuse could be readily identified. This is a fallacy, and has been proven not to be the case.”<sup>129</sup> And this costs the Australian taxpayers over \$200 million annually.<sup>130</sup>

**Fact:** Not in Canada.

- More than 20,000 Canadian gun-owners have publicly refused to register their firearms. Many others are silently ignoring the law.
- The provincial governments of Alberta, Saskatchewan, and Manitoba have dumped both the administration and the enforcement of all federal gun-control laws right back into Ottawa's lap, throwing the Canadian government into a paper civil war.
- And all at a cost more than 1,646% the original projected cost<sup>131</sup> (the original cost was estimated at 5% of all police expenditures in Canada<sup>132</sup>). “The gun registry as it sits right now

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<sup>126</sup> Steven W. Kendrick, “Response to Philip Alpers' submission to the California State Assembly Select Committee on Gun Violence”, January 2000

<sup>127</sup> Professor Brandon Centrewall , American Journal of Epidemiology, Volume 134, Page 1245-65

<sup>128</sup> New Zealand Police Department, "Background to the Introduction of Firearms User Licensing Instead of Rifle and Shotgun Registration Under the Arms Act 1983", (Wellington, New Zealand: n.p., 1983)

<sup>129</sup> Chief Inspector Newgreen. Registrar of Firearms for the State of Victoria, Registration Firearms System CRB File 39-1-1385/84

<sup>130</sup> Gary Mauser , “The Failed Experiment: Gun Control and Public Safety in Canada, Australia, England and Wales”, The Fraser Institute, 2003

<sup>131</sup> David Ljunggren, “Ottawa Under Pressure Over Gun Registry Fiasco”, Rueters, December 4, 2002

<sup>132</sup> Prof. John Lott, “When ‘Gun Control’ costs lives”, Firing Line, September 2001



is causing law abiding citizens to register their guns but it does nothing to take one illegal gun off the street or to increase any type of penalty for anybody that violates any part of the legislation," according to Al Koenig, President, Calgary Police Association.<sup>133</sup> "We have an ongoing gun crisis, including firearms-related homicides lately in Toronto, and a law registering firearms has neither deterred these crimes nor helped us solve any of them", according to Toronto police Chief Julian Fantino.<sup>134</sup>

- The system is so bad that five Canadian provinces (British Columbia joins Manitoba, Saskatchewan, Alberta, Nova Scotia, and Ontario) are refusing to prosecute firearm owners who fail to register.<sup>135</sup>
- A bill to abolish the registry has been tabled (introduced) in the Canadian parliament which, if passed, would eliminate the registry completely.<sup>136</sup>

**Fact:** Not in Germany. The Federal Republic of Germany began comprehensive gun registration in 1972. The government estimated that between 17,000,000 and 20,000,000 guns were to be registered, but only 3,200,000 surfaced, leaving 80% unaccounted for.<sup>137</sup>

**Fact:** Not in Boston, Cleveland, or California. These cities and states require registration of "assault weapons." The compliance rate in Boston and Cleveland is about 1%.<sup>138</sup> California originally had a 90% non-compliance rate.<sup>139</sup>

**Fact:** Criminals don't register their guns.

### **MYTH: GUN REGISTRATION WILL HELP POLICE FIND SUSPECTS**

**Fact:** Registration is required in Hawaii, Chicago, and Washington D.C. Yet there has not been a single case where registration was instrumental in identifying someone who committed a crime.<sup>140</sup> Criminals very rarely leave their guns at the scene of the crime. Would-be criminals also virtually never get licenses or register their weapons.

### **MYTH: REGISTRATION DOES NOT LEAD TO CONFISCATION**

**Fact:** It did in Canada. The handgun registration law of 1934 was the source used to identify and confiscate (without compensation) over half of the registered handguns in 2001.<sup>141</sup>

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<sup>133</sup> Calgary Herald, September 1, 2000

<sup>134</sup> "Opponents increase pressure to halt Canada's gun control program", Associated Press, Jan 3, 2002

<sup>135</sup> "Victoria won't enforce firearms act", Vancouver Sun, June 06, 2003

<sup>136</sup> "An Act to amend the Criminal Code and the Firearms Act", Received first reading June 19, 2006

<sup>137</sup> Ted Drane, "Why Gun Registration will Fail"

<sup>138</sup> David B. Kopel, "The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies" 231, n.210 (1992).

<sup>139</sup> California State Senate Committee on Judiciary, rep. on Sen. Bill No. 263 (1991-1992 Reg. Sess.).

<sup>140</sup> Prof. John Lott, "Gun Licensing Leads to Increased Crime, Lost Lives", L.A. Times, Aug 23, 2000

<sup>141</sup> Dr. Paul Gallant and Dr. Joanne Eisen, "Civil Disobedience In Canada: It Just Happened To Be Guns", Idaho Observer, August 2000

**Fact:** It did in Germany. The 1928 Law on Firearms and Ammunition (before the Nazis came to power) required all firearms to be registered. When Hitler came to power, the existing lists were used for confiscating weapons.

**Fact:** It did in Australia. In 1996, the Australian government confiscated over 660,000 previously legal weapons from their citizens.

**Fact:** It did in California. The 1989 Roberti-Roos Assault Weapons Control Act required registration. Due to shifting definitions of “assault weapons,” many legal firearms are now being confiscated by the California government.

**Fact:** It did in New York City. In 1967, New York City passed an ordinance requiring a citizen to obtain a permit to own a rifle or shotgun, which would then be registered. In 1991, the city passed a ban on the private possession of some semi-automatic rifles and shotguns, and “registered” owners were told that those firearms had to be surrendered, rendered inoperable, or taken out of the city.

**Fact:** It did in Bermuda, Cuba, Greece, Ireland, Jamaica, and Soviet Georgia as well.

## **MYTH: LICENSING WILL KEEP BAD PEOPLE FROM OBTAINING OR USING GUNS**

**Fact:** Not in Canada. Canadian homicide rates were virtually unchanged before and after gun registration requirements were implemented (151/100,000 people in 1998 and 149/100,000 in 2002).<sup>142</sup>

**Fact:** In New York State alone, approximately 100,000 persons are convicted of unlicensed operation of a motor vehicle each year, and this is probably a small proportion of the actual number of people who drive without a valid license.<sup>143</sup> Licensing requirements don't stop ineligible people from driving, and they do not stop ineligible people from acquiring guns.

**Fact:** As long as the unlicensed purchaser is never caught with the handgun, the unlawful sale will go unnoticed. The risk of detection is negligible. If the unlicensed handgun owner is arrested, he could claim that he did not need a license because he had owned this handgun before licensing went into effect.<sup>144</sup>

**Fact:** Currently, federal prosecutors do not eagerly accept felon-in-possession cases for prosecution unless the felon is a hardened criminal who represents a threat to the public.<sup>145</sup>

**Fact:** According to the Supreme Court, criminals do not have to obtain licenses or register their weapons, as that would be an act of self-incrimination.<sup>146</sup>

**Fact:** Prohibition (which started as a ‘moderation’ movement) didn't keep people from drinking. Instead it turned millions of otherwise honest and sober citizens into overnight criminals.

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<sup>142</sup> Statistics Canada, Oct 1, 2003

<sup>143</sup> Journal of Criminal Law and Criminology, Northwestern University School of Law, 1998

<sup>144</sup> Ibid

<sup>145</sup> Daniel C. Richman, Old Chief v. United States: Stipulating Away Prosecutorial Accountability?, 83 Va. L. Rev. 939, 982-85 (1997)

<sup>146</sup> Haynes vs. U.S. 390 U.S. 85 1968

**Fact:** Most police do not see the benefit. “It is my belief that [licensing and registration] significantly misses the mark because it diverts our attention from what should be our common goal: holding the true criminals accountable for the crimes they commit and getting them off the street.”<sup>147</sup>

**Fact:** “In 2005, agencies reported 1,400 arrests of persons denied a firearm or permit; but the U.S. Department of Justice accepted only 135 of those denial cases for prosecution.<sup>148</sup> Given the poor performance of the Federal government in prosecuting felons identified by the Instant Background Check trying to buy firearms, there is little to support firearm licensing as a crime prevention measure.

### **MYTH: GUNS FROM THE U.S. CREATE CRIME IN OTHER COUNTRIES**

**Fact:** Canada, which shares the longest and most open border with the U.S., doesn't think so, saying guns from the U.S. are a "small part" of the problem.<sup>149</sup>

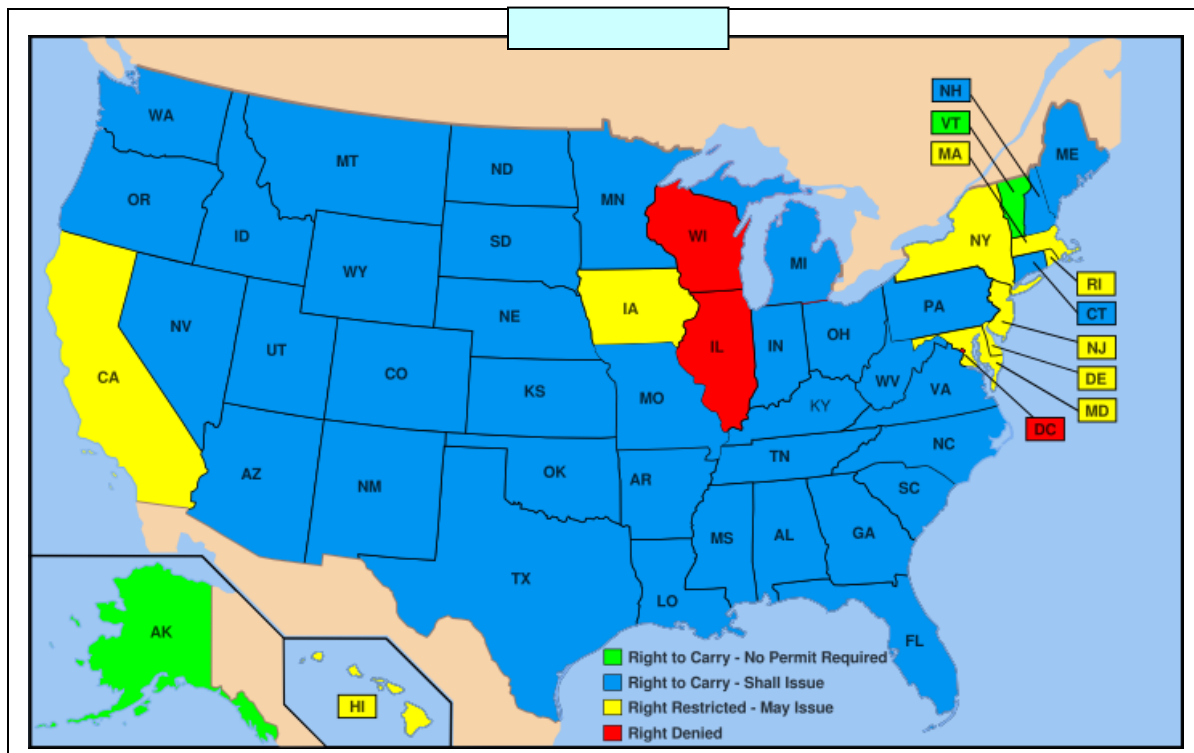
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<sup>147</sup> Bob Brooks, Ventura County Sheriff, “When ‘Gun Control’ costs lives”, Firing Line, September 2001

<sup>148</sup> U.S. Department of Justice, Office of Justice Programs. “Background Checks for Firearm Transfers 2005.” November 2006.

<sup>149</sup> Paul Culver, Senior Toronto Crown Attorney, Globe and Mail, August 15, 2005

## CONCEALED CARRY LAWS AND WEAPONS



### MYTH: CONCEALED CARRY LAWS INCREASE CRIME

**Fact:** Forty states<sup>150</sup>, comprising the majority of the American population, are "right-to-carry" states. Statistics show that in these states the crime rate fell (or did not rise) after the right-to-carry law became active (as of July, 2006). Nine states deny or restrict the right to carry.

**Fact:** Crime rates involving gun owners with carry permits have consistently been about 0.02% of all carry permit holders since Florida's right-to-carry law started in 1988.<sup>151</sup>

**Fact:** After passing their concealed carry law, Florida's homicide rate fell from 36% above the national average to 4% below, and remains below the national average (as of the last reporting period, 2005).<sup>152</sup>

**Fact:** In Texas, murder rates fell 50% faster than the national average in the year after their concealed carry law passed. Rape rates fell 93% faster in the first year after enactment, and

<sup>150</sup>At publication time two more states, Kansas and Nebraska, have pass shall-issue legislation, but insufficient data was available to determine how the change has impacted crime rates.

<sup>151</sup> Florida Department of Justice, 1998

<sup>152</sup>Cramer C and Kopel D. Shall issue: the new wave of concealed handgun permit laws. Golden CO: Independence Institute Issue Paper. October 17, 1994

500% faster in the second<sup>153</sup>. Assaults fell 250% faster in the second year.<sup>154</sup>

**Fact:** More to the point, crime is significantly higher in states without right-to-carry laws<sup>155</sup>:

**Fact:** States that disallow concealed carry have violent crime rates 11% higher than national averages.<sup>156</sup>

**Fact:** Deaths and injuries from mass public shootings fall dramatically after right-to-carry concealed handgun laws are enacted. Between 1977 and 1995<sup>157</sup>, the average death rate from mass shootings plummeted by up to 91% after such laws went into effect, and injuries dropped by over 80%.<sup>158</sup>

Type of Crime	% Higher in Restrictive States
Robbery	105%
Murder	86%
Assault	82%
Violent Crime	81%
Auto theft	60%
Rape	25%

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<sup>153</sup> Some criminologist believe measuring first year change is shortsighted as it takes more than a year for permits to be issued, reach critical quantities, and for the criminally minded to recognize the new situation and avoid violent confrontations.

<sup>154</sup> Bureau of Justice Statistics, online database, reviewing Texas and U.S. violent crime from 1995-2001.

<sup>155</sup> John Lott, David Mustard: This study involved county level crime statistics from *all* 3,054 counties in the U.S., from 1977 through 1992. During this time ten states adopted right-to-carry laws. It is estimated that if all states had adopted right-to-carry laws, in 1992 the US would have avoided 1,400 murders, 4,200 rapes, 12,000 robberies, 60,000 aggravated assaults – and saved over \$5,000,000,000 in victim expenses.

<sup>156</sup> FBI, Uniform Crime Reports, 2004 - excludes Hawaii and Rhode Island - small populations and geographic isolation create other determinants to violent crime.

<sup>157</sup> Federal legislation created a nation “gun-free schools” policy, effective in 1996. Some criminologists maintain this created a new dynamic, encouraging mass murder on campus. Thus after 1995 it is increasing difficult to make comparisons based on the effects of CCWs and mass shootings.

<sup>158</sup> “Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement”, John Lott and William Landes, Law School of the University of Chicago, Law & Economics Working Paper No. 73

## MYTH: PEOPLE WITH CONCEALED WEAPONS PERMITS WILL COMMIT CRIMES

**Fact:** The results for the first 30 states that passed “shall-issue” laws for concealed carry permits are similar.

**Fact:** The general public is:<sup>168</sup>

- 5.7 times more likely to be arrested for violent offenses than CCW permit holders.
- 13.5 times more likely to be arrested for non-violent offenses than the than CCW permit holders.

**Fact:** In Texas, the general public is 14 more likely to commit a crime than a CCW permit holder. They are also five times more likely to commit a violent crime.<sup>169</sup>

**Fact:** Even gun control organizations agree it is a non-problem, as in Texas – “because there haven't been Wild West shootouts in the streets”.<sup>170</sup>

State <sup>159</sup>	Permits issued	Revoked permits	% Revoked	Violent Crime Rate Change <sup>160</sup>
Florida	1,327,321 <sup>161</sup>	4,129	0.3%	-30.5%
Virginia	50,000 <sup>162</sup>	0	0.0%	-21.9%
Arizona	63,000 <sup>163</sup>	50	0.9%	-28.7%
North Carolina	59,597 <sup>164</sup>	1,274	1.2%	-26.4%
Minnesota	46,636 <sup>165</sup>	12	0.03%	16.8% <sup>166</sup>
Michigan	155,000 <sup>167</sup>	2,178	0.1%	1.4%

**Fact:** Of 14,000 CCW licensees in Oregon, only 4 (0.03%) were convicted of the criminal (not necessarily violent) use or possession of a firearm.

<sup>159</sup> Reports were as received. No selection or filtering process was used.

<sup>160</sup> Violent crime rates are from inception of “shall issue” CCW through 2006, the most recent period available through the Bureau of Justice Statistics online database.

<sup>161</sup> October 1987 through Jan 2008

<sup>162</sup> 1995 – no follow-up data available

<sup>163</sup> 1994 through 2007

<sup>164</sup> 1995 through 2004

<sup>165</sup> 2002 through 2006

<sup>166</sup> In 2005 and 2006, Minnesota had an abnormal spike in robbery and aggravated assaults. The first three years of CCW in Minnesota saw violent crime rates being roughly stable.

<sup>167</sup> 2001 through 2007

<sup>168</sup> “An Analysis of the Arrest Rate of Texas Concealed Carry Handgun License Holders as Compared to the Arrest Rate of the Entire Texas Population”, William E. Sturdevant, PE, September 11, 1999

<sup>169</sup> Texas Department of Public Safety and the U.S. Census Bureau, reported in San Antonio Express-News, September, 2000

<sup>170</sup> Nina Butts, Texans Against Gun Violence, Dallas Morning News, August 10, 2000

**Fact:** In Florida, a state that has allowed concealed carry since late 1987, you are twice as likely to be attacked by an alligator as by a person with a concealed carry permit.<sup>171</sup>

### **MYTH: TEXAS CCW HOLDERS ARE ARRESTED 66% MORE OFTEN**

**Fact:** Most arrests cited are not any form of violent crime (includes bounced checks or tax delinquency).<sup>172</sup>

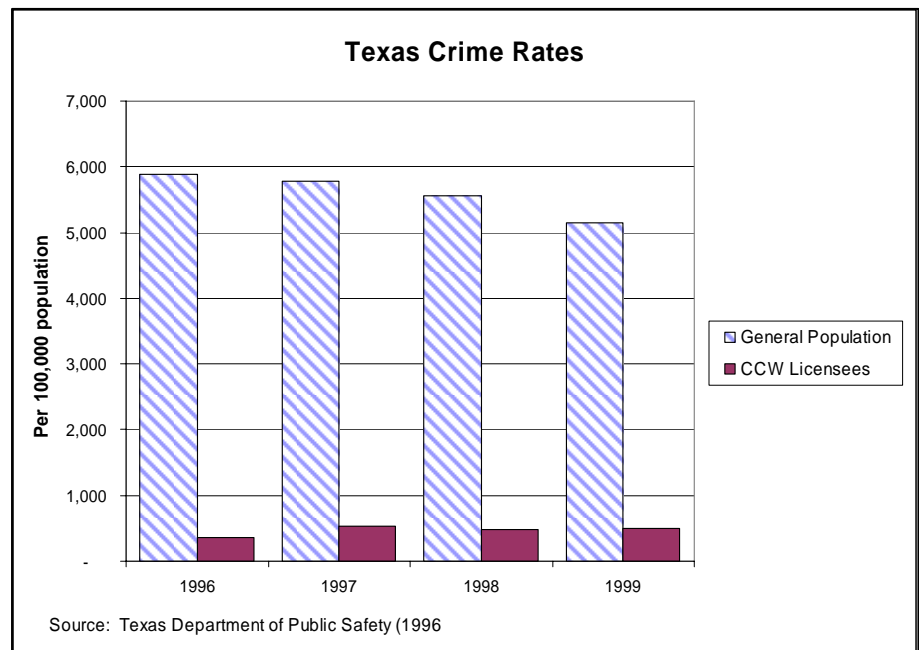
**Fact:** The VPC "study" only includes arrests, not convictions.

**Fact:** Many of these arrests in this premature VPC "study" came in the early years of Texas CCWs when the law was not understood by most of the law enforcement community or prosecutors.

**Fact:** Compared to the entire population, Texas CCW holders are about 7.6 times less likely to be arrested for a violent crime.<sup>173</sup> The numbers breakdown as follows:

- 214,000 CCW holders<sup>174</sup>
- 526 (0.2%) felony arrests of CCW holders that have been adjudicated
- 100 (0.05%) felony convictions

**Fact:** A different study concludes that the four year violent crime arrest rate for CCW holders is 128 per 100,000. For the general population, it is 710 per 100,000. In other words, the general public is 5.5 times more likely to commit a violent crime than a CCW licensee.<sup>175</sup>



<sup>171</sup> Florida Department of State, "Concealed Weapons/Firearms License Statistical Report", 1998 – Florida Game and Fresh Water Fish Commission, December 1998

<sup>172</sup> "Basis For Revocation Or Suspension Of Texas Concealed ", Texas Department of Public Safety, December 1, 1998

<sup>173</sup> Texas Department of Corrections data, 1996-2000, compiled by the Texas State Rifle Association, [www.tsra.com/arrests.htm](http://www.tsra.com/arrests.htm)

<sup>174</sup> These are year 2000 records. As of 2005, the number of Texas concealed carry permit holders was 248,874.

<sup>175</sup> "An Analysis Of The Arrest Rate Of Texas Concealed Handgun License Holders As Compared To The Arrest Rate Of The Entire Texas Population", William E. Sturdevant, PE, September 11, 1999

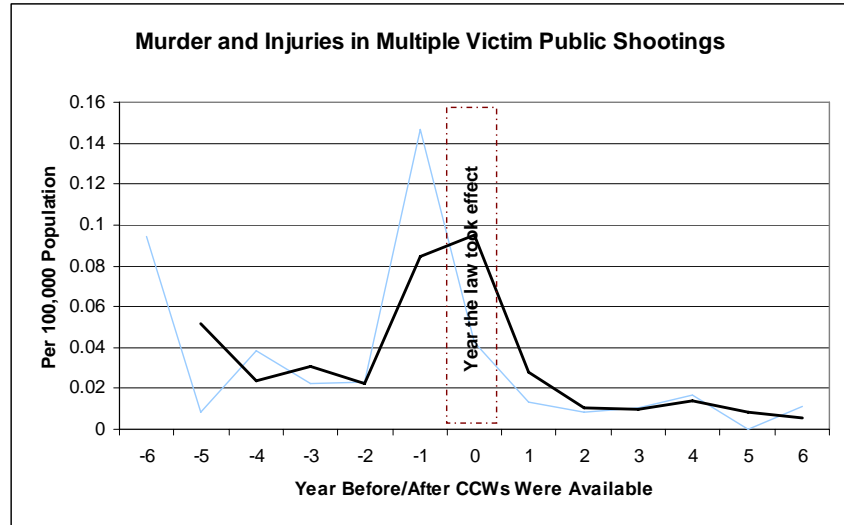


## MYTH: CCWS WILL LEAD TO MASS PUBLIC SHOOTINGS

**Fact:** Multiple victim public shootings drop in states that pass shall-issue CCW legislation.<sup>176</sup>

## MYTH: PEOPLE DO NOT NEED CONCEALABLE WEAPONS

**Fact:** In 80% of gun defenses, the defender used a concealable handgun. A quarter of the gun defenses occurred in places away from the defender's home.<sup>177</sup>



**Fact:** 77% of all violent crime occurs in public places.<sup>178</sup> This makes concealed carry necessary for almost all self-defense needs. But due to onerous laws forbidding concealed carry, only 26.8% of defensive gun uses occurred away from home.<sup>179</sup>

**Fact:** Often, small weapons that are capable of being concealed are the only ones usable by people of small stature or with physical disabilities.

**Fact:** The average citizen doesn't need a Sport Utility Vehicle, but driving one is arguably safer than driving other vehicles. Similarly, carrying a concealable gun makes the owner – and his or her community – safer by providing protection not otherwise available.

## MYTH: POLICE ARE AGAINST CONCEALED CARRYING BY CITIZENS

**Fact:** 66% of police chiefs believe that citizens carrying concealed firearms reduce rates of violent crime.<sup>180</sup>

**Fact:** “All the horror stories I thought would come to pass didn't happen ...I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert.”<sup>181</sup>

<sup>176</sup> Lott John R., Landes William M.; "Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement"; University of Chicago – covers years 1977 to 1995

<sup>177</sup> "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," by Gary Kleck and Marc Gertz, in *The Journal of Criminal Law & Criminology*, Northwestern University School of Law, Volume 86, Number 1, Fall, 1995

<sup>178</sup> U.S. Bureau of Justice Statistics, "Criminal Victimization in the United States", 1993

<sup>179</sup> Kleck and Gertz, National Self Defense Survey, 1995

<sup>180</sup> National Association of Chiefs of Police, 17th Annual National Survey of Police Chiefs & Sheriffs, 2005

<sup>181</sup> Glenn White, president, Dallas Police Association, Dallas Morning News, December 23, 1997

**Fact:** “I ... [felt] that such legislation present[ed] a clear and present danger to law-abiding citizens by placing more handguns on our streets. Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my fears absolutely groundless”<sup>182</sup>.

**Fact:** Explain this to the [Law Enforcement Alliance of America](#), [Second Amendment Police Department](#), and Law Enforcement for the Preservation of the Second Amendment, all of whom support shall-issue concealed carry laws.

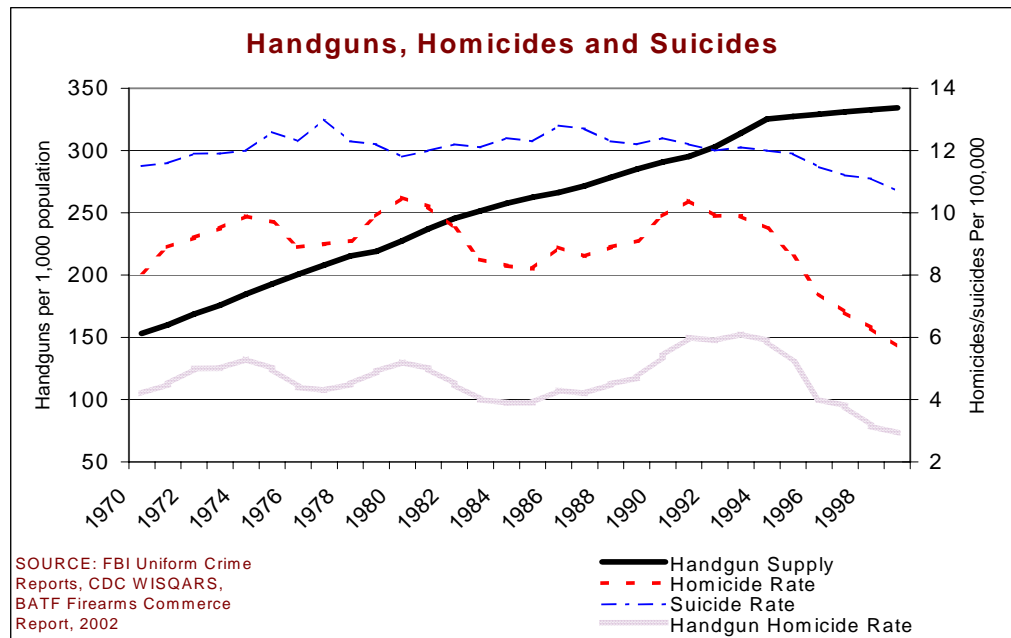
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<sup>182</sup> John B. Holmes, Harris County Texas district attorney, Dallas Morning News, December 23, 1997

# THE AVAILABILITY OF GUNS

## MYTH: THE AVAILABILITY OF GUNS CAUSES CRIME

**Fact:** Though the number of firearms owned by private citizens has been increasing steadily since 1970, the overall rate of homicides and suicides has not risen.<sup>183</sup> As the chart shows, there is no correlation between the availability of firearms and the rates of homicide and suicide in America.



**Fact:** Internationally speaking “There’s no clear relationship between more guns and higher levels of violence.”<sup>184</sup>

**Fact:** “... a detailed study of the major surveys completed in the past 20 years or more provides no evidence of any relationship between the total number of legally held firearms in society and the rate of armed crime. Nor is there a relationship between the severity of controls imposed in various countries or the mass of bureaucracy involved with many control systems with the apparent ease of access to firearms by criminals and terrorists.”<sup>185</sup>

**Fact:** Handgun ownership among groups normally associated with higher violent crime (young males, blacks, low income, inner city, etc.) is at or below national averages.<sup>186</sup>

**Fact:** The most significant variables to the use of guns in the commission of crimes are when

<sup>183</sup> Prof. Gary Kleck, “Targeting Guns: Firearms and their control”, with supporting data from the FBI Uniform Crime Statistics, 1972 to 1995

<sup>184</sup> Keith Krause, Project Director, Small Arms Survey project, Graduate Institute of International Studies, Geneva, 2007

<sup>185</sup> Colin Greenwood, “Minutes of Evidence”, Select Committee on Northern Ireland Affairs, January 29, 2003

<sup>186</sup> Prof. Gary Kleck, “Targeting Guns: Firearms and their control”, ownership tables derived from the annual “General Social Survey”

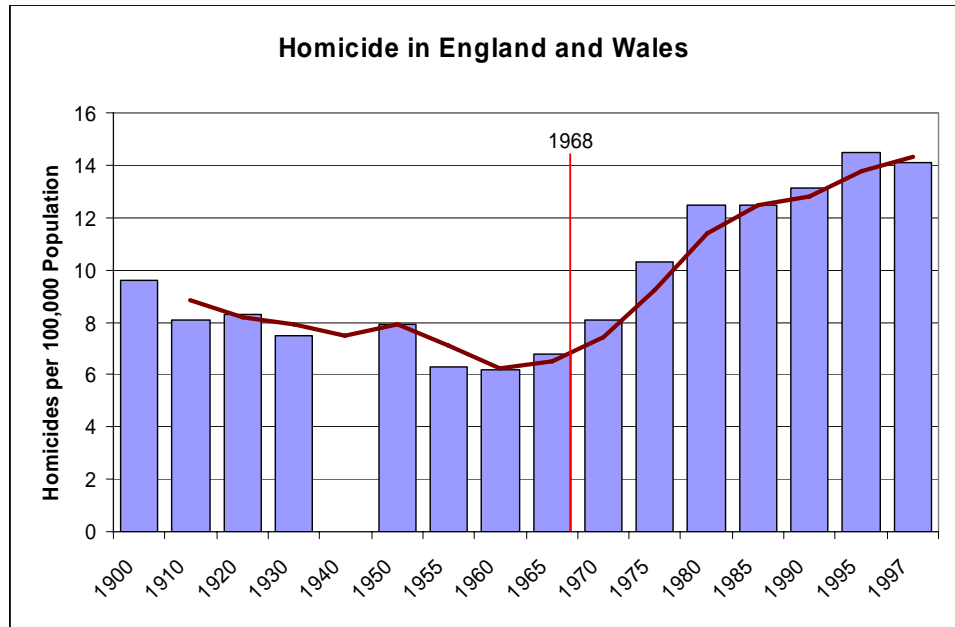
parents (27.5% of inmates) abuse drugs or have friends engaged in illegal activities (32.5% with robberies and 24.3% for drug trafficking).<sup>187</sup>

**Fact:** Five out of six gun-possessing felons obtained handguns from the secondary market and by theft, and “[the] criminal handgun market is overwhelmingly dominated by informal transactions and theft as mechanisms of supply.”<sup>188</sup>

**Fact:** The majority of handguns in the possession of criminals are stolen, and not necessarily by the criminals in question.<sup>189</sup>

**Fact:** In 1968, the U.K. passed laws that reduced the number of licensed firearm owners, and thus reduced firearm availability. Their homicide rate has steady risen since then.<sup>190</sup> Ironically, firearm use in crimes has *doubled* in the decade after the U.K. banned handguns.<sup>191</sup>

**Fact:** Most violent crime is caused by a small minority of repeat offenders. One California study found that 3.8% of a group of males born in 1956 were responsible for 55.5% of all serious felonies.<sup>192</sup> 75-80% of murder arrestees have prior arrests for a violent (including non-fatal) felony or burglary. On average they have about four felony arrests and one felony conviction.



**Fact:** Half of all murders are committed by people on “conditional release” (i.e., parole or probation).<sup>193</sup> 81% of all homicide defendants had an arrest record; 67% had a felony arrest record; 70% had a conviction record; and 54% had a felony conviction.<sup>194</sup>

<sup>187</sup> “Firearm Use by Offenders”, Bureau of Justice Statistics, November 2001

<sup>188</sup> James D. Wright, U.S. Dept of Justice, *The Armed Criminal in America: A Survey of Incarcerated Felons 2* (1986)

<sup>189</sup> Gary Kleck, *Targeting Guns: Firearms and Their Control* (1997)

<sup>190</sup> “A Century of Change: Trends in UK Statistics since 1900”, Hicks, Joe; Allen, Grahame (SGS), Social and General Statistics Section, House of Commons

<sup>191</sup> “Weapons sell for just £50 as suspects and victims grow ever younger”, *The Times*, August 24, 2007

<sup>192</sup> Robert Tillman, “Prevalence and Incidence of Arrest among Adult Males in California”, 1987

<sup>193</sup> Robyn Cohen, “Probation and Parole Violators in State Prison, 1991: Survey of State Prison Inmates”, Bureau of Justice Statistics

**Fact:** Per capita firearm ownership rates have risen steadily since 1959 while crime rates have gone up and down depending on economics, drug trafficking innovations, and “get tough” legislation.<sup>195</sup>

**Thoughts:** Criminals are not motivated by guns. They are motivated by opportunity. Attempts to reduce public access to firearms provide criminals more points of opportunity. It is little wonder that high-crime cities also tend to be those with the most restrictive gun control laws – which criminals tend to ignore.

### **MYTH: GUN AVAILABILITY IS WHAT IS CAUSING SCHOOL SHOOTINGS**

**Fact:** Schoolyard shootings have been occurring since at least 1974, so it is not a new phenomenon due to increases in gun ownership.<sup>196</sup>

**Fact:** More than ½ of these terrorists start thinking about their assaults two or more weeks before the shooting, and ¾ planned-out their attacks.<sup>197</sup>

**Thoughts:** In rural areas, guns are everywhere and children are taught to shoot at young ages – yet these areas are almost devoid of schoolyard shootings. Clearly, availability is not the issue.

### **MYTH: GUN OWNERSHIP IS LINKED TO HIGHER HOMICIDE RATES**

**Fact:** This “study”<sup>198</sup> has multiple defects which, when corrected, reverse the results. Some of the defects of this study include:

- Exclusion of the District of Columbia, a high crime city
- Use of other crime rates to indirectly explain homicide rates
- Use of purely cross-sectional data that never allows control variable analysis
- Data from different years is used without any explanation (unemployment rate from 2000 to explain the homicide rate from 2001 to 2003, etc.).

### **MYTH: HANDGUNS ARE 43 TIMES MORE LIKELY TO KILL A FAMILY MEMBER THAN A CRIMINAL**

**Fact:** Of the 43 deaths reported in this flawed study, 37 (86%) were suicides. Other deaths involved criminal activity between the family members (drug deals gone bad).<sup>199</sup>

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<sup>194</sup> Brian Reaves, "Felony Defendants in Large Urban Counties, 1998", Bureau of Justice Statistics, November 2001

<sup>195</sup> Ibid., based on a compilation of 85 separate surveys from 1959 through 1996

<sup>196</sup> United States Secret Service Threat Assessment Center, Interim Report on the Prevention of Targeted School Violence, October 2000

<sup>197</sup> Ibid

<sup>198</sup> Matthew Miller, David Hemenway, Deborah Azrael, “State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001–2003”, Harvard School of Public Health, October 27, 2006

<sup>199</sup> Arthur L. Kellerman, Protection or Peril?: An Analysis of Firearm-Related Deaths in the Home, 314 New Eng. J. Med. 1557-60 1986. Kellerman admits that his study did "not include cases in which burglars or intruders are wounded or frightened away by the use or display of a firearm." He also admitted his study did not look at situations in which intruders "purposely avoided a home known to be armed." This is a classic case of a “study” conducted to

**Fact:** Of the remaining deaths, the deceased family members include felons, drug dealers, violent spouses committing assault, and other criminals.<sup>200</sup>

**Fact:** Only 0.1% (1 in a thousand) of the defensive uses of guns results in the death of the predator.<sup>201</sup> This means you are much more likely to prevent a crime without bloodshed than hurt a family member.

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achieve a desired result. In his critique of this “study”, Gary Kleck notes that the estimation of gun ownership rates were “inaccurate” , and that the total population came from a non-random selection of only two cities.

<sup>200</sup> Ibid

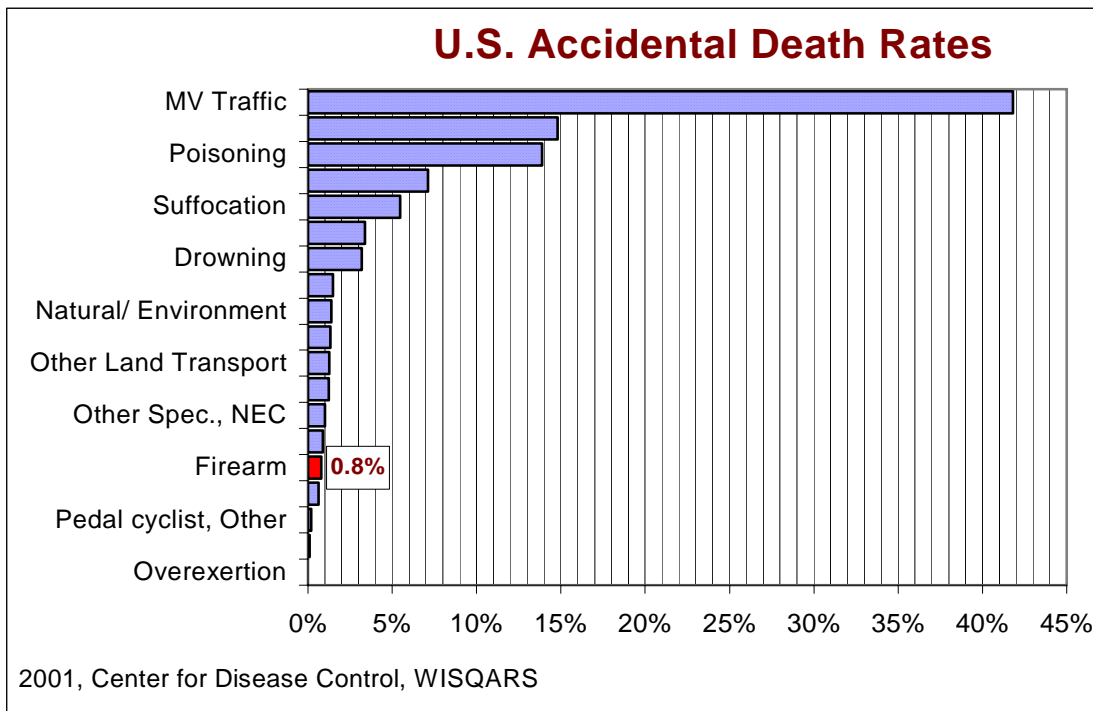
<sup>201</sup> Dr. Gary Kleck, “Point Blank: Guns and Violence in America.” New York: Aldine de Gruyter. 1991

# ACCIDENTAL DEATHS

## MYTH: ACCIDENTAL GUN FATALITIES ARE A SERIOUS PROBLEM

**Fact:** Firearm misuse causes only a small number of accidental deaths in the U.S.<sup>202</sup> For example, compared to accidental death from firearms, you are:

- Four times more likely to burn to death or drown,
- 17 times more likely to be poisoned,
- 19 times more likely to fall, and
- 53 times more likely to die in an automobile accident.



**Fact:** In 2001, there were only 65 accidental gun deaths for children under age 13. About 11 times as many children die from drowning.<sup>203</sup>

**Fact:** In 1993, there were 1,334 drownings and 528 firearm-related accidental deaths from ages 0-19. Firearms outnumber pools by a factor of over 30:1. Thus, the risk of drowning in a pool is nearly 100 times higher than from a firearm-related accident for everyone, and nearly 500 times for ages 0-5.<sup>204</sup>

<sup>202</sup> 2001, Center for Disease Control, WISQARS

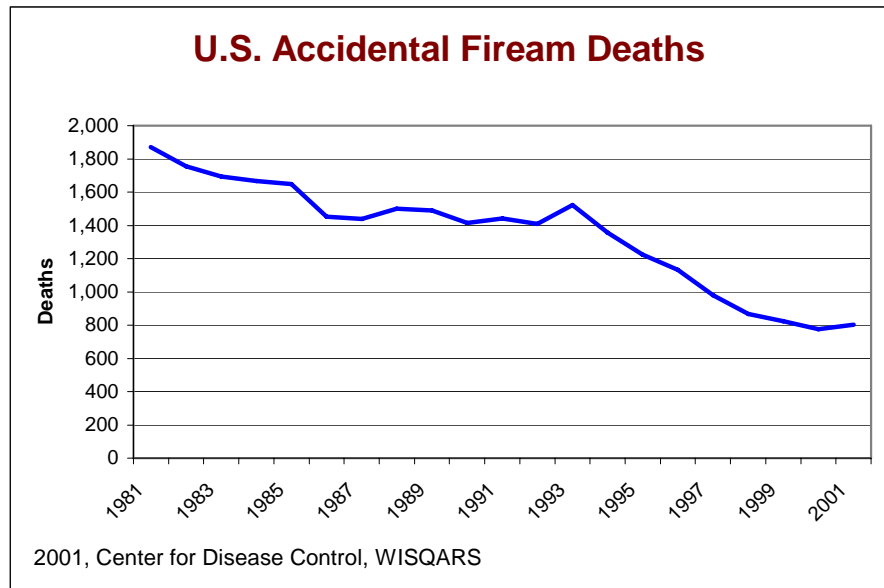
<sup>203</sup> Ibid

<sup>204</sup> National Center for Health Statistics, and the National Spa and Pool Institute



**Fact:** Medical mistakes kill 400,000 people per year – the equivalent of almost three fully loaded Boeing 747 jet crashes per day – or about 286 times the rate of all accidental firearm deaths.<sup>205</sup> This translates into 1 in 6 doctors causing an accidental death, and 1 in 56,666 gun owners doing the same.

**Fact:** Only 3% of gun deaths are from accidents, and some insurance investigations indicate that many of these may not be accidents after all.<sup>206</sup>



**Fact:** Around 2,000 patients each year – six per day – are accidentally killed or injured in hospitals by registered nurses.<sup>207</sup>

### **MYTH: HANDGUNS ARE UNSAFE AND CAUSE ACCIDENTS**

**Fact:** Most fatal firearm accidents involve long guns, which are more deadly. These are typically hunting accidents.<sup>208</sup>

**Fact:** Handguns have triggers that are difficult for small (child) hands to operate, and are rarely the cause of accidents.<sup>209</sup>

### **MYTH: INNOCENT BYSTANDERS ARE OFTEN KILLED BY GUNS**

**Fact:** Less than 1% of all gun homicides involve innocent bystanders.<sup>210</sup>

### **MYTH: CITIZENS ARE TOO INCOMPETENT TO USE GUNS FOR PROTECTION**

**Fact:** About 11% of police shootings kill an innocent person - about 2% of shootings by citizens kill an innocent person. The odds of a defensive gun user killing an innocent person are less than

<sup>205</sup> Medical death statistics from Dr. David Lawrence, CEO Kaiser Permanente. Gun deaths 1993, CDC report

<sup>206</sup> Gary Kleck, "Targeting Guns: Firearms and Their Control", 1997, Aldine de Gruyter at 293-324

<sup>207</sup> Chicago Tribune report, Sept 10, 2000

<sup>208</sup> Gary Kleck, "Targeting Guns: Firearms and Their Control", 1997, Aldine de Gruyter at 293-324

<sup>209</sup> Ibid.

<sup>210</sup> Sherman, Steele, Laufersweiler, Hoffer and Julian, "Stray bullets and 'mushrooms'", 1989, Journal of Quantitative Criminology

1 in 26,000.<sup>211</sup> And that is with citizens using guns to prevent crimes almost 2,500,000 times every year.

**Fact:** Most firearm accidents are caused by people with various forms of poor self-control. These include alcoholics, people with previous criminal records, people with multiple driving accidents, and those who demonstrate other risky behaviors.<sup>212</sup>

### **MYTH: GUN ACCIDENTS ARE FLOODING EMERGENCY ROOMS**

**Fact:** The rate of gun accidents is so low the U.S. Consumer Product Safety Commission doesn't even mention them in their annual safety reports.

### **MYTH: "JUNK" GUNS ARE DANGEROUS AND SHOULD BE BANNED**

**Fact:** In the history of the state of California, not one lawsuit against a gun maker had been filed (until 2003) based on a weapon being defective or poorly designed.<sup>213</sup>

### **MYTH: GUNS SHOULD BE MADE TO CONFORM TO PRODUCT LIABILITY LAWS**

**Fact:** Guns are already covered under product liability laws. If you have a defective gun that does not operate properly, you can sue the gun maker.

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<sup>211</sup> C. Cramer, and D. Kopel "Shall Issue: The New Wave of Concealed Handgun Permit Laws". Independence Institute Issue Paper. October 17, 1994

<sup>212</sup> Gary Kleck, "Targeting Guns: Firearms and Their Control", 1997, Aldine de Gruyter at 307, 312

<sup>213</sup> California Trial Lawyers Association, 1998

# GOVERNMENT, GUN LAWS, AND SOCIAL COSTS

## MYTH: GUN CONTROL REDUCES CRIME

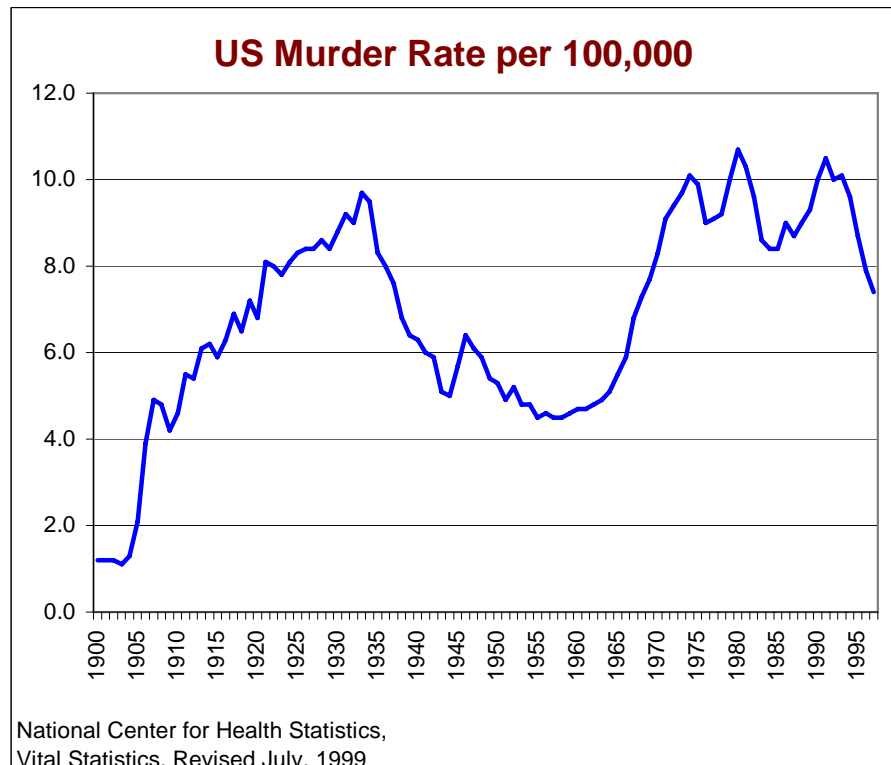
**Fact:** The U.S. government “found insufficient evidence to determine the effectiveness of any of the firearms laws or combinations of laws reviewed on violent outcomes”<sup>214</sup> and also concluded in one study that none of the attackers interviewed was “hindered by any law--federal, state or local--that has ever been established to prevent gun ownership. They just laughed at gun laws.”<sup>215</sup>

**Fact:** Violent crime appears to be encouraged by gun control. Most gun control laws in the United States have been written since 1968, yet the murder rate rose during the 70s, 80s and early 90s.<sup>216</sup>

**Fact:** In 1976, Washington, D.C. enacted one of the most restrictive gun control laws in the nation. The city's murder rate rose 134 percent through 1996 while the national murder rate dropped 2 percent.<sup>217</sup>

**Fact:** Among the 15 states with the highest homicide rates, 10 have restrictive or very restrictive gun laws.<sup>218</sup>

**Fact:** Maryland claims to have the toughest gun control laws in the nation and ranks #1 in robberies and #4 in both violent crime and murder.<sup>219</sup> . The robbery rate is 70% more than the



<sup>214</sup> CDC, Task Force on Community Preventive Services, “First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws”, Oct 3, 2003 – a systematic review of 51 studies that evaluated the effects of selected firearms laws on violence

<sup>215</sup> U.S. Department of Justice, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers", August 2006

<sup>216</sup> National Center for Health Statistics, Vital Statistics, Revised July, 1999

<sup>217</sup> Dr. Gary Kleck, University of Florida using FBI Uniform Crime Statistics, 1997

<sup>218</sup> Ibid

<sup>219</sup> FBI Uniform Crime Reports (UCR) for 2000, p. 79, Table 5, "Index of Crime by State"

national average.<sup>220</sup> These numbers are likely low because one of their more violent cities, Baltimore, failed to report their crime levels.

**Fact:** In 2000, 20% of U.S. homicides occur in four cities with just six percent of the population – New York, Chicago, Detroit, and Washington, D.C. – most of which have/had a virtual prohibition on private handguns.<sup>221</sup>

**Fact:** The landmark federal Gun Control Act of 1968, banning most interstate gun sales, had no discernible impact on the criminal acquisition of guns from other states.<sup>222</sup>

**Fact:** Washington, D.C.'s 1977 ban on the ownership of handguns (except those already registered in the District) was not linked to any reduction in gun crime in the nation's capital.<sup>223</sup>

**Fact:** New York has one of the most restrictive gun laws in the nation – and 20% of the armed robberies.<sup>224</sup>

**Fact:** There are more than 22,000<sup>225</sup> gun laws at the city, county, state, and federal level. If gun control worked, then we should be free of crime. But the Federal government concluded that no criminal that attacked a police officer was “hindered by any law--federal, state or local--that has ever been established to prevent gun ownership. They just laughed at gun laws.”<sup>226</sup>

**Fact:** In analyzing 10 different possible reasons for the decline in violent crime during the 1990s, gun control was calculated to have contributed nothing (high imprisonment rates, more police and legalized abortion were considered the primary factors, contributing as much as 28% of the overall reduction).<sup>227</sup>

## **MYTH: GUNS SHOULD BE REGISTERED AND LICENSED LIKE CARS**

**Fact:** You do not need a license to buy a car. You can buy as many as you want and drive them all you like on your own property without a license.

**Fact:** Cars are registered because they are (a) sources of tax revenue, (b) objects of fraud in some transactions, and (c) significant theft targets. Thus we ask the government to track them.

**Fact:** There is no constitutionally guaranteed right to keep and bear automobiles, and thus they are subject to greater regulation than guns.

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<sup>220</sup> FBI Uniform Crime Reports, September 15, 2000

<sup>221</sup> Ibid

<sup>222</sup> “Under the Gun”, Wright, Rossi, Daly, University of Massachusetts, 1981

<sup>223</sup> Ibid

<sup>224</sup> Ibid

<sup>225</sup> Bureau of Alcohol, Tobacco and Firearms estimate and reported via James Wright, Peter H. Rossi, Kathleen Daly, “Under the Gun: Weapons, Crime, and Violence in America”, 1983

<sup>226</sup> As presented by Ed Davis, criminal investigative instructor FBI Behavioral Science Unit, to the International Association of Chiefs of Police, reporting from U.S. Department of Justice, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers", August 2006

<sup>227</sup> Steven Levit, Understanding Why Crime Fell in the 1990s”, Journal of Economic Perspectives, Winter 2004

**Fact:** There are more guns in the U.S. than cars (228,000,000 guns and 207,754,000 automobiles). Yet you are 31 times more likely to be accidentally killed by a car than a gun according to the National Safety Council<sup>228</sup> ... despite cars having been registered and licensed for almost 100 years.

### **MYTH: THE BRADY BILL CAUSED A DECREASE IN GUN HOMICIDES**

**Fact:** All violent crime (including gun and non-gun murders) fell during the same period, 1992 to 1997. However, the percent of homicides committed with guns stayed the same. In 1992, 68% of murders were committed with guns; in 1997, it was still 68%.<sup>229</sup> Thus, the decreased gun homicide rate was part of an overall declining crime rate, not an effect of the Brady Bill.

**Fact:** Gun possession by criminals has risen in the Brady years – 18% of state prisoners (16% before Brady) and 15% for federal prisoners (12% before Brady) are caught with firearms.<sup>230</sup>

**Fact:** The Brady law has so far failed to appreciably save lives.<sup>231</sup>

**Fact:** Violent crime started falling in 1991, three years before passage of the Brady law. The Brady law did not apply in 18 states, yet violent crime in those states fell just as quickly.<sup>232</sup>

**Fact:** A majority of Americans agree that the bill is worthless. 51% believe the act has been ineffective at reducing violent crime, and 56% believe it has had no impact on reducing the number of homicides in the U.S.<sup>233</sup>

### **MYTH: GUN LAWS ARE BEING ENFORCED**

**Fact:** During the Clinton administration, federal prosecutions of gun-related crimes dropped more than 44 percent.<sup>234</sup>

**Fact:** Of the 3,353 prohibited individuals that obtained firearms, the Clinton administration only investigated 110 of them (3.3%).<sup>235</sup>

**Fact:** Despite 536,000 prohibited buyers caught by the National Instant Background Check, only 6,700 people (1.25%) have been charged for these firearms violations. This includes 71% of the violations coming from convicted or indicted felons.<sup>236</sup> None of these crimes were prosecuted by the Federal government in 1996, 1997, or 1998.<sup>237</sup>

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<sup>228</sup> Automobiles estimates, Federal Highway Administration, October 1998. Firearm estimates, FBI Uniform Crime Statistics, 1996.

<sup>229</sup> FBI Uniform Crime Reports for 1992 and 1997

<sup>230</sup> Bureau of Justice Statistics, “Firearm Use by Offenders”, November 2001

<sup>231</sup> Dr. Jens Ludwig, Dr. Philip J. Cook, Journal of the American Medical Association, August 2000

<sup>232</sup> Prof John Lott, “Gun Licensing Leads to Increased Crime, Lost Lives”, L.A. Times, Aug 23, 2000, based on both the FBI Uniform Crime Statistics for 1990s and the U.S. Justice Department Crime Victimization Survey

<sup>233</sup> Portrait of America survey, August 2000

<sup>234</sup> Transactional Records Access Clearinghouse (TRAC) at Syracuse University covering 1992 through 1998

<sup>235</sup> General Accounting Office (GAO) 2000 audit of the National Instant Check System between 11/30/98 and 11/30/99

<sup>236</sup> Bureau of Justice Statistics, Federal Firearm Offenders and Background Checks for Firearm Transfers, June 4, 2000

**Fact:** In 1998, the government prosecuted just eight children for gun law violations.<sup>238</sup> In that same year, there were only:

- 8 prosecutions for juvenile handgun possession.
- 6 prosecutions for handgun transfer to juveniles.
- 1 prosecution for Brady Law violations.

**Fact:** Some of the reasons listed for not prosecuting known gun criminals include “minimal federal interest” and “DOJ/U.S. Attorney policy”.<sup>239</sup>

**Fact:** Half of referrals concerning violent criminals were closed without investigation or prosecution.<sup>240</sup>

**Fact:** The average sentence for a federal firearms violation dropped from 57 months to 46 months from 1996 to 1998.<sup>241</sup>

**Fact:** 18-20 year olds commit over 23% of all gun murders.<sup>242</sup> None of these criminals are allowed by law to purchase a handgun, but the Federal government under Clinton rarely enforced this law.<sup>1</sup>

**Fact:** Project Exile in Richmond, Virginia prosecutes felons caught with guns using Federal laws that require mandatory imprisonment. The first year result was a 33% drop in homicides for the Richmond Metro area in a year where the national murder rate was climbing.<sup>243</sup> This shows that enforcement works. And according to Andrew McBride of the Richmond Justice Department Office, these cases are as easy to prosecute as "picking change up off the street."

### **MYTH: FEDERAL GUN CRIME PROSECUTIONS INCREASED 25%**

**Fact:** 1992: 9,885 BATF referrals for federal firearm purchase violations  
1998: 4,391 (56% drop)  
1999: 5,489 (fictitious “25% increase”)<sup>244</sup>

**Fact:** 1992: 12,084 BATF referrals for all firearm law violations  
1998: 5,620 (a 53% drop)

### **MYTH: THE SOCIAL COST OF GUN VIOLENCE IS ENORMOUS**

**Fact:** Because guns are used an estimated 2.5 million times per year to *prevent* crimes, the cost savings in personal losses, police work, and court and prison expenses vastly outweighs the cost

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<sup>237</sup> U.S. Justice Department statistics, 1999

<sup>238</sup> Ibid

<sup>239</sup> Bureau of Justice Statistics, Federal Firearm Offenders and Background Checks for Firearm Transfers, June 4, 2000

<sup>240</sup> General Accounting Office report on the Implementation of NICS, February, 2000

<sup>241</sup> Ibid

<sup>242</sup> United States Treasury and Justice Department Report, 1999

<sup>243</sup> FBI Uniform Crime Statistics, 1999

<sup>244</sup> BATF, 1999

of criminal gun violence and gun accidents. The net savings, under a worst-case scenario, is about \$3.5 billion a year.<sup>245</sup>

**Fact:** Guns are used 65 times more often to prevent a crime than to commit one.<sup>246</sup>

**Fact:** The medical cost of gun violence is only 0.16% of America's annual health care expenditures.<sup>247</sup>

**Fact:** Drunken drivers killed 15,935 people in 1998<sup>248</sup> while homicides with guns were 12,102 for the same year. Drunken drivers continue to kill people randomly despite a decade of increased strictness and social pressure against drunk drivers.

### **MYTH: THE SOCIAL COST OF GUN VIOLENCE IS \$20-100 BILLION**

**Fact:** This "study"<sup>249</sup> included the lifetime earnings of people that die from guns, not just the true social costs. This included lost incomes of criminals killed by law-abiding citizens, and costs associated with suicides, and the "emotional costs experienced by relatives and friends of gunshot victims, and the fear and general reduction in quality of life ... including people who are not victimized". If the same methodology were used to calculate the social savings from private gun ownership, we would see a benefit to society of half a trillion dollars, or 10% of the 1999 US Gross Domestic Product.

### **MYTH: GUN "BUY BACK" PROGRAMS GET GUNS OFF THE STREETS**

**Fact:** According to the federal government, gun 'buybacks' have "no effect".<sup>250</sup>

**Fact:** "Buy backs" remove no more than 2% of the firearms within a community. And the firearms that are removed do not resemble guns used in crimes. "*There has never been any effect on crime results seen*".<sup>251</sup>

**Fact:** Up to 62% of people trading in a firearm still have another at home, and 27% said they would or might buy another within a year.<sup>252</sup>

**Fact:** More than 50% of the weapons bought via a gun buy-back program were over 15 years old, whereas almost half of firearms seized from juveniles are less than three years old.<sup>253</sup>

**Fact:** According to a variety of sources, the actual effect of gun buy-back programs is to:

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<sup>245</sup> Sterling Burnett, National Center for Policy Analysis, "Suing Gun Manufacturers: Hazardous to Our Health", 1999

<sup>246</sup> Taking Dr. Gary Kleck's estimate of 2.5 million gun defenses each year, divided by the FBI estimates of crimes committed with a firearm.

<sup>247</sup> Max W and Rice DP, "Shooting in the dark: estimating the cost of firearm injuries." Health Affairs, 1993

<sup>248</sup> Compiled by Mothers Against Drunk Driving (MADD)

<sup>249</sup> "The Financial Costs of Gun Violence", Linda Gunderson, Annals of Internal Medicine, September 21, 1999

<sup>250</sup> "Preventing Crime: What Works, What Doesn't, What's Promising", National Institute of Justice, July 1998

<sup>251</sup> Garen Wintemute, Violence Prevention Research Program, U.C., Davis, 1997

<sup>252</sup> Jon Vernick, John Hopkins Center for Gun Policy and Research, Sacramento and St. Louis studies

<sup>253</sup> District of Columbia buyback program, 1999



- Disarm future crime victims, creating new social costs.
- Give criminals an easy way to dispose of evidence.
- Cause guns to be stolen and sold to the police, creating more crime.
- Encourage people unlikely to commit crimes (elderly, women, etc.) to sell their guns.
- Encourage people to buy cheap guns and sell them to the government for a profit.
- Keep stolen guns from being returned to their rightful owners.

**Fact:** "They do very little good. Guns arriving at buy backs are simply not the same guns that would otherwise have been used in crime. If you look at the people who are turning in firearms, they are consistently the least crime-prone [ed: least likely to commit crimes]: older people and women."<sup>254</sup>

### **MYTH: CLOSING DOWN “KITCHEN TABLE” GUN DEALERS WILL REDUCE GUNS ON THE STREET**

**Fact:** 43% of gun dealers had no inventory and sold no guns at all. Congressional testimony documented that the large number of low-volume gun dealers is a direct result of BATF policy. The BATF once prosecuted gun collectors who sold as few as three guns per year at gun shows, claiming that they were unlicensed, and therefore illegal, gun dealers. To avoid such harassment, thousands of American gun collectors became licensed gun dealers. Now the BATF claims not to have the resources to audit the paperwork monster it created.

**Fact:** Reforms of the Federal Firearm Licensing program – mainly focused at small volume retailers and traders – produced no significant results in firearm crime rates.<sup>255</sup>

### **MYTH: ONLY THE GOVERNMENT SHOULD HAVE GUNS**

**Fact:** Only if you want criminals to have them as well. Loose inventory controls are notorious in government agencies, as shown by the Immigration and Naturalization Service (INS) that has “misplaced” 539 weapons, including a gas-grenade launcher and 39 automatic rifles or machine guns. Six guns were eventually linked to crimes (two guns had been used in armed robberies, one confiscated in a raid on a drug laboratory and two others during arrests. One was being held as evidence in a homicide investigation).<sup>256</sup> And in July of 2001, it was reported that the FBI lost 449 weapons, including machine guns.

### **MYTH: “SAFE STORAGE” LAWS PROTECT PEOPLE**

**Fact:** 15 states that passed “safe storage” laws saw 300 more murders, 3,860 more rapes, 24,650 more robberies, and over 25,000 more aggravated assaults in the first five years. On average, the annual costs borne by victims averaged over \$2.6 billion as a result of lost productivity, out-of-pocket expenses, medical bills, and property losses. "The problem is, you see no decrease in

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<sup>254</sup> David Kennedy, Senior Researcher, Harvard University Kennedy School Program in Criminal Justice, in appearance on Fox News, November 22, 2000

<sup>255</sup> Christopher Koper of Pennsylvania's Jerry Lee Center of Criminology, reported in *Criminology & Public Policy*, American Society of Criminology, March 2002

<sup>256</sup> Associated Press report, April 17, 2001

either juvenile accidental gun deaths or suicides when such laws are enacted, but you do see an increase in crime rates."<sup>257</sup>

**Fact:** Only five American children under the age of 10 died of accidents involving handguns in 1997.<sup>258</sup> Thus, the need for “safe storage” laws appears to be low.

**Fact:** In Merced, California, an intruder stabbed three children to death with a pitchfork. The oldest child had been trained by her father in firearms use, but could not save her siblings from the attacker because the gun was locked away to comply with the state’s “safe storage” law.<sup>259</sup>

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<sup>257</sup> Prof. John Lott, “Safe Storage Gun Laws: Accidental Deaths, Suicides, and Crime” Yale School of Law, March 2000

<sup>258</sup> Ibid

<sup>259</sup> Sierra Times and various wire services, September, 2000

# POLICE AND GUNS

## MYTH: POLICE FAVOR GUN CONTROL

**Fact:** 94% of law enforcement officials believe that citizens should be able to purchase firearms for self-defense and sporting purposes.<sup>260</sup>

**Fact:** 65.8% believe there should be no gun rationing, such as 'one gun per month' schemes.

**Fact:** 97.9% of officers believe, that through illegal means, criminals are able to obtain any type of firearm.

**Fact:** "Gun control has not worked in Washington D.C. The only people who have guns are criminals. We have the strictest gun laws in the nation and one of the highest murder rates. It's quicker to pull your Smith & Wesson than to dial 911 if you're being robbed."<sup>261</sup>

## MYTH: POLICE ARE OUR PROTECTION - PEOPLE DON'T NEED GUNS

**Fact:** Tell that to 18,209 murder victims, 497,950 robbery victims, and 96,122 rape victims that the police could not help.<sup>262</sup>

**Fact:** The courts have consistently ruled that the police do not have an obligation to protect individuals. In *Warren v. District of Columbia Metropolitan Police Department*, 444 A.2d 1 (D.C. App. 1981), the court stated: "... courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community." Well, except for politicians that receive taxpayer-financed bodyguards.

**Fact:** There are not enough police to protect everyone. In 1999, there were about 150,000 police officers on duty at any one time.<sup>263</sup>

- This is on-duty police. This includes desk clerks, command sergeants, etc. – far fewer than 150,000 cops are cruising your neighborhood.
- There were approximately 271,933,702 people living in the United States.<sup>264</sup>
- Thus *there is only one on-duty cop for every 1,813 citizens!*

**Fact:** Former Florida Attorney General Jim Smith told Florida legislators that police responded to only 200,000 of 700,000 calls for help to Dade County authorities.

**Fact:** The United States Department of Justice found that, in 1989, there were 168,881 crimes of violence for which police had not responded within 1 hour.

**Fact:** 95% of the time police arrive too late to prevent a crime or arrest the suspect.<sup>265</sup>

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<sup>260</sup> National Association of Chiefs of Police, 17th Annual National Survey of Police Chiefs & Sheriffs, 2005

<sup>261</sup> Lt. Lowell Duckett, Special Assistant to DC Police Chief; President, Black Police Caucus, The Washington Post, March 22, 1996

<sup>262</sup> 1997 FBI Uniform Crime Statistics

<sup>263</sup> US Justice Department, 1998

<sup>264</sup> US Census Bureau, 1999 estimate

**Fact:** In over 90% of U.S. cities, technology does not give police dispatchers the location of a cellular telephone caller<sup>266</sup>, making police protection nearly impossible for travelers.

**Fact:** 75% of protective/restraining orders are violated and police often won't enforce them unless they witness the violation.<sup>267</sup>

**Fact:** Despite prompt law enforcement responses, most armed and violent attacks at schools were stopped by means other than law enforcement intervention.<sup>268</sup> Often these interventions were by administrators, teachers, or other students who were licensed to carry firearms

### **MYTH: THE SUPPLY OF GUNS IS A DANGER TO LAW ENFORCEMENT**

**Fact:** The courts kill cops by letting felons out of prison early. Of police murdered in the line of duty:

- 70% are killed by criminals with prior arrest records.
- 53% of these criminals have prior convictions.
- 22% are on probation when the officer is killed.

### **MYTH: “COP KILLER” BULLETS NEED TO BE BANNED**

**Fact:** KTW rounds, wrongly labeled as “cop killer” bullets, were designed by police officers<sup>269</sup>, for use by police to penetrate hard targets like car windshields. KTWs have never been sold to the general public.<sup>270</sup>

### **MYTH: TEFLON BULLETS ARE DESIGNED TO PENETRATE POLICE BULLET-PROOF VESTS**

**Fact:** KTW rounds are Teflon coated to prevent heat build-up in a police officer’s gun barrel, not to pierce body armor.<sup>271</sup>

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<sup>265</sup> Witkin, Gordon, Guttman, Monika and Lenzy, Tracy. “This is 911 ... please hold.” U.S. News & World Report, June 17, 1998

<sup>266</sup> Susan Bahr, “911 - hello? Hellooooo?”, America's Network 103, April 1, 1999

<sup>267</sup> Ellen Sorokin, “Anti-stalking laws usually are unable to protect targets.” Washington Times, April 16, 2000

<sup>268</sup> “Threat Assessment In Schools”, U.S. Secret Service and U.S. Department of Education, 2002

<sup>269</sup> Developed by Daniel Turcos (a police sergeant) and Donald Ward (Dr. Kopsch's special investigator)

<sup>270</sup> Mike Casey, “Cop Killer Bullets”, July 2000

<sup>271</sup> Ibid

# CHILDREN AND GUNS

## MYTH: 13 CHILDREN ARE KILLED EACH DAY BY GUNS

**Fact: Adults included** – This “statistic” includes “children” up to age 19 or 24, depending on the source. Most violent crime is committed by males ages 16-24, and this myth includes these young adults -- many of whom are gang members who die during criminal activity<sup>272</sup>.

Incidentally, a ‘[child](#)’ is defined as a person between birth and puberty (typically 13-14 years old).

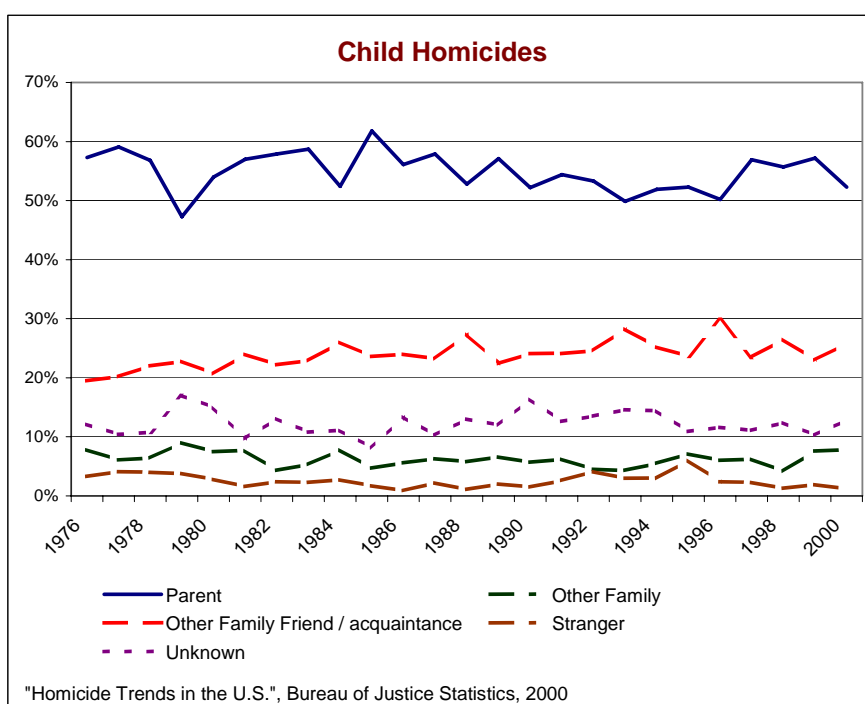
**Fact: Criminals are included** - 70% of these deaths are juveniles or adults, ages 17 to 20, *during gang warfare*. Half of the juveniles killed are involved in gang activity at the time of their deaths, which are very often drug trafficking related firefights.

**Fact: Suicides and criminals included** - These numbers include criminal activities and suicides.<sup>273</sup> As suicides make up more than ½ of all gun deaths, the number children killed could drop even further, to about 1.3 a day.<sup>274</sup>

**Fact:** The federal government lists the total firearm related deaths for children were 612, or 1.7 per day, in 1998. 154 were suicides<sup>275</sup>

**Fact:** Over 13 teenagers die every day in automobiles, seven behind the wheel.<sup>276</sup>

**Fact:** Four children die each day in the U.S. from parental neglect and abuse.<sup>277</sup>



"Homicide Trends in the U.S.", Bureau of Justice Statistics, 2000

**Fact:** For contrast: 1,917 children die each day from malaria<sup>278</sup> around the world and 15 men, women, and children per day are murdered by a convicted felon in government supervised

<sup>272</sup> FBI Uniform Crime Statistics, 1997

<sup>273</sup> National Center for Health Statistics, “Rates of Homicide, Suicide, and Firearm-Related Death Among Children - 26 Industrialized Countries”, 1997

<sup>274</sup> Center for Disease Control, National Vital Statistics Report - Deaths: Final Data for 1998, July 24, 2000

<sup>275</sup> CDC WISQARS Injury Mortality Reports, 1981-1998

<sup>276</sup> U.S. Department of Transportation's Fatality Analysis Reporting System, 2001

<sup>277</sup> National Center on Child Abuse Prevention, 1998 Annual Survey

<sup>278</sup> Fact Sheet No 178, U.N. World Health Organization, 1998

parole/probation programs in the U.S.<sup>279</sup>

## MYTH: SCHOOL YARD SHOOTINGS ARE AN EPIDEMIC

**Fact:** “Compared to other types of violence and crime children face, both in and outside of school, school-based attacks are rare. While the Department of Education reports 60 million children attend the nation's 119,000 schools, available statistics indicate that few of these students will fall prey to violent situations in school settings”.<sup>280</sup>

**Fact:** In states without “right to carry” laws, there have been 15 school shootings; however, in states that allow citizens to carry guns, there has been only one.<sup>281</sup>

**Fact:** The five school shootings that occurred during the '97-98 school year took place after the 1995 Gun-Free School Zones law was enacted, which banned guns within 1,000 feet of a school.<sup>282</sup>

**Fact:** Schoolyard shooting deaths are not rising, rather, they have been falling through most of the 1990s.<sup>283</sup>

**Fact:** Only 10% of public schools reported one or more serious violent crimes during the 1996-97 school year.<sup>284</sup>

**Fact:** In Pearl, Mississippi, the assistant principal carried a firearm to the school until the 1995 "Gun-Free School Zones" law passed, afterwards he began locking his firearm in his car and parking at least a quarter-mile away from the school. When the shooting started, he ran to his car, got his gun, ran back, disarmed the shooter and held him on the ground until the police arrived. Had the law not been passed, the assistant principal might have prevented the two deaths and seven shooting-related injuries.

Schoolyard Shootings	
1992-93	55 deaths
1993-94	51 deaths
1994-95	20 deaths
1995-96	35 deaths
1996-97	25 deaths
1997-98	40 deaths

## MYTH: TRIGGER LOCKS WILL KEEP CHILDREN FROM ACCIDENTALLY SHOOTING THEMSELVES

**Fact:** 31 of 32 models of gun locks tested by the government’s Consumer Product Safety Commission could be opened without the key. According to their spokesperson, "We found you could open locks with paper clips, a pair of scissors or tweezers, or you could whack them on the table and they would open."<sup>285</sup>

<sup>279</sup> 1998 US Bureau of Justice Statistics

<sup>280</sup> “Threat Assessment in Schools”, U.S. Secret Service and U.S. Department of Education, May 2002

<sup>281</sup> Lott J, Landes W; "Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement"; University of Chicago – covers years 1977 to 1995

<sup>282</sup> Ibid

<sup>283</sup> National Center for Education Statistics' Violence and Discipline Problems in U.S. Public Schools, 1996-97

<sup>284</sup> Department of Education "Principal/School Disciplinarian Survey on School Violence", March, 2000

<sup>285</sup> Washington Post, Feb 7, 2001, Page A01

**Fact:** 85% of all communities in America recorded no juvenile homicides in 1995, and 93.4% of communities recorded one or no juvenile arrests (not convictions) for murder.<sup>286</sup>

**Fact:** In 1996, even though there were around 80 million people who owned a firearm, there were only 44 accidental gun deaths for children under age 10, or about 0.0001%.<sup>287</sup>

**Fact:** California has a trigger lock law and saw a 12% increase in fatal firearm accidents in 1994. Texas doesn't have one and experienced a 28% decrease in the same year.<sup>288</sup> Also: trigger-locks render a firearm inaccessible for timely self-defense.

**Fact:** Children as young as seven (7) years old have demonstrated that they can pick or break a trigger lock; or that they can operate a gun with a trigger lock in place.<sup>289</sup> Over half of non-criminal firearm deaths for children over age seven are suicides, so trigger locks are unlikely to reduce these deaths.

**Fact:** If criminals are deterred from attacking victims because of the fear that people might be able to defend themselves, gunlocks may in turn *reduce the danger to criminals* committing crime, and thus increase crime. This problem is exacerbated because many mechanical locks (such as barrel or trigger locks) also require that the gun be stored unloaded.

### **MYTH: GUNS IN AMERICA SPARK YOUTH VIOLENCE**

**Fact:** Non-firearm juvenile violent crime rate in the U.S. is twice that of 25 other industrialized western nations. The non-firearm infant-homicide rate in the U.S. is 3.5 times higher.<sup>290</sup> Thus we have a violence problem – not a “gun” problem.

**Fact:** Non-firearm related homicides of children out-rank firearm related homicides by children almost 5-to-1<sup>291</sup>

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<sup>286</sup> Federal Bureau of Investigation “Crime in the United States: Uniform Crime Reports”, 1996

<sup>287</sup> Prof. John Lott, CBS News web site, March 20, 2000

<sup>288</sup> National Center for Health Statistics, 1995

<sup>289</sup> General Accounting Office, “Accidental Shootings: many deaths and injuries caused by firearms could be prevented,” United States General Accounting Office, March 1991

<sup>290</sup> “Kids and Guns” bulletin, from Centers for Disease Control and Prevention statistics, 2000. Covers years 1990-1995

<sup>291</sup> FBI Uniform Crime Statistics, 1997



## MYTH: MORE THAN 1,300 CHILDREN COMMIT SUICIDE WITH GUNS

**Fact:** This statistic includes “children” ages 18-19.<sup>292</sup> As established previously, a child is defined as a person between birth and the age of 13 or 14 (puberty).

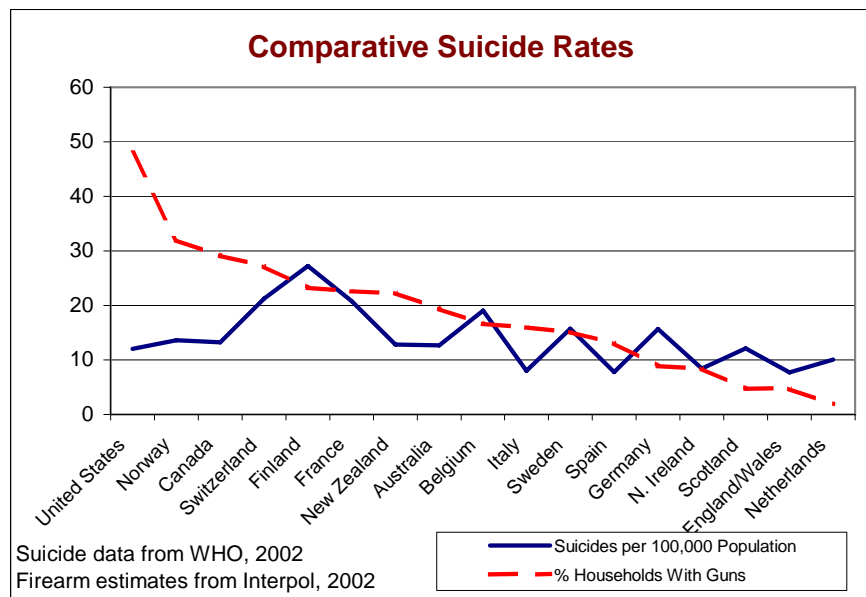
**Fact:** Worldwide, the per capita suicide rate is fairly static (the suicide rate of the U.S. is lower than many industrial countries, including many where private gun ownership is banned). A certain fraction of the population will commit suicide regardless of the available tools.

**Fact:** The overall rate of suicide (firearm and non-firearm) among children age 15 and under was virtually unchanged in states that passed and maintained “safe storage” laws for four or more years.<sup>293</sup>

**Fact:** Among young girls, 71% of all suicides are by hanging or suffocation.<sup>294</sup>

**Fact:** People, including children, who are determined to commit suicide will find a way. There is a documented case of a man who killed himself by drilling a hole in his skull by using a power drill.<sup>295</sup>

**Fact:** Banning country music might be more effective – one study shows 51% of the music-influenced suicide differential can be traced to country music.<sup>296</sup>



<sup>292</sup> Determined using CDC mortality data, and finding the only possible fit for the claim.

<sup>293</sup> John Lott, “Accidental Deaths, Suicides, and Crime Safe Storage Gun Laws”, Yale Law School, 2000

<sup>294</sup> “Suicide Trends Among Youths and Young Adults Aged 10--24 Years --- United States, 1990--2004”, Center for Disease Control, September, 2007

<sup>295</sup> “Drilled Head Husband Dies in Hospital”, April 28, 2003, scotsman.com

## MYTH: STRICTER GUN CONTROL LAWS COULD HAVE PREVENTED THE COLUMBINE MASSACRE

**Fact:** Harris and Klebold violated close to 20 firearms laws in obtaining weapons. Would 21 laws really have made a difference? The two shotguns and one rifle used by Harris and Klebold were purchased by a girlfriend who passed a background check, and the TEC-9 handgun used was already banned.

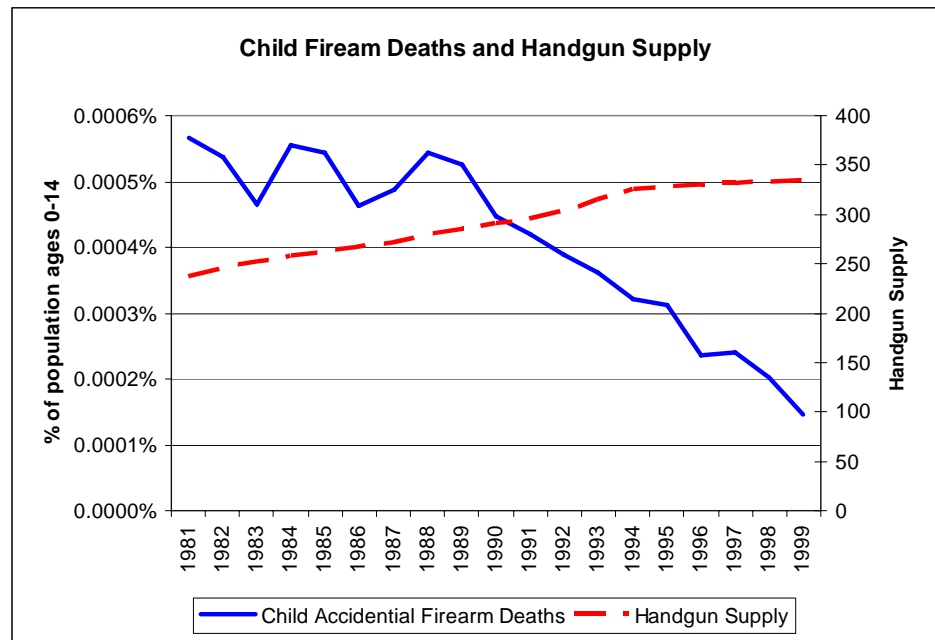
## MYTH: CHILDREN SHOULD BE KEPT AWAY FROM GUNS FOR THEIR OWN SAFETY

**Fact:** 0% of children that get guns from their parents commit gun-related crimes while 21% of those that get them illegally do.<sup>297</sup>

**Fact:** Children that acquire firearms illegally are twice as likely to commit street crimes (24%) than are those given a firearm by their parents (14%).<sup>298</sup>

**Fact:** Almost three times as many children (41%) take drugs if they also obtain firearms illegally, as compared to children given a firearm by their parents (13%).

**Fact:** In the 1950's, children routinely played cops and robbers, had toy guns, were given BB rifles and small caliber hunting rifles before puberty. Yet the homicide rate in the 1950's was almost half of that in the 1980's.<sup>299</sup>



<sup>296</sup> Steven Stack, Jim Gundlach, "The Effect of Country Music on Suicide", Social Forces. Volume: 71. Issue: 1., 1992

<sup>297</sup> U.S. Justice Department, "Urban Delinquency and Substance Abuse", 2000

<sup>298</sup> Ibid

<sup>299</sup> National Center for Health Statistics, Vital Statistics, Revised July, 1999

## MYTH: MORE CHILDREN ARE HURT WITH GUNS THAN BY ANY OTHER MEANS

**Fact:** Fewer than 2% of all unintentional injury deaths for children in the U.S. between ages 0-14 are from firearms.<sup>300</sup>

**Fact:** The Center for Disease Control, a federal agency, agrees. According to them, in 1998, children 0-14 years died from the following causes in the U.S.<sup>301</sup>

**Fact:** Children are 12 times more likely to die in an automobile accident than from gun-related homicides or legal interventions (being shot by a cop, for example) if they are age 0-14. For the group 0-24 years old (which bends the definition of “child” quite a bit), the rate is still 8.6 times higher for cars.<sup>302</sup>

**Fact:** In 2001, there were only 72 accidental firearm deaths for children under age 15, as opposed to over 2,100 children who drowned (29 times as many drowning deaths as firearm deaths).<sup>303</sup>

**Fact:** Accidental firearm injuries for children and adolescents dropped 37% from 1993 to 1997, with the fastest drop – a 64% reduction – being for children.<sup>304</sup>

**Fact:** Boys who own legal firearms have much lower rates of delinquency and drug use and are even less delinquent than non-owners of guns.<sup>305</sup>

**Fact:** The *non-gun* homicide rate of children in the U.S. is more than twice as high as in other western countries. And eight times as many children die from *non-gun* violent acts

Cause of injury	% of children
All Automobile	51%
Drowning	17%
Pedestrian	11%
Fires, burns	11%
All other causes	10%
Suffocation by ingested object	4%
Falls	3%
<b>Firearms</b>	<b>2%</b>
Poisoning by solids, liquids	1%

National Center for Health Statistics, 1995

Cause of death	Count	% of children
Motor vehicle	4,550	46.2%
Drowning	2,102	17.4%
Fire/burn	482	10.6%
Suffocation	250	5.5%
Pedestrian, Other	145	3.2%
Other Land Transport	144	3.2%
Fall	98	2.2%
Poisoning	81	1.8%
Natural/ Environment	73	1.6%
<b>Firearm</b>	<b>72</b>	<b>1.6%</b>
Other Transport	68	1.5%
Struck by or Against	67	1.5%
Other Spec., classifiable	62	1.1%

Center for Disease Control, 20 Leading Causes of Unintentional Injury Deaths, United States, 2001, All Races, Both Sexes, Ages: 1-14

<sup>300</sup> National Safety Council, “Injury Facts”, 1999 – figures rounded for ease of display

<sup>301</sup> Center for Disease Control, “Deaths: Final for 1998”, vol. 48 no. 11., July 24, 2000

<sup>302</sup> 1997 National Center for Health Statistics National Vital Statistics Report

<sup>303</sup> Center for Disease Control, 20 Leading Causes of Unintentional Injury Deaths, United States, 2001, All Races, Both Sexes, Ages: 1-14

<sup>304</sup> “Firearms Injury Surveillance Study”, Centers for Disease Control and Prevention, December 2001

<sup>305</sup> U.S. Department of Justice, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, NCJ-143454, “Urban Delinquency and Substance Abuse,” August 1995

than from gun crimes.<sup>306</sup> This indicates that the problem is violence, not guns.

**Fact:** Fatal gun accidents for children ages 0-14 declined by almost 83% from 1981 to 2002<sup>307</sup> – all while the number of handguns per capita increased over 41%<sup>308</sup>.

**Fact:** 82% of homicides to children age 13 and under were committed without a gun.<sup>309</sup>

### **MYTH: IF IT SAVES THE LIFE OF ONE CHILD, IT IS WORTH IT**

**Fact:** Firearms in private hands are used an estimated 2.5 million times (or 6,849 times each day) each year to prevent crime;<sup>310</sup> this includes rapes, aggravated assaults, and kidnapping. The number of innocent children protected by firearm owning parents far outweighs the number of children harmed.

**Fact:** Most Americans (firearm owners or not) believe that the way parents raise kids is what causes gun violence (or just violence in general). Among non-firearm owners, 38% said it was parental neglect that causes youth violence, while only 28% thought it was due to the availability of guns.<sup>311</sup> They may be right as most homicides of children under age five are by their own parents. Of homicides among children ages 5 and younger: 31% were killed by their own mother and another 31% were killed by their own fathers.<sup>312</sup>

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<sup>306</sup> Office of Juvenile Justice and Delinquency Prevention, “Kids and Guns”, 2000

<sup>307</sup> National Center for Health Statistics

<sup>308</sup> BATF estimates on handguns in circulation, BATF, Firearms Commerce in the United States 2001/2002

<sup>309</sup> FBI Uniform Crime Statistics, 1997

<sup>310</sup> Gary Kleck, Criminologist, Florida State University, 1997

<sup>311</sup> Gallup/Women.com poll, May 2000

<sup>312</sup> FBI, Supplementary Homicide Reports, 1976-98

# .50-CALIBER RIFLES

## **MYTH: .50-CALIBERS ARE THE FAVORITE WEAPON OF TERRORISTS**

**Fact:** Most terrorist attacks are in the form of bombings (90%). Other acts, such as kidnapping (6%), armed attack (2%), arson (1%), firebombing (1%), and other methods (2%), are far less common.<sup>313</sup> Of the “armed attacks,” the most common weapons used are fully-automatic AK-47 rifles.

**Fact:** A single .50 caliber rifle costs upwards of \$10,000, yet terrorists can buy the favored AK-47 in Pakistan for less than \$200. History shows they opt for the AK-47.

**Fact:** .50-caliber rifles are heavy (20-35 pounds), expensive (from \$3,000 to \$10,000 each, with ammunition costing \$2-\$5 for each round), impossible to conceal (typically four feet long), usually single shot (slow to reload), and impractical for terrorists.

**Fact:** .50-caliber rifles have only been used in 18 crimes in the history of the United States.<sup>314</sup>

## **MYTH: AMERICAN GUN MAKERS SOLD .50-CALIBERS TO TERRORISTS**

**Fact:** This “study” by the anti-gun Violence Policy Center was inaccurate. The rifles in question were sold to the United States government. Years later, the U.S. government gave the rifles to Afghan freedom fighters to defeat the former Soviet Union. There is no direct connection between gun makers and terrorists, and none of the rifles have been used in terrorist actions.<sup>315</sup>

## **MYTH: .50-CALIBER SHOOTERS ARE TERRORISTS IN TRAINING**

**Fact:** The average .50-caliber enthusiast is a successful businessman with an annual income of \$50,000 or more – hardly a terrorist profile.<sup>316</sup>

## **MYTH: THE FOUNDING FATHERS WOULD HAVE HAD NO USE FOR A .50-CALIBER RIFLE**

**Fact:** Common guns of the early American republic were larger than .50-caliber, many measuring up to .812 caliber. The famous Kentucky Rifle (a name eventually given to most rifles made by German immigrants) was usually between .60- to .75-caliber.

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<sup>313</sup> Dexter Ingram, “Facts and Figures About Terrorism”, Heritage Foundation, September 14, 2001 – some attacks had multiple methods which accounts for a total in excess of 100%.

<sup>314</sup> General Accounting Office, “Weaponry: .50 Caliber Rifle Crime”, Report no. OSI-99-15R, revised Oct. 21, 2001.

<sup>315</sup> Barret Manufacturing letter on their web site available January 12, 2001. This was confirmed during a visit by the BATF according to Dave Kopel in a National Review article “Guns and (Character) Assassination”, December 21, 2001.

<sup>316</sup> Congressional testimony of John Burt, Fifty Caliber Shooters Policy Institute.

## **MYTH: .50-CALIBERS ARE CAPABLE OF PIERCING AIRLINE FUEL TANKS FROM A MILE AWAY**

**Fact:** Most expert long distance shooters cannot hit a stationary target under perfect, windless conditions at such distances (one notable exception in Vietnam<sup>317</sup>). Ill-trained terrorists shooting a high-recoil .50-caliber rifle at fast moving targets – a 600 mph airplane, for instance – have no chance.

**Fact:** The only known uses of .50-caliber weapons in downing aircraft have been military aircraft using *fully-automatic machine guns* spraying fire while in combat against other aircraft, and as sniper fire on *stationary aircraft* (i.e., on the ground) on enemy airfields. Not even the military's best sharp shooters are going to ignite a jet's fuel tank when the jet is flying between 150-500 miles per hour.

## **MYTH: .50-CALIBER BULLETS CAN PENETRATE CONCRETE BUNKERS**

**Fact:** "It takes 300 rounds to penetrate 2 meters of reinforced concrete at 100 meters."<sup>318</sup> At \$5 per round, it would cost a terrorist \$1,500 in ammunition to shoot into one bunker.

## **MYTH: .50-CALIBER BULLETS CAN PIERCE LIGHT ARMOR AT 4 MILES<sup>319</sup>**

**Fact:** "At 35 meters distance [0.5% of the mythical “four mile” distance], a .50-caliber round will go through one inch armor plate."<sup>320</sup> Piercing any armor at four miles is highly improbable.

**Fact:** "It is exceedingly difficult to hit a target, even a large one ... at anything over 1200 to 1500 yards by even highly trained individuals ... The ammo is designed for a machine gun, and is generally only good for 2-3 minutes [fraction of a degree] of accuracy. That equates to a 30-45 inch circle at 1500 yards with a perfect rifle, no wind or other conditions and a trained shooter."<sup>321</sup>

## **MYTH: .50-CALIBER RIFLES CAN KNOCK A HELICOPTER FROM THE SKY**

**Fact:** The terminal energy of a .50-caliber (6,000 ft-lbs) is not enough to knock a modern military aircraft from the sky unless it hits a critical component like a fuel line. Records exist showing this has been done with common, smaller caliber assault rifles such as AK-47s.

## **MYTH: .50-CALIBER GUNS ARE FOR SNIPERS**

**Fact:** Americans have been long-distance target shooters since revolutionary times. According to period writings, Americans were shooting small targets at upwards of 150 yards using simple

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<sup>317</sup> C. Sasser and C. Roberts, "One Shot, One Kill: American Combat Snipers in World War II, Korea, Vietnam, Beirut", referring to Marine sniper Carlos Hathcock.

<sup>318</sup> "An Infantryman's Guide to Combat in Built-up Area" (MOUT) field manual 90-10-1, US Army, May 1993.

<sup>319</sup> Senator Dianne Feinstein, Senate testimony, March 9, 2001.

<sup>320</sup> "An Infantryman's Guide to Combat in Built-up Area" (MOUT) field manual 90-10-1, US Army, May 1993.

<sup>321</sup> *Ibid.*

Kentucky long rifles and muskets.<sup>322</sup>

**Fact:** “The use of [.50-caliber] by the IRA in Northern Ireland to shoot both soldiers and police officers at very short range (never more than 275 yards) also gave the weapon a worldwide notoriety when the world's media slapped a ‘sniper’ label on the terrorists taking the shots. They obviously were not and soon ran scared when professional snipers were deployed to stop them.”<sup>323</sup>

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<sup>322</sup> Clayton Cramer, “Firearms Ownership & Manufacturing In Early America”, unpublished.

<sup>323</sup> Mark Spicer, “Sniper”, Salamander Books Ltd., 2001.



# GUNS IN OTHER COUNTRIES

## MYTH: COUNTRIES WITH STRICT GUN CONTROL HAVE LESS CRIME

**Fact:** In America, we can demonstrate that private ownership of guns reduces crime, but from country to country there is no correlation between gun availability and the violent crime rate. Consider this:

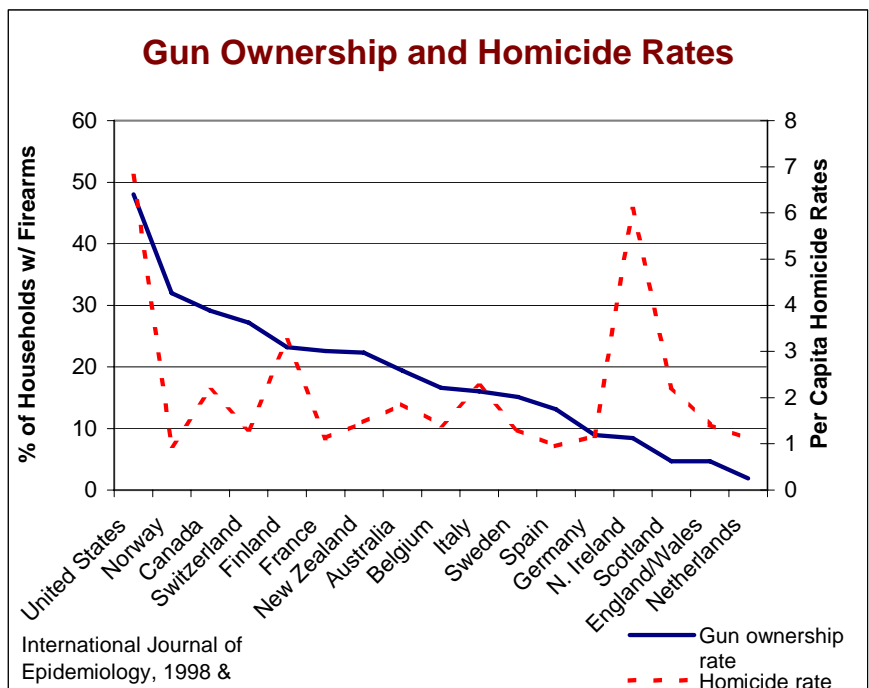
		Crime Rate	
		High	Low
Gun Availability	High	United States	Switzerland
	Low	Mexico	Japan

Or, to use detailed data, we can contrast the per capita homicide rate with the per capita gun ownership rate between different industrialized countries (see graph below). Doing so shows zero correlation between the availability of guns and the overall homicide rate.

**Fact:** Countries with the strictest gun-control laws also tended to have the highest homicide rates.<sup>324</sup>

**Fact:** According to the U.N., as of 2005, Scotland was the most violent country in the developed world, with people three times more likely to be assaulted than in America. Violent crime there has doubled over the last 20 years. 3% of Scots had been victims of assault compared with 1.2% in America<sup>325</sup>

**Fact:** “... the major surveys completed in the past 20 years or more provides no evidence of any relationship between the total number of legally held firearms in society and the rate of armed crime. Nor is there a relationship between the severity of controls imposed in various countries or the mass of bureaucracy involved with many control systems with the apparent ease of access to firearms by criminals and terrorists.”<sup>326</sup>



<sup>324</sup> “Violence, Guns and Drugs: A Cross-Country Analysis”, Jeffery A. Miron, Department of Economics, Boston University.

<sup>325</sup> “Scotland tops list of world's most violent countries”, The Times, September 19, 2005

<sup>326</sup> Colin Greenwood, “Minutes of Evidence”, Select Committee on Northern Ireland Affairs, January 29, 2003.

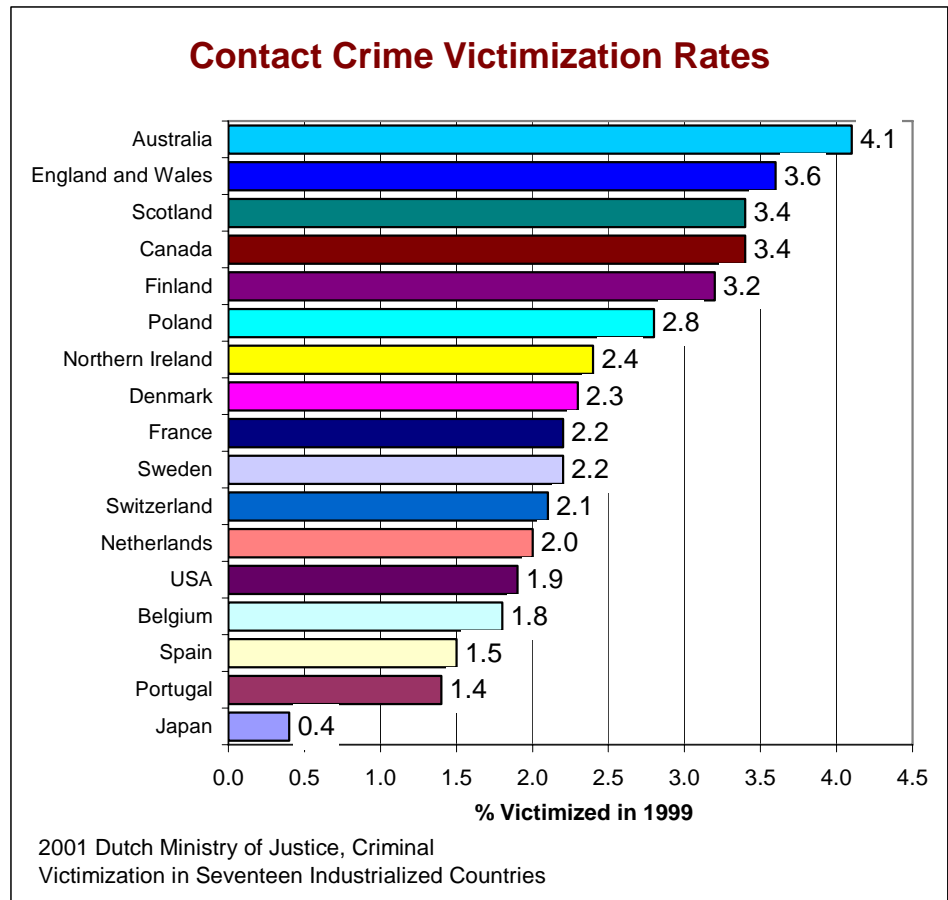
**Fact:** Switzerland has relatively lenient gun control for Europe<sup>327</sup>, and has the third-lowest homicide rate of the top nine major European countries, and the same per capita rate as England and Wales.<sup>328</sup>

**Fact:** Indeed, the Swiss basically have a military rifle in nearly every closet. "Everybody who has served in the army is allowed to keep their personal weapon, even after the end of their military service."<sup>329</sup>

**Fact:** "We don't have as many guns [in Brazil] as the United States, but we use them more."<sup>330</sup>

Brazil has mandatory licensing, registration, and maximum personal ownership quotas. It now bans any new sales to private citizens. Their homicide rate is almost three (3) times higher than the U.S.<sup>331</sup>

**Fact:** In Canada around 1920, before there was any form of gun control, their homicide rate was 7% of the U.S. rate. By 1986, and after significant gun control legislation, Canada's homicide rate was 35% of the U.S. rate – a significant increase.<sup>332</sup> In 2003, Canada had a violent crime



<sup>327</sup> In Switzerland, handguns are obtainable once a person obtains a simple police permit that is valid for six months. "Federal law over weapons, weapon accessories and ammunition (weapon law, WG)", Federal Assembly of the Swiss Confederation, May 2007 - <http://www.admin.ch/ch/d/sr/5/514.54.de.pdf>

<sup>328</sup> Carol Kalish, International Crime Rates, Bureau of Justice Statistics Special Report (Washington: Department of Justice, May 1988). 1984 data for Switzerland, and the 1983 data for England and Wales.

<sup>329</sup> Swiss Defense Ministry statement, May 15, 2004, "Army rifles remain racked at home", <http://www.swissinfo.org>.

<sup>330</sup> Rubem César Fernandes, executive secretary of Viva Rio, a nongovernmental agency that studies urban crime, Christian Science Monitor, "Chocolates for guns? Brazil targets gun violence."

<sup>331</sup> U.S. data Bureau of Justice Statistics, "Homicide trends in the United States", September, 2004. Brazil data Nations Educational, Scientific and Cultural Organization, 2005.

<sup>332</sup> Gary Kleck, "Targeting Guns", 1997 at 360.

rate more than double that of the U.S. (963 vs. 475 per 100,000).<sup>333</sup>

**Fact:** Many of the countries with the strictest gun control have the highest rates of violent crime. Australia and England, which have virtually banned gun ownership, have the highest rates of robbery, sexual assault, and assault with force of the top 17 industrialized countries.<sup>334</sup>

**Fact:** The crime rate is 66% higher in four Canadian prairie provinces than in the northern US states across the border.<sup>335</sup>

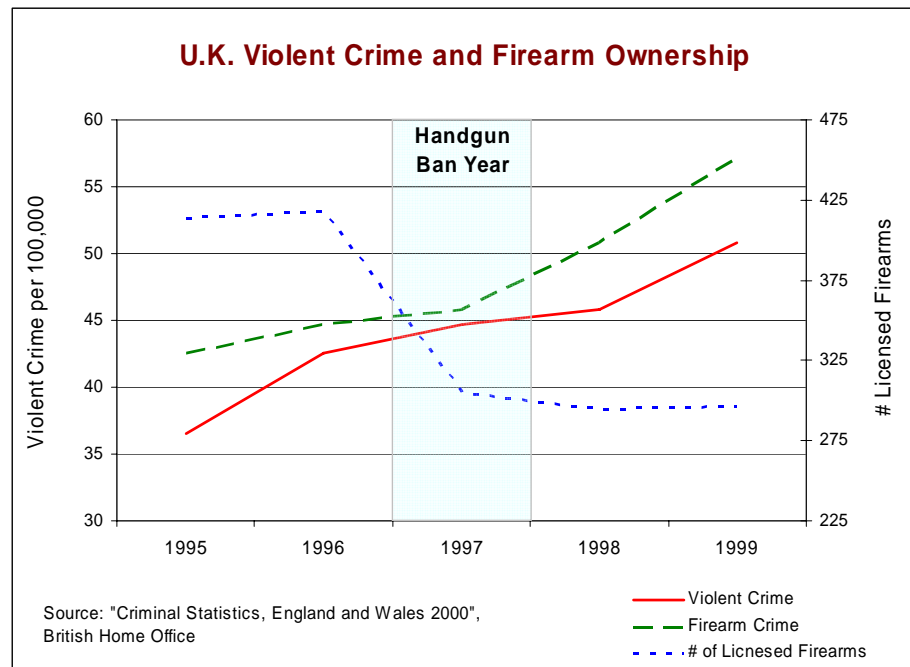
**Fact:** Strict controls over existing arms failed in Finland. Despite needs-based licensing, storage laws, transportation restrictions,<sup>336</sup> Finland experienced a multiple killing school shooting in 2007.<sup>337</sup>

## MYTH: BRITAIN HAS STRICT GUN CONTROL AND A LOW CRIME RATE

**Fact:** Since gun banning has escalated in the UK, the rate of crime – especially violent crime – has risen.

**Fact:** Ironically, firearm use in crimes has *doubled* in the decade since handguns were banned.<sup>338</sup>

**Fact:** 67% of those with an opinion believe that “As a result of gun and knife crime, the area I live in is not as safe as it was five years ago.”<sup>339</sup>



<sup>333</sup> Juristat: Crime Statistics in Canada, 2004 and FBI Uniform Crime Statistics online.

<sup>334</sup> Dutch Ministry of Justice, Criminal Victimization in Seventeen Industrialized Countries, 2001.

<sup>335</sup> “A Comparison of Violent and Firearm Crime Rates in the Canadian Prairie Provinces and Four U.S. Border States, 1961-2003”, Parliamentary Research Branch of the Library of Parliament, March 7, 2005.

<sup>336</sup> United Nations Office for Disarmament Affairs, “National Report by Finland”.

<sup>337</sup> Pekka-Eric Auvinen shooting in Tuusula, Finland on November 8, 2007.

<sup>338</sup> “Weapons sell for just £50 as suspects and victims grow ever younger”, The Times, August 24, 2007.

<sup>339</sup> YouGov survey of 2,156 residents in Sept 2007.

**Fact:** Street robberies soared 28% in 2001. Violent crime was up 11%, murders up 4%, and rapes are up 14%.<sup>340</sup>

**Fact:** This trend continues in 2004 with a 10% increase in street crime, 8% increase in muggings, and a 22% increase in robberies.

**Fact:** In 1919, before it had any gun control, the U.K. had a homicide rate that was 8% of the U.S. rate. By 1986, and after enacting

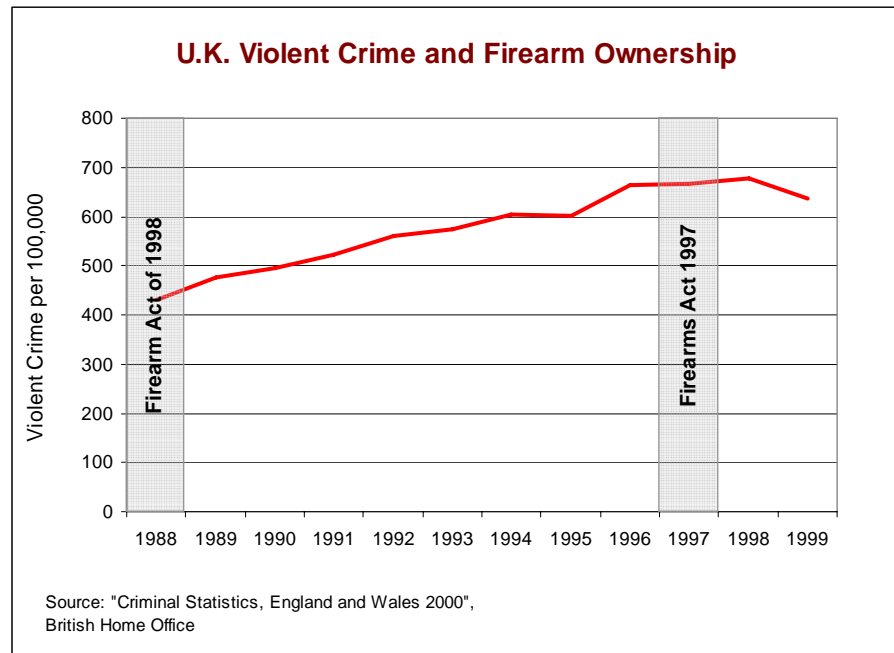
significant gun control, the rate was 9% – practically unchanged.<sup>341</sup>

**Fact:** “ ... [There is] nothing in the statistics for England and Wales to suggest that either the stricter controls on handguns prior to 1997 or the ban imposed since have controlled access to such firearms by criminals.”<sup>342</sup>

**Fact:** Comparing crime rates between America and Britain is flawed. In America, a gun crime is recorded as a gun crime. In Britain, a crime is only recorded when there is a final disposition (a conviction). All unsolved gun crimes in Britain are not reported as gun crimes, grossly undercounting the amount of gun crime there.<sup>343</sup> To make matters worse, British law enforcement has been exposed for falsifying criminal reports to create falsely lower crime figures, in part to preserve tourism.<sup>344</sup>

**Fact:** A continuing parliamentary inquiry into the growing number of black market weapons has concluded that there are more than three million illegally held firearms in circulation - double the number believed to have been held 10 years ago - and that criminals are more willing than ever to use them. One in three criminals under the age of 25 possesses or has access to a firearm.<sup>345</sup>

**Fact:** Handgun homicides in England and Wales reached an all-time high in 2000, years after a virtual ban on private handgun ownership. More than 3,000 crimes involving handguns were



<sup>340</sup> British Home Office, reported by BBC news, July 12, 2002.

<sup>341</sup> Gary Kleck, “Targeting Guns”, 1997 at 359.

<sup>342</sup> Colin Greenwood, “Minutes of Evidence”, Select Committee on Northern Ireland Affairs, January 29, 2003.

<sup>343</sup> Gallant, Hills, Kopel, “Fear in Britain”, Independence Institute, July 18, 2000.

<sup>344</sup> “Crime Figures a Sham, Say Police”, Daily Telegraph, April 1, 1996.

<sup>345</sup> Reported in The Guardian, September 3, 2000.

recorded in 1999-2000, including the 42 homicides, 310 cases of attempted murder, 2,561 robberies and 204 burglaries.<sup>346</sup>

**Fact:** Handguns were used in 3,685 offences in 2000 compared with 2,648 in 1997, an increase of 40%.<sup>347</sup> It is interesting to note:

- Of the 20 areas with the lowest number of legal firearms, 10 had an above average level of "gun crime."
- Of the 20 areas with the *highest* levels of legal guns, only 2 had armed crime levels above the average.

Offence category	Increase from pre-ban
Armed robbery	170.1%
Kidnapping/abduction	144.0%
Assault	130.9%
Attempted murder	117.6%
Sexual assault	112.6%

**Fact:** Between 1997 and 1999, there were 429 murders in London, the highest two-year figure for more than 10 years – nearly two-thirds of those involved firearms – in a country that has virtually banned private firearm ownership.<sup>348</sup>

**Fact:** Over the last century, the British crime rate was largely unchanged. In the late nineteenth century, the per capita homicide rate in Britain was between 1.0 and 1.5 per 100,000.<sup>349</sup> In the late twentieth century, after a near ban on gun ownership, the homicide rate is around 1.4.<sup>350</sup> This shows that the homicide rate does not vary with either the level of gun control or gun availability.

**Fact:** The U.K. has strict gun control and a rising homicide rate of 1.4 per 100,000. Switzerland has the highest per capita firearm ownership rate on the planet (all males age 20 to 42 are required to keep rifles or pistols at home) has a homicide rate of 1.2 per 100,000. And to date, there has never been a schoolyard massacre in Switzerland.<sup>351</sup>

**Fact:** "... the scale of gun crime in the capital [London] has forced senior officers to set up a specialist unit to deal with ... shootings."<sup>352</sup>

## MYTH: GUN CONTROL IN AUSTRALIA IS CURBING CRIME

**Fact:** Crime rose after a sweeping ban on private gun ownership. In the first two years after gun-owners were forced to surrender 640,381 personal firearms, government statistics show a dramatic increase in criminal activity.<sup>353</sup> In 2001-2002, homicides were up another 20%.<sup>354</sup>

<sup>346</sup> "42 killed by handguns last year", The Times, January 10, 2001, reporting on statistics supplied by the British Home Office.

<sup>347</sup> "Illegal Firearms in the UK", Centre for Defense Studies at King's College in London, July 2001.

<sup>348</sup> Ibid.

<sup>349</sup> Clive Emsley, Crime and Society in England 1750-1900, at 36 (1987).

<sup>350</sup> Stephen P. Halbrook, "Where Kids and Guns Do Mix", Wall Street Journal, June 1999.

<sup>351</sup> Ibid.

<sup>352</sup> Associated News Media, April 30, 2001.

<sup>353</sup> Australian Bureau of Statistics, "Crime and Justice - Crimes Recorded by Police", 2000.

From the inception of firearm confiscation to March 27, 2000, the numbers are:

- Gun murders up 19%
- Armed robbery up 69%
- Home invasions up 21%

The sad part is that in the 15 years before national gun confiscation:

- Firearm-related homicides dropped nearly 66%.
- Firearm-related deaths fell 50%.

**Fact:** Gun crimes are rising throughout Australia after guns were banned. In Sydney alone, robbery rates with guns rose 160% in 2001, more in the previous year.<sup>355</sup>

**Fact:** A ten year study that concluded Australian firearm confiscation had no effect on crime rates.<sup>356</sup>

### **MYTH: JAPAN HAS STRICT GUN CONTROL AND A LESS VIOLENT SOCIETY**

**Fact:** In Japan, the murder rate is almost 1 per 100,000. In the U.S., there are about 3.2 murders per 100,000 people each year by weapons other than firearms.<sup>357</sup> *This means that even if firearms in the U.S. could be eliminated, we would still have three times the murder rate of the Japanese.* Japan's murder rate may be low, but its suicide rate is over 20 per 100,000 people. Japanese are being murdered and committing suicide at a rate of about 21 per 100,000. In the U.S., our combined murder and suicide rate is about 21 also.

### **MYTH: GUN BANS ENACTED ELSEWHERE WORK**

**Fact:** Though illegal, side-street gun makers thrive in the Philippines, mainly making submachine guns which are the simplest to manufacture. Estimates are that almost ½ of all guns in the Philippines are illegal.<sup>358</sup>

**Fact:** Chinese police destroyed 113 illegal gun factories and shops in a three-month crackdown in 2006. Police seized 2,445 tons of explosives, 4.81 million detonators and 117,000 guns.<sup>359</sup>

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<sup>354</sup> Australian Institute of Criminology, "Report #46: Homicide in Australia, 2001-2002", April 2003.

<sup>355</sup> The Sydney Morning Herald, "Costa targets armed robbers", April 4, 2002.

<sup>356</sup> "Gun Laws and Sudden Death: Did the Australian Firearms Legislation of 1996 Make a Difference?", Dr. Jeanine Baker and Dr. Samara McPhedran, British Journal of Criminology, November 2006.











<sup>357</sup> Japan data "1996 Demographic Yearbook", United Nations, 1998: US data FBI Uniform Crime Statistics, 1996.

<sup>358</sup> "Filipino gunsmiths are making a killing", Taipei Times, May 7, 2005.

<sup>359</sup> China Radio International Online, September 7, 2006.

## MYTH: THE UNITED STATES HAS THE HIGHEST VIOLENCE RATE BECAUSE OF LAX GUN CONTROL

**Fact:** The top 10 countries for homicide do not include the U.S.<sup>360</sup>

Country	Homicides per 100,000 population	
Colombia	62	
Jamaica	32	
Russia	20	
Mexico	13	
Estonia	10	
Latvia	10	
Lithuania	10	
Belarus	9	
Papua New Guinea	8	
Kyrgyzstan	8	

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<sup>360</sup> United Nations Office on Drugs and Crime, Centre for International Crime Prevention, Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 1998 – 2000.



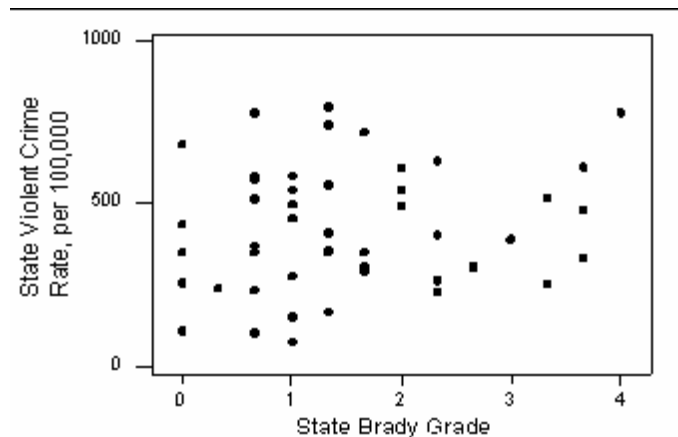
## ASSORTED MYTHS

### MYTH: 30,000 PEOPLE ARE KILLED WITH GUNS EVERY YEAR.

**Fact:** 54% of these deaths are suicides<sup>361</sup> (80% in Canada<sup>362</sup>). Numerous studies have shown that the presence or absence of a firearm does not change the overall (i.e., gun plus non-gun) suicide rate.

### MYTH: THE BRADY CAMPAIGN HAS A GOOD RANKING SYSTEM OF STATE GUN CONTROL LAWS.

**Fact:** There is zero correlation between the letter grades given by the Brady Campaign and the violent crime or murder rate in those states, making the Brady grade irrelevant (see chart at right, numbers index letter grades A-F).<sup>363</sup>



### MYTH: 1,000 PEOPLE DIE EACH DAY FROM GUNS

**Fact:** 25% of this unreliable figure<sup>364</sup> includes “direct war deaths”, and another 14% are suicides. The bulk of the rest come from violence prone and near lawless localities.

**Fact:** The source for these raw data admits “A complete dataset on people killed in conflict—directly or indirectly—does not exist. All published figures are *estimates* based on *incomplete information*.”<sup>365</sup>

**Fact:** Indeed, the definition of “gun” seems to be very broad: “... revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns.” Light weapons are “... heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable antitank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm caliber.” And they admit to the problem of a broad definition: “The Survey uses the terms ‘small arms,’ ‘firearms,’ and ‘weapons’ interchangeably. Unless the context dictates otherwise, no distinction is intended between commercial firearms (e.g. hunting rifles), and small arms and light weapons designed for military use (e.g. assault rifles).”<sup>366</sup>

<sup>361</sup> National Center for Health Statistics, average rates for years 1981 through 2003.

<sup>362</sup> Kathryn Wilkins, “Death Involving Firearms”, Health Report vol. 16, no 4, Statistics Canada.

<sup>363</sup> “State Got a Poor ‘Brady Gun Grade’? Don’t Rush to Pack Your Bags.”, Denton Bramwell, 2006.

<sup>364</sup> “Bringing the global gun crisis under control”, IANSA, 2006 citing Small Arms Survey.

<sup>365</sup> Small Arms Survey 2005, [www.smallarmssurvey.org](http://www.smallarmssurvey.org).

<sup>366</sup> Small Arms Survey 2002, [www.smallarmssurvey.org](http://www.smallarmssurvey.org).

## **MYTH: HIGH CAPACITY GUNS LEAD TO MORE DEADLY SHOOTINGS**

**Fact:** Much of this myth comes from the fact that the general availability of high-capacity handguns briefly preceded the rise in the crack cocaine trade, which brought a new kind of violence in local drugs wars.<sup>367</sup>

**Fact:** The number of shots fired by criminals has not changed significantly even with the increased capacity of handguns and other firearms. Indeed, the number of shots from revolvers (all within 6-8 round capacity) and semi-automatics were about the same – 2.04 vs. 2.53.<sup>368</sup> In a crime or gun battle, there is seldom time or need to shoot more.

**Fact:** Fatal criminal shootings declined from 4.3% to 3.3% from 1974 through 1995, when the increase in semi-automatics and large capacity handguns were rising at their fastest rate.<sup>369</sup> Fatal shootings of police officers declined sharply from 1988 through 1993.<sup>370</sup>

**Fact:** Drug dealers tend to be “more deliberate in their efforts to kill their victims by shooting them multiple times”.<sup>371</sup>

## **MYTH: THE “POWERFUL GUN INDUSTRY” STOPS ALL GUN CONTROL LEGISLATION**

**Fact:** The firearms industry is composed of "small, marginally profitable companies," with combined revenues of \$1.5 billion to \$2 billion per year, making it politically ineffective.<sup>372</sup>

**Fact:** Total political contributions from firearm industry members, PACs and employees was under \$4.4 million in the 2002 election cycle, which made the industry the 64th ranked contributor. Compare that to \$33 million from the American Federation of State, County & Municipal Employees.<sup>373</sup>

**Fact:** Perhaps the "gun industry" being referenced is the 65-100+ million adults (depending on which survey you believe) who peacefully own firearms and do not want their civil rights restricted.

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<sup>367</sup> Gary Kleck, Targeting Guns, 1997.

<sup>368</sup> Michael McGonigal, John Cole, William Schwab, Donald Kauder, Michael Rotondo, Peter Angood, “Urban firearm deaths: A five-year perspective”, Journal of Trauma, 1993.

<sup>369</sup> FBI Uniform Crime Statistics, 1966-1995.

<sup>370</sup> Marianne Zawitz, “Firearm injury from crime”, 1996, Bureau of Justice Statistics.

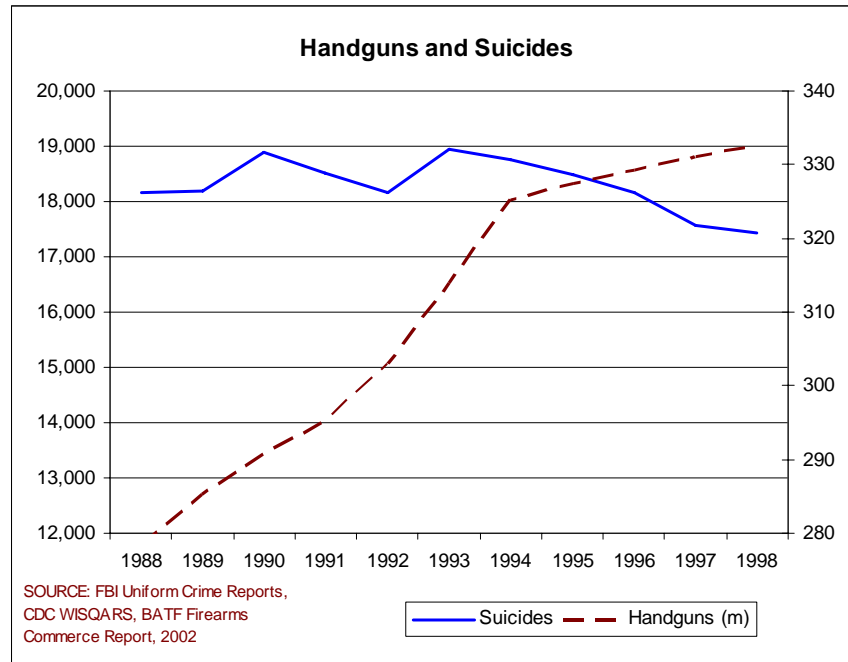
<sup>371</sup> Webster, Champion, Gainer and Sykes, “Epidemiological changes in gunshot wounds in Washington D.C”, Archives of Surgery, 1992.

<sup>372</sup> New York Times, Mar. 18, 2000.

<sup>373</sup> OpenSecrets.org, May 2003.

## MYTH: ACCESS TO GUNS INCREASES THE RISK OF SUICIDE

**Fact:** The rate of suicide is not affected by the presence of a firearm. This is true in either a time-series analysis (like the chart at right showing the change in handgun supply in the U.S. over time),<sup>374</sup> or through cross-national analysis. For example, Japan has no private handgun ownership (aside from an extremely limited number of licensed Olympic sport shooters), and yet had a suicide rate more than twice that of the United States in 2002.<sup>375</sup>



<sup>374</sup> FBI Uniform Crime Statistics online, BATFE Firearm Commerce Report for 2002.

<sup>375</sup> FBI Uniform Crime Statistics, World Health Organization Suicide Prevention country reports (online).

# GUN OWNERS AND PUBLIC OPINION

## MYTH: GUN OWNERS ARE A TINY MINORITY

**Fact:** The Federal government estimated that there were over 65 million gun owners in the U.S. and more than 50% were handgun owners.<sup>376</sup> This number is generally considered low due to the reluctance of many to admit to a government agency that they own a gun. Other estimates indicate that between 41% and 49% of U.S. households are gun-owning households.

**Fact:** 43% of Americans claim they owned a gun.<sup>377</sup>

## MYTH: PEOPLE DO NOT BELIEVE THAT THE 2<sup>ND</sup> AMENDMENT IS AN INDIVIDUAL RIGHT

**Fact:** A Gallup survey confirms that 73% of Americans believe the 2<sup>nd</sup> Amendment “guarantees” the right to keep guns, and that a mere 20% believe it exists to enable state militias.<sup>378</sup>

**Fact:** A Zogby poll<sup>379</sup> concluded that 75% of Americans believe the right to keep and bear arms is an individual right. ABC determined the rate to be 77%.<sup>380</sup>

## MYTH: MOST AMERICANS FAVOR GUN CONTROL

**Fact:** An Associated Press poll in April, 2000 showed 42% thought stricter enforcement was more likely to cut gun violence. Only 33% said enacting tougher gun laws was better.

**Fact:** A survey in April, 2000 by ABC News/Washington Post asked whether "passing stricter gun control laws" or "stricter enforcement of existing laws" is the best way to curb gun violence. Enforcement was preferred by 53% to 33%.

**Fact:** 58% percent of Americans believe better enforcement of existing laws "is a better way to reduce handgun violence" than new gun control laws.<sup>381</sup>

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<sup>376</sup> Bureau of Alcohol, Tobacco and Firearms, 1997

<sup>377</sup> Gallup Poll, " Americans by Slight Margin Say Gun in the Home Makes It Safer", October 20, 2006

<sup>378</sup> Gallup Poll, "Public Believes Americans Have Right to Own Guns", May 27, 2008

<sup>379</sup> Zogby/SAF survey of 1,015 likely voters, June 2002

<sup>380</sup> ABC News, May 14, 2002

<sup>381</sup> Portrait of America survey, August 2000

**Fact:** Few "surveys" conducted in this country on the subject of gun control are unbiased. Professional survey designers have criticized both Harris and Gallup gun surveys for their construction – that the surveys have been designed to reach a desired conclusion.<sup>382</sup>

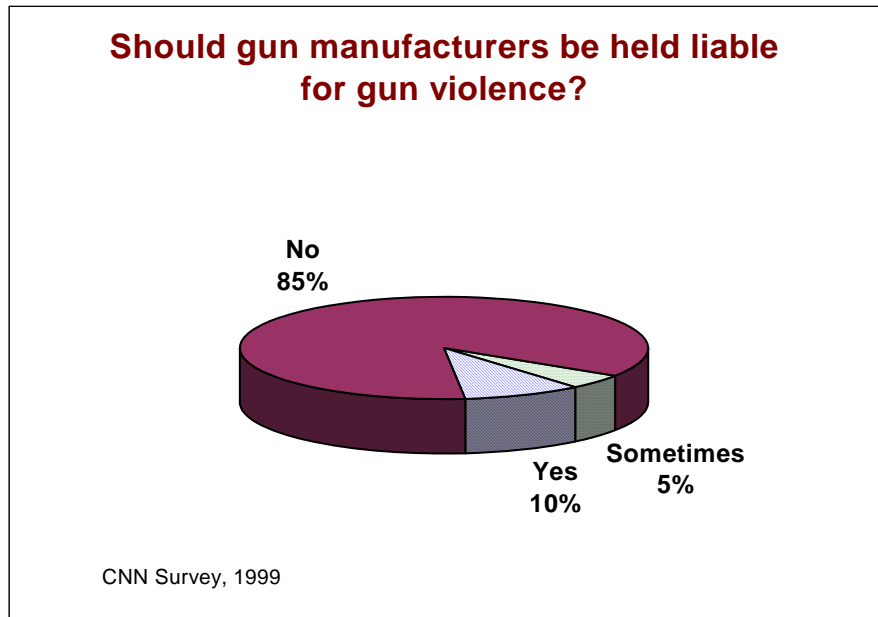
Cause of Gun Violence	Percent
The way parents raise their children	45%
Popular culture	26%
Availability of guns	21%
Other	6%
No opinion	2%

**Fact:** Americans believe parents and popular culture are more responsible for violence in America than firearms.<sup>383</sup>

**Fact:** 52% of Americans in 2006 do not believe more gun control is needed.<sup>384</sup>

**Fact:** A 1999 survey by CBS (hardly a pro gun organization) found these responses:

- Only 14% of Americans believe that gun control can prevent violence with guns.
- 56% of people said enforcement of existing laws is the better way to reduce violent crime than new gun control laws.
- Only 4% said gun control should be a top issue for the government.



## **MYTH: MORE AND MORE AMERICANS SUPPORT STRICTER GUN CONTROL**

**Fact:** The Gallup Poll has been asking Americans this question since 1990 and in the 16 years thereafter, the number supporting stricter gun control has fallen from 78% to 56%.<sup>385</sup>

<sup>382</sup> Often these surveys use questions like "If it reduced crime, would you favor stronger gun control laws?" These questions are rephrased in headline to read "Americans demand gun control" while ignoring the leading goal of reducing crime. These surveys also fail to ask counter balancing questions to prove/disprove any bias in questions. A counter-balancing question might be: "If it were shown that gun control laws were ineffective in preventing crime, would you favor enacting more gun control laws?"

<sup>383</sup> Gallup Poll, May 2000 – this despite a question design which made “availability of guns” the most likely choice due to order ranking

<sup>384</sup> Rasmussen Reports, February 19, 2006

<sup>385</sup> Gallup Poll, “Americans by Slight Margin Say Gun in the Home Makes It Safer”, October 20, 2006

**Fact:** Twice as many Americans currently reject the idea of a handgun ban, though a majority favored such a ban in 1959.<sup>386</sup>

**Fact:** A recent and well-constructed survey by Time Magazine showed some interesting results. From 33,202 adult Americans surveyed in 1998:

	Yes	No
Should the U.S. have stricter gun control laws?	6.73%	92.25%
Do you believe that allowing people to carry concealed weapons reduce crime?	92.22%	7.76%
Do you believe that U.S. cities should sue gun manufacturers to recoup money spent dealing with gun-related crime?	1.96%	98.01%
How would you rate the effectiveness of the Brady Bill and the "assault weapons" ban in preventing the illegal use and distribution of guns?	0.52% 3.79% 6.19% 87.27% 2.23%	Very effective Somewhat effective Somewhat ineffective Not at all effective Don't know

**Fact:** According to an AOL.com poll in March 2000:

How can gun violence be effectively prevented?	People	Percent
Stricter gun control laws	10,841	17.8%
Proper enforcement of current gun control laws	13,587	22.4%
Ban on handguns	8,008	13.2%
Stricter punishment for crimes involving guns	21,596	35.6%
Other	5,094	8.4%
Not sure	1,613	2.7%

**Fact:** A CNN survey in the summer of 1999 asked if gun makers should be held liable for gun violence. Obviously not.

**Fact:** A 1999 survey by the Associated Press showed:

- Most Americans (49%) felt enforcing existing laws was the key to reducing violent crime.
- 52% felt that background checks did not help reduce the number of crimes committed with guns.

**Fact:** A 2000 Zogby telephone survey of 1,201 adults concluded that, by almost a two-to-one margin, Americans prefer enforcement of existing laws instead of new and tougher gun legislation to fight

Zogby December 2000 Survey	
Enforce existing laws	52%
Banning handguns	15%
Teach children self-control	15%
Additional congressional legislation	2%
Other	8%
Don't know	2%

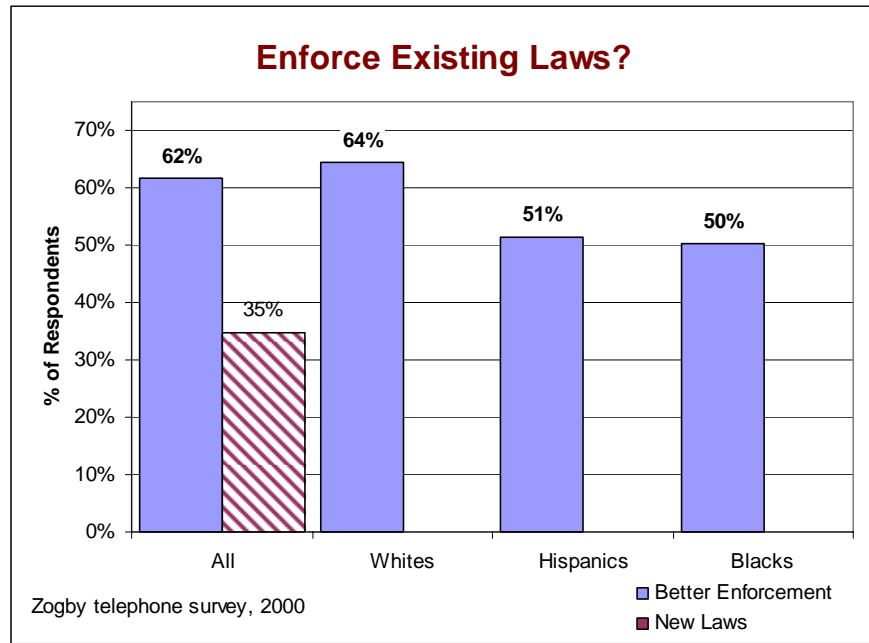
<sup>386</sup> Gallup Poll, "Americans by Slight Margin Say Gun in the Home Makes It Safer", October 20, 2006

crime. The same poll found that 68% of the public disagrees with cities suing gun makers for the criminal misuse of guns.

**Fact:** A December 2000 Zogby poll of 1,028 American adults showed they felt enforcing current laws was the “best way to solve gun violence in America.”

**Fact:** A January 2001 Zogby “American Values” poll found that

66% of voters felt the U.S. should spend more money enforcing current laws including mandatory jail time for those who commit a crime with a handgun, while only 26% felt there should be more gun control laws including mandatory gun locks.'



### **MYTH: MOST PEOPLE THINK GUNS IN THE HOME ARE DANGEROUS**

**Fact:** Gallup poll concludes that a slight majority (47% vs. 43%) believe that having a firearm in the home makes it safer.<sup>387</sup>

<sup>387</sup> Gallup Poll, “Americans by Slight Margin Say Gun in the Home Makes It Safer”, October 20, 2006



# THE SECOND AMENDMENT

**Justification clause:** "A well regulated Militia being necessary to the security of a free State, "

**Rights clause:** "the right of the people to keep and bear Arms shall not be infringed."

*The justification clause does not modify, restrict, or deny the rights clause.*<sup>388</sup>

For a full discussion of how the 2<sup>nd</sup> Amendment was created and revised, see "Origin of the 2<sup>nd</sup> Amendment" in the "Miscellaneous information" section of this book.

## MYTH: THE SECOND AMENDMENT IS A COLLECTIVE RIGHT, NOT AN INDIVIDUAL RIGHT

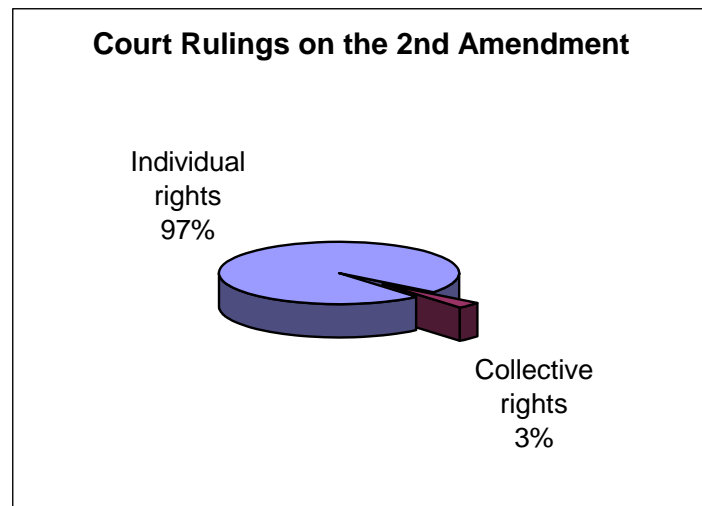
**Fact:** St. George Tucker, an early legal commentator and authority of the original meaning of the constitution wrote in Blackstone's Commentaries "... nor will the constitution permit any prohibition of arms to the people"<sup>389</sup>

**Fact:** The Second Amendment was listed in a Supreme Court ruling as an individual right.<sup>390</sup>

**Fact:** The Supreme Court specifically reaffirmed that the right to keep and bear arms did not belong to the government.<sup>391</sup>

**Fact:** In 22 of the 27 instances where the Supreme Court mentions the Second Amendment, they quote the rights clause and not the justification clause.

**Fact:** Courts disagree. "We find that the history of the Second Amendment reinforces the plain meaning of its text, namely that it protects individual Americans in their right to keep and bear arms whether or not they are a member of a select militia or performing active military service or training" and "We reject the collective rights and sophisticated collective rights models for interpreting the Second Amendment"<sup>392</sup>



<sup>388</sup> Eugene Volokh, Prof. Law, UCLA

<sup>389</sup> Tucker, Blackstone's Commentaries, Vol 1. Note D. Part 6. Restraints on Powers of Congress (1803).

<sup>390</sup> Dred Scott, Casey v. Planned Parenthood, U.S. v. Cruikshank and others

<sup>391</sup> United States v. Miller

<sup>392</sup> U.S. v. Emerson, 5<sup>th</sup> court of Appeals decision, November 2, 2001, No. 99-10331

**Fact:** Citizens agree. 62% believe the 2<sup>nd</sup> Amendment guarantees an individual right, while a mere 28% believe it protects the power of the states to form militias.<sup>393</sup>

**Fact:** There are 23 state constitutions with RKBA clauses adopted between the Revolution and 1845, and 20 of them are explicitly individual in nature, only three have "for the common defense...." or other "collective rights" clauses.<sup>394</sup>

**Fact:** James Madison, considered to be the author of the Bill of Rights, wrote that the Bill of Rights was "calculated to secure the personal rights of the people". He never excluded the Second Amendment from this statement.

**Fact:** Patrick Henry commented on the Swiss militia model (still in use today) noting that they maintain their independence without "a mighty and splendid President" or a standing army.<sup>395</sup>

**Fact:** "The congress of the United States possesses no power to regulate, or interfere with the domestic concerns, or police of any state: it belongs not to them to establish any rules respecting the rights of property; nor will the constitution permit any prohibition of arms to the people; or of peaceable assemblies by them, for any purposes whatsoever, and in any number, whenever they may see occasion."<sup>396</sup>

**Fact:** Tench Coxe, in Remarks on the First Part of the Amendments to the Federal Constitution said "As civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow-citizens, the people are confirmed by the next article in their right to keep and bear their private arms."

## **MYTH: THE "MILITIA" CLAUSE IS TO ARM THE NATIONAL GUARD**

**Fact:** "Militia" is a Latin abstract noun, meaning "military service", not an "armed group", and that is the way the Latin-literate Founders used it. To the Romans, "military service" included law enforcement and disaster response. Today "militia" might be more meaningfully translated as "defense service", associated with a "defense duty", which attaches to individuals as much as to groups of them, organized or otherwise. When we are alone, we are all militias of one. In the broadest sense, militia is the exercise of civic virtue.<sup>397</sup>

**Fact:** The Dick Act of 1903 designated the National Guard as the "organized militia" and that all other citizens were the "unorganized militia" – thus the National Guard is only part of the militia, and the whole militia is composed of the population at large. Before 1903, the National Guard had no federal definition as part of the militia at all.

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<sup>393</sup> Associated Television News Survey, August 1999, 1,007 likely voters

<sup>394</sup> Clayton Cramer, historian, author of For the "Defense of Themselves and the State" (Praeger Press, 1994), cited as an authority in USA v. Emerson (N.D. Texas 1999)

<sup>395</sup> Stephen P. Halbrook, "Where Kids and Guns Do Mix", Wall Street Journal, June 2000

<sup>396</sup> Tucker's Blackstone, Volume 1 Appendix Note D., 1803 – Tucker's comments provide a number of insights into the consensus for interpretation of the Constitution that prevailed shortly after its ratification, after the debates had settled down and the Constitution was put into practice.

<sup>397</sup> "Militia", The Constitution Society, [www.constitution.org](http://www.constitution.org)

**Fact:** The first half of the Second Amendment is called the "justification clause". Justification clauses appear in many state constitutions, and cover liberties including right to trial, freedom of the press, free speech, and more. *Denying gun rights based on the justification clause means we would have to deny free speech rights on the same basis.*<sup>398</sup> See <http://www.law.ucla.edu/faculty/volokh/beararms/testimon.htm>

**Fact:** The origin of the phrase "a well regulated militia" comes from a 1698 treatise "A Discourse of Government with Relation to Militias" by Andrew Fletcher, in which the term "well regulated" was equated with "well-behaved" or "disciplined".<sup>399</sup>

**Fact:** "We have found no historical evidence that the Second Amendment was intended to convey militia power to the states, limit the federal government's power to maintain a standing army, or applies only to members of a select militia while on active duty. All of the evidence indicates that the Second Amendment, like other parts of the Bill of Rights, applies to and protects individual Americans."<sup>400</sup>

**Fact:** "The plain meaning of the right of the people to keep arms is that it is an individual, rather than a collective, right and is not limited to keeping arms while engaged in active military service or as a member of a select militia such as the National Guard ..."<sup>401</sup>

**Fact:** Before there was a Bill of Rights, most of the 13 original states had their own constitutions, and it is from these that the original Bill of Rights was distilled. The state constitutions of that time had many "right to keep and bear arms" clauses that clearly guaranteed an individual right. Some examples include:

**Connecticut:** Every citizen has a right to bear arms in defense of himself and the state.

**Kentucky:** ... the right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

**Pennsylvania:** That the people have a right to bear arms for the defense of themselves and the state; ... The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

**Rhode Island:** The right of the people to keep and bear arms shall not be infringed.

**Vermont:** ... the people have a right to bear arms for the defense of themselves and the State.

## **MYTH: THE SUPREME COURT RULED THE SECOND AMENDMENT IS NOT AN INDIVIDUAL RIGHT**

**Fact:** The Supreme Court has ruled that the Second Amendment *does* protect an individual right (for example, U.S. v. Cruikshank).

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<sup>398</sup> Eugene Volokh, Prof. Law, UCLA

<sup>399</sup> This document was widely published during the colonial and revolutionary periods, and was the basis for state and federal 'bills of rights'.

<sup>400</sup> U.S. v. Emerson, 5<sup>th</sup> court of Appeals decision, November 2, 2001, No. 99-10331

<sup>401</sup> Ibid

**Fact:** Of 300 decisions of the federal and state courts that have taken a position on the meaning of the Second Amendment or the state analogs to it, only 10 have claimed that the right to keep and bear arms is not an individual right. Many of the other decisions struck down gun control laws because they conflicted with the Second Amendment, such as *State v. Nunn* (Ga. 1846).<sup>402</sup>

**Fact:** In the *Dred Scott* case of 1856, the Supreme Court listed the protected rights of citizens and explicitly listed the right to keep and bear arms, and gave this right equal weight to the other freedoms enumerated in the constitution.

### **MYTH: U.S. V. CRUIKSHANK DENIED AN INDIVIDUAL RIGHT TO BEAR ARMS**

**Fact:** The court ruled that both the 2nd Amendment right to bear arms and the 1st Amendment right to assembly were "pre-existing rights", and that it was incumbent upon the states to enforce that right. Specifically the court ruled:

*The right was not created by the amendment; neither was its continuance guaranteed, except as against congressional interference. For their protection in its enjoyment, therefore, the people must look to the States. ...*

### **MYTH: U.S. V. MILLER SAID THAT THE SECOND AMENDMENT IS NOT AN INDIVIDUAL RIGHT**

**Fact:** The *Miller* case specifically held that specific types of guns might be protected by the Second Amendment. It depended on whether a gun had militia use, and the court wanted evidence presented confirming that citizens have a right to military style weapons. Since no evidence was taken at the trial level in lower courts, they remanded the case for a new trial. Specifically the court said:

"The signification attributed to the term Militia appears from the debates in the Convention, the history and legislation of Colonies and States, and the writings of approved commentators. *These show plainly enough that the Militia comprised all males physically capable of acting in concert for the common defense.* "A body of citizens enrolled for military discipline." And further, that ordinarily when called for service *these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time.*"

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than 18 inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense."

**Fact:** Even the US government agreed. Here are some sentences from the brief filed by the government in the appeal to the Supreme Court:

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<sup>402</sup> "In Defense of Themselves and the States", Clayton Cramer, Praeger Press, 1994

“The Second Amendment does not grant to the people the right to keep and bear arms, but merely recognizes the prior existence of that right and prohibits its infringement by Congress.”

“The "arms" referred to in the Second Amendment are, moreover, those which ordinarily are used for military or public defense purposes ...”

“The Second Amendment does not confer upon the people the right to keep and bear arms; it is one of the provisions of the Constitution which, recognizing the prior existence of a certain right, declares that it shall not be infringed by Congress. Thus the right to keep and bear arms is not a right granted by the Constitution and therefore is not dependant upon that instrument for its source.”

**Fact:** The federal 8<sup>th</sup> Court of Appeals holds that the Miller case protects an individual right to keep and bear arms. “Although an individual's right to bear arms is constitutionally protected, see United States v. Miller ...”<sup>403</sup>

**Fact:** Federal courts reject the myth. “We conclude that Miller does not support the [government's] collective rights or sophisticated collective rights approach to the Second Amendment.”<sup>404</sup> They continue, “There is no evidence in the text of the Second Amendment, or any other part of the Constitution, that the words ‘we the people’ have a different connotation within the Second Amendment than when employed elsewhere ...”.

## **SUMMARY OF VARIOUS COURT DECISIONS CONCERNING GUN RIGHTS**

### **DECISIONS THAT EXPLICITLY RECOGNIZED THAT THE SECOND AMENDMENT GUARANTEES AN INDIVIDUAL RIGHT TO PURCHASE, POSSESS OR CARRY FIREARMS, AND IT LIMITS THE AUTHORITY OF BOTH FEDERAL AND STATE GOVERNMENTS:**

- Parker vs. D.C., Fed (2007), confirmed an individual right to keep arms and overturning a handgun ban.
- U.S. vs. Emerson, 5 Fed (1999), confirmed an individual right requiring compelling government interest for regulation.
- Nunn v. State, 1 Ga. 243, 250, 251 (1846) (struck down a ban on sale of small, easily concealed handguns as violating Second Amendment).
- State v. Chandler, 5 La.An. 489, 490, 491 (1850) (upheld a ban on concealed carry, but acknowledged that open carry was protected by Second Amendment).
- Smith v. State, 11 La.An. 633, 634 (1856) (upheld a ban on concealed carry, but recognized as protected by Second Amendment "arms there spoken of are such as are borne by a people in war, or at least carried openly").
- State v. Jumel, 13 La.An. 399, 400 (1858) (upheld a ban on concealed carry, but acknowledged a Second Amendment right to carry openly).

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<sup>403</sup> U.S. v. Hutzell, 8 Iowa, No. 99-3719

<sup>404</sup> U.S. v. Emerson, 5<sup>th</sup> court of Appeals decision, November 2, 2001, No. 99-10331

- *Cockrum v. State*, 24 Tex. 394, 401, 402 (1859) (upheld an enhanced penalty for manslaughter with a Bowie knife, but acknowledged that the Second Amendment guaranteed an individual right to possess arms for collective overthrow of the government).
- *In Re Brickey*, 8 Ida. 597, 70 Pac. 609, 101 Am.St.Rep. 215, 216 (1902) (struck down a ban on open carry of a revolver in Lewiston, Idaho as violating both Second Amendment and Idaho Const. guarantee).
- *State v. Hart*, 66 Ida. 217, 157 P.2d 72 (1945) (upheld a ban on concealed carry as long as open carry was allowed based on both Second Amendment and Idaho Const. guarantee).
- *State v. Nickerson*, 126 Mont. 157, 166 (1952) (striking down a conviction for assault with a deadly weapon, acknowledging a right to carry based on Second Amendment and Montana Const. guarantee).
- *U.S. v. Hutzell*, 8 Iowa, 99-3719, (2000) (cite in dictum that "an individual's right to keep and bear arms is constitutionally protected, see *United States v. Miller*, 307 U.S. 174, 178-79 (1939)).

**DECISIONS THAT RECOGNIZED THE SECOND AMENDMENT GUARANTEES AN INDIVIDUAL RIGHT TO POSSESS OR CARRY FIREARMS, BUT ONLY LIMITING THE FEDERAL GOVERNMENT'S AUTHORITY:**

- *U.S. v. Cruikshank*, 92 U.S. 542, 552 (1876) (limiting use of the Enforcement Act of 1870 so that Klansmen could not be punished for mass murder and disarming of freedmen).
- *State v. Workman*, 35 W.Va. 367, 373 (1891) (upholding a ban on carry of various concealable arms).
- *State v. Kerner*, 181 N.C. 574, 107 S.E. 222 (1921) (overturning a ban on open carry of pistols based on North Carolina Const., but acknowledging Second Amendment protected individual right from federal laws).

**DECISIONS IN WHICH THE SECOND AMENDMENT WAS ARGUED OR RAISED AS A LIMITATION ON STATE LAWS, AND IN WHICH THE COURT RULED THAT IT ONLY LIMITED THE FEDERAL GOVERNMENT, TACITLY ACKNOWLEDGING THAT THE RIGHT WAS INDIVIDUAL IN NATURE:**

- *Andrews v. State*, 3 Heisk. (50 Tenn.) 165, 172, 173 (1871).
- *Fife v. State*, 31 Ark. 455, 25 Am.Rep. 556, 557, 558 (1876); *State v. Hill*, 53 Ga. 472, 473, 474 (1874).
- *Dunne v. People*, 94 Ill. 120, 140, 141 (1879); *Presser v. Illinois*, 116 U.S. 252, 265, 266 (1886) (upholding a ban on armed bodies marching through the streets).
- *People v. Persce*, 204 N.Y. 397, 403 (1912); *In re Rameriz*, 193 Cal. 633, 636, 226 P. 914 (1924) (upholding a ban on resident aliens possessing handguns).

**DECISIONS IN WHICH THE SECOND AMENDMENT WAS IMPLIED TO GUARANTEE AN INDIVIDUAL RIGHT, THOUGH UNCLEAR AS TO WHETHER IT LIMITED ONLY THE FEDERAL GOVERNMENT OR STATES AS WELL, BECAUSE THE TYPE OF ARM IN QUESTION WASN'T PROTECTED:**

- *English v. State*, 35 Tex. 473, 476, 477 (1872).

- State v. Duke, 42 Tex. 455, 458, 459 (1875) (upholding a ban on carrying of handguns, Bowie knives, sword-canes, spears, and brass knuckles).
- People v. Liss, 406 Ill. 419, 94 N.E.2d 320, 322, 323 (1950) (overturning a conviction for carrying a concealed handgun and acknowledging that the right in the Second Amendment was individual).
- Guida v. Dier, 84 Misc.2d 110, 375 N.Y.S.2d 827, 828 (1975) (denying that "concealable hand weapons" were protected by the Second Amendment, but acknowledging that an individual right protects other firearms).

**DECISIONS IN WHICH THE SECOND AMENDMENT HAS BEEN CLASSED WITH OTHER INDIVIDUAL RIGHTS, WITH NO INDICATION THAT IT WAS NOT AN INDIVIDUAL RIGHT:**

- Robertson v. Baldwin, 165 U.S. 275, 281, 282, 17 S.Ct. 826, 829 (1897); U.S. v. Verdugo-Urquidez, 110 S.Ct. 1056, 1060, 1061 (1990).

**DECISIONS THAT COULD HAVE BEEN VERY MUCH SHORTER IF THE COURT HAD SIMPLY DENIED THAT THE SECOND AMENDMENT PROTECTED AN INDIVIDUAL RIGHT:**

U.S. v. Miller, 307 U.S. 174 (1939) (the Supreme Court upholding the National Firearms Act of 1934, after district judge released defendants on the grounds that it violated Second Amendment).



# GUN CONTROL PROPONENTS

## POLITICIANS

### BILL CLINTON, FORMER PRESIDENT OF THE UNITED STATES

"Only the police should have handguns."

"When we got organized as a country, we wrote a fairly radical Constitution with a radical Bill of Rights, giving a radical amount of individual freedom to Americans. There's too much personal freedom. When personal freedom's being abused, you have to move to limit it."<sup>405</sup>

**Fact:** Wang Jun – son of the late Chinese President Wang Zhen – who is chairman of the China International Trade and Investment Company and President of Polytechnologies Corp., attended a White House coffee with Clinton in February 1996 and was granted a meeting with Commerce Secretary Ronald Brown the next day.

He was also connected to more than \$600,000 in illegal campaign contributions to the Democrats, the report said. Polytechnologies is an arms-trading company indicted for trying to smuggle 2,000 Chinese AK-47 assault rifles into the United States and it is the largest of the corporate structures owned by the People's Liberation Army.<sup>406</sup>

### V.I. LENIN

"One man with a gun can control 100 without one. ... Make mass searches and hold executions for found arms."

### DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

"Banning guns addresses a fundamental right of all Americans to feel safe."<sup>407</sup>

"If I could have gotten 51 votes in the Senate of the United States for an outright ban, picking up every one of them; "Mr. and Mrs. America, turn 'em all in," I would have done it."<sup>408</sup>

"The National Guard fulfills the militia mentioned in the Second amendment. Citizens no longer need to protect the states or themselves."

### JOSEPH STALIN

"If the opposition disarms, well and good. If it refuses to disarm, we shall disarm it ourselves."

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<sup>405</sup> MTV's "Enough is Enough", March 22, 1994

<sup>406</sup> CNN May 24, 1999

<sup>407</sup> Associated Press, November 18, 1993

<sup>408</sup> CBS-TV's "60 Minutes," February 5, 1995

### **FRANK LAUTENBERG, U.S. SENATOR FROM NEW JERSEY**

"We have other legislation that all of you are aware that I have been so active on, with my colleagues here, and that is to shut down the gun shows."<sup>409</sup>

### **ADOLPH HITLER**

"The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by so doing."<sup>410</sup>

### **GISELA KALLENBACH, GERMAN MEMBER OF THE EUROPEAN PARLIAMENT**

"We in Europe ... do not consider the freedom to buy weapons a human right."<sup>411</sup>

### **HOWARD METZENBAUM, FORMER U.S. SENATOR**

"No, we're not looking at how to control criminals ... we're talking about banning the AK-47 and semi-automatic guns."

### **CHARLES PASHAYAN, U.S. REPRESENTATIVE FROM CALIFORNIA**

"All of this has to be understood as part of a process leading ultimately to a treaty that will give an international body power over our domestic laws."<sup>412</sup>

### **PETE STARK, U.S. REPRESENTATIVE FROM CALIFORNIA**

"If a bill to ban handguns came to the house floor, I would vote for it."<sup>413</sup>

### **WILLIAM CLAY, U.S. REPRESENTATIVE FROM MISSOURI**

"...we need much stricter gun control, and eventually should bar the ownership of handguns"

### **JOSEPH BIDEN, U.S. SENATOR FROM DELAWARE**

"Banning guns is an idea whose time has come."

### **JOHN CHAFEE, FORMER U.S. SENATOR FROM RHODE ISLAND**

"I shortly will introduce legislation banning the sale, manufacture or possession of handguns (with exceptions for law enforcement and licensed target clubs)... . It is time to act. We cannot go on like this. Ban them!"<sup>414</sup>

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<sup>409</sup> Press conference on March 1, 2000

<sup>410</sup> Hitler's Secret Conversations, trans. Norman Cameron and R. H. Stevens (New York: Signet Books, 1961), 403

<sup>411</sup> "EU legislators push together gun controls", International Herald Tribune, November 29, 2007

<sup>412</sup> 2001 United Nations Conference on Small Arms

<sup>413</sup> Town Hall Meeting, June 1999, Fremont California

<sup>414</sup> In View of Handguns' Effects, There's Only One Answer: A Ban, Minneapolis Star Tribune, June 15, 1992, at 13A

### **JAN SCHAKOWSKY, U.S. REPRESENTATIVE FROM ILLINOIS**

“I believe.....this is my final word.....I believe that I'm supporting the Constitution of the United States which does not give the right for any individual to own a handgun....”<sup>415</sup>

### **MAJOR OWENS, U.S. REPRESENTATIVE FROM NEW YORK**

“We have to start with a ban on the manufacturing and import of handguns. From there we register the guns which are currently owned, and follow that with additional bans and acquisitions of handguns and rifles with no sporting purpose.”

### **BOBBY RUSH, U.S. REPRESENTATIVE FROM ILLINOIS**

"My staff and I right now are working on a comprehensive gun-control bill. We don't have all the details, but for instance, regulating the sale and purchase of bullets. Ultimately, I would like to see the manufacture and possession of handguns banned except for military and police use. But that's the endgame. And in the meantime, there are some specific things that we can do with legislation." <sup>416</sup>

### **FERDINAND E. MARCOS, FORMER PRESIDENT/DICTATOR OF THE PHILIPPINES**

President Marcos declared Martial Law by virtue of Proclamation No.1081 on Sept.21, 1972 and on the following day issued General Order No. 6 declaring that no person shall keep, possess or carry any firearms with penalties ranging up to death. The Philippines was under his dictatorship for the next 14 years.

### **ACTS OF VIOLENCE COMMITTED BY MEMBERS OF GUN CONTROL ORGANIZATIONS**

- Barbara Graham, speaker at the “Million Mom March” in 2000, was convicted of shooting and paralyzing for life a man she mistook as one who had killed her son.<sup>417</sup>
- In Fort Collins, a woman who opposes the right of self-defense struck a member of the Tyranny Response Team with a clipboard.<sup>418</sup>
- At a rally in Boulder early in 2000, Robert Howell, vice president of the anti-gun Boulder Bell Campaign, attacked Shariar Ghalam, bloodying his nose. (Ghalam was carrying a concealed handgun but never drew it, not believing his life was in danger.)
- In the summer of 2000, supporters of the anti-gun Million Mom March stole supplies from the Second Amendment Sisters and vandalized SAS property.<sup>419</sup>
- Ari Armstrong, a pro-civil rights activist in Colorado, received threatening telephone calls allegedly from members of S.A.F.E (an anti-gun group) after Ari appeared on television promoting firearm freedoms.<sup>420</sup>

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<sup>415</sup> Tape recorded on June 25, 2000 by Matt Beauchamp at the Chicago Gay Pride Parade

<sup>416</sup> Chicago Tribune, December 5, 1999

<sup>417</sup> Washington Post, February 2, 2001, “Mother Convicted in Shooting”, Page B01 – January 24, 2001, “Woman Goes on Trial In Ambush Shooting”, Page B01

<sup>418</sup> Boulder Weekly, “New gun laws by force”, August 24, 2000

<sup>419</sup> WorldNetDaily, “Million Mom Marchers ransack pro-gun display”, August 1, 2000

## **ANTI-FREEDOM POLITICAL ACTIVISTS**

### **THE COALITION TO STOP GUN VIOLENCE**

"It is our aim to ban the manufacture and sale of handguns to private individuals."<sup>421</sup>

"We will never fully solve our nation's horrific problem of gun violence unless we ban the manufacture and sale of handguns and semiautomatic assault weapons."<sup>422</sup>

### **NELSON T. "PETE" SHIELDS, CHAIRMAN EMERITUS, HANDGUN CONTROL, INC.<sup>423</sup>**

" .... the final problem is to make the possession of all handguns and all handgun ammunition except for the military, policemen, licensed security guards, licensed sporting clubs, and licensed gun collectors -- totally illegal."<sup>424</sup>

"Yes, I'm for an outright ban (on handguns)."<sup>425</sup>

"We'll take one step at a time, and the first is necessarily - given the political realities - very modest. We'll have to start working again to strengthen the law, and then again to strengthen the next law and again and again. Our ultimate goal, total control of handguns, is going to take time. The first problem is to slow down production and sales. Next is to get registration. The final problem is to make possession of all handguns and ammunition (with a few exceptions) totally illegal."<sup>426</sup>

### **SARAH BRADY, CHAIRPERSON FOR HANDGUN CONTROL, INC. (NOW THE BRADY CAMPAIGN)**

"...I don't believe gun owners have rights."<sup>427</sup>

"We would like to see, in the future, what we will probably call needs-based licensing of all weapons. ...Where it would make it much more difficult for anybody to be able to purchase handguns...."<sup>428</sup>

"To me, the only reason for guns in civilian hands is for sporting purposes."<sup>429</sup>

### **JIM BRADY**

"[Handguns] For target shooting, that's okay. Get a license and go to the range. For defense of the home, that's why we have police."<sup>430</sup>

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<sup>420</sup> Compiled and reported by the Boulder Weekly, August 24, 2000

<sup>421</sup> Recruiting flyer, 1996

<sup>422</sup> Jeff Muchnick, Legislative Director, USA Today, December 29, 1993

<sup>423</sup> It is interesting to note that HCI was originally named National Council to Ban Handguns.

<sup>424</sup> "The New Yorker", July 26, 1976

<sup>425</sup> 60 Minutes interview

<sup>426</sup> New Yorker Magazine, June 26, 1976, pg. 53

<sup>427</sup> Hearst Newspapers Special Report, "Handguns in America" October 1997

<sup>428</sup> Sarah Brady speech to the Women's National Democratic Club, Sept. 21, 1993

<sup>429</sup> Tampa Tribune, Oct 21, 1993

<sup>430</sup> Parade Magazine, June 26, 1994

## **ELLIOT CORBETT, SECRETARY, NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY**

"Handguns should be outlawed."

## **BERNARD PARKS, CHIEF OF POLICE, L.A. CALIFORNIA**

"We would get rid of assault weapons. There would not be an assault weapon in the United States, whether it's for a show or someone having it in a collection."<sup>431</sup>

## **JOSH SUGARMANN, EXECUTIVE DIRECTOR OF THE VIOLENCE POLICY CENTER**

"... immediately call on Congress to pass far-reaching industry regulation like the Firearms Safety and Consumer Protection Act ... [which] would give the Treasury Department health and safety authority over the gun industry, and any rational regulator with that authority would ban handguns."<sup>432</sup>

## **PATRICK V. MURPHY, FORMER NEW YORK CITY POLICE COMMISSIONER**

"We are at the point in time and terror where nothing short of a strong uniform policy of domestic disarmament will alleviate the danger which is crystal clear and perilously present. Let us take the guns away from the people."<sup>433</sup>

## **AMERICAN CIVIL LIBERTIES UNION (ACLU)**

"We urge passage of federal legislation ... to prohibit ... the private ownership and possession of handguns."<sup>434</sup>

## **ROSIE O'DONNELL, TV TALK SHOW HOSTESS**

"I think there should be a law -- and I know this is extreme -- that no one can have a gun in the U.S. If you have a gun, you go to jail. Only the police should have guns."<sup>435</sup>

"I don't care if you want to hunt, I don't care if you think it's your right. I say, sorry, you are not allowed to own a gun, and if you do own a gun I think you should go to prison."<sup>436</sup>

## **VIOLENCE POLICY CENTER**

"[gun] Licensing systems are very expensive to administer ... licensing and registration in America would have little effect on the vast majority of gun violence."

"[We are] the largest national gun control advocacy group seeking a ban on handgun production."<sup>437</sup>

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<sup>431</sup> Reuters, June 9, 2000

<sup>432</sup> Houston Chronicle, Nov. 5, 1999

<sup>433</sup> Testimony to the National Association of Citizens Crime Commissions

<sup>434</sup> Board of Directors in September 1976 - see national ACLU policy #47

<sup>435</sup> Ottawa Sun, April 29, 1999

<sup>436</sup> The Rosie O'Donnell Show April 19, 1999

<sup>437</sup> "Politics, paranoia fuel war of words over guns", The Times Union, October 18, 2004

**ALAN M. DERSHOWITZ, LAWYER AND FRANKFURTER PROFESSOR OF LAW**

“The Second Amendment has no place in modern society.”<sup>438</sup>

**BROOKS BROWN, SAFE COLORADO**

“It was worth lying to him or deceiving him ...”<sup>439</sup>

**THE MEDIA**

**MICHAEL GARDNER, PRESIDENT OF NBC NEWS**

"There is no reason for anyone in this country ... to buy, to own, to have, to use a handgun ...The only way to control handgun use in this country is to prohibit the guns."<sup>440</sup>

"In fact, only police, soldiers -- and, maybe, licensed target ranges -- should have handguns. No one else needs one."<sup>441</sup>

**EDITORIAL, LOS ANGELES TIMES**

“Why should America adopt a policy of near-zero tolerance for private gun ownership? Because it's the only alternative to the present insanity. Without both strict limits on access to new weapons and aggressive efforts to reduce the supply of existing weapons, no one can be safe.”<sup>442</sup>

"...The Times supports a near-total ban on the manufacture and private ownership of handguns and assault weapons, leaving those guns almost exclusively in the hands of law enforcement officials.”<sup>443</sup>

**JACK E. WHITE, TIME MAGAZINE NATIONAL CORRESPONDENT**

“Why not just ban the ownership of handguns when nobody needs one? Why not just ban semi-automatic rifles? Nobody needs one.”<sup>444</sup>

**GARY WILLS, SYNDICATED COLUMNIST**

"Every civilized society must disarm its citizens against each other.”<sup>445</sup>

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<sup>438</sup> The Crimson Daily, April 9, 2003

<sup>439</sup> Discussing an attempt to influence a congressman on a gun control bill, July 26, 2001, “SAFE Colorado Says Washington Stunt Was Irresponsible”, The Denver Channel

<sup>440</sup> USA Today, January 16, 1992

<sup>441</sup> The Wall Street Journal, January 10, 1991

<sup>442</sup> “Taming the Monster: Get Rid of the Guns”, Dec. 28, 1993

<sup>443</sup> “Taming the Monster: The Guns Among Us”, Dec. 10, 1993

<sup>444</sup> Washington Times, May 8, 1999

<sup>445</sup> Philadelphia Inquirer, May 17, 1981

## THE MEDIA IN GENERAL

A two-year study by the Media Research Center concluded that television reporters are overwhelmingly opposed to Second Amendment rights. For broadcasts from major networks from July 1, 1995 to June 30, 1997, covering 244 gun policy stories:

- The ratio of anti-gun to pro-gun bias was 16:1.
- Anti-gun spokespeople (Sarah Brady, etc) were given three times the number of sound bites as were pro-gun spokespeople (NRA, etc).

## THE AMERICAN GOVERNMENT

The following exchange is from the appeal of the case of U.S. vs. Emerson in the Fifth Circuit Court. Meteja was the attorney for the U.S. Government.

**Judge Garwood:** [to federal lawyer] "You are saying that the Second Amendment is consistent with a position that you can take guns away from the public? You can restrict ownership of rifles, pistols and shotguns from all people? Is that the position of the United States?"

**Meteja:** [federal lawyer] "Yes"

**Garwood:** "Is it the position of the United States that persons who are not in the National Guard are afforded no protections under the Second Amendment?"

**Meteja:** Exactly.

*Meteja then said that even membership in the National Guard isn't enough to protect the private ownership of a firearm. It wouldn't protect the guns owned at the home of someone in the National Guard.*

**Garwood:** Membership in the National Guard isn't enough? What else is needed?

**Meteja:** The weapon in question must be used in the National Guard.

## GEORGE NAPPER, ATLANTA PUBLIC-SAFETY COMMISSIONER

"If I had my druthers, the only people who would have guns would be those who enforce the law."<sup>446</sup>

## JANET RENO, FORMER U.S. ATTORNEY GENERAL

"The most effective means of fighting crime in the United States is to outlaw the possession of any type of firearm by the civilian populace."<sup>447</sup>

## MARION BARRY, FORMER MAYOR, WASHINGTON D.C.

"Our neighbors in Virginia are just as responsible for these killings as the criminals are because they won't pass strong gun [control] legislation."<sup>448</sup> (ed: The claim being that citizens of Virginia were responsible for murders committed in Washington D.C..)

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<sup>446</sup> U.S. News and World Report

<sup>447</sup> Addressing a 1984 B'nai B'rith gathering in Coral Gables, Florida, per affidavit written by Fred Diamond of Miami.



# GUN CONTROL OPPONENTS

## **JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES**

"Today, we need a nation of Minutemen, citizens who are not only prepared to take arms, but citizens who regard the preservation of freedom as the basic purpose of their daily life and who are willing to consciously work and sacrifice for that freedom."

"By calling attention to 'a well regulated militia,' the 'security' of the nation, and the right of each citizen 'to keep and bear arms,' our founding fathers recognized the essentially civilian nature of our economy. Although it is extremely unlikely that the fears of governmental tyranny, which gave rise to the Second Amendment, will ever be a major danger to our nation, the Amendment still remains an important declaration of our basic civilian-military relationships, in which every citizen must be ready to participate in the defense of his country. For that reason I believe the Second Amendment will always be important."<sup>449</sup>

## **MAHATMA GANDHI, PEACEFUL REVOLUTIONARY**

"Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms, as the blackest."

## **ARISTOTLE**

"Those who have the command of the arms in a country are masters of the state, and have it in their power to make what revolutions they please. [Thus,] there is no end to observations on the difference between the measures likely to be pursued by a minister backed by a standing army, and those of a court awed by the fear of an armed people."

## **GEORGE ORWELL**

"The totalitarian states can do great things, but there is one thing they cannot do: they cannot give the factory-worker a rifle and tell him to take it home and keep it in his bedroom. That rifle, hanging on the wall of the working-class flat or laborer's cottage, is the symbol of democracy. It is our job to see that it stays there."<sup>450</sup>

## **HUBERT HUMPHREY, FORMER U.S. SENATOR AND VICE PRESIDENT OF THE UNITED STATES**

"Certainly one of the chief guarantees of freedom under any government, no matter how popular and respected, is the right of citizens to keep and bear arms.... The right of citizens to bear arms is just one guarantee against arbitrary government, one more safeguard against tyranny..."<sup>451</sup>

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<sup>448</sup> This Week With David Brinkley, ABC TV, March 19, 1989

<sup>449</sup> Guns Magazine, "Know Your Lawmakers", April 1960, Page 4

<sup>450</sup> Evening Standard, "Don't Let Colonel Blimp Ruin the Home Guard", Jan 8, 1941

<sup>451</sup> Guns Magazine, "Know Your Lawmakers", Feb 1960, Page 6

## **JOHN ADAMS, PRESIDENT OF THE UNITED STATES**

"Resistance to sudden violence, for the preservation not only of my person, my limbs, and life, but of my property, is an indisputable right of nature which I have never surrendered to the public by the compact of society, and which perhaps, I could not surrender if I would."<sup>452</sup>

"Here, every private person is authorized to arm himself, and on the strength of this authority, I do not deny the inhabitants had a right to arm themselves at that time, for their defense, not for offense..."<sup>453</sup>

## **ST. GEORGE TUCKER, AMERICAN REVOLUTION MAJOR AND POST REVOLUTION JUDGE**

"In America we may reasonably hope that the people will never cease to regard the right of keeping and bearing arms as the surest pledge of their liberty."<sup>454</sup>

## **WALTER MONDALE, FORMER VICE PRESIDENT AND U.S. AMBASSADOR TO JAPAN**

"Gun bans don't disarm criminals, gun bans attract them."<sup>455</sup>

## **THOMAS JEFFERSON, AUTHOR OF THE AMERICAN DECLARATION OF INDEPENDENCE**

"No freeman shall be debarred the use of arms (within his own lands or tenements)."<sup>456</sup>

"What country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance. Let them take arms."<sup>457</sup>

"The constitutions of most of our States assert that all power is inherent in the people; that... it is their right and duty to be at all times armed."<sup>458</sup>

"One loves to possess arms, though they hope never to have occasion for them."<sup>459</sup>

"I learn with great concern that [one] portion of our frontier so interesting, so important, and so exposed, should be so entirely unprovided with common fire-arms. I did not suppose any part of the United States so destitute of what is considered as among the first necessities of a farm-house."<sup>460</sup>

"None but an armed nation can dispense with a standing army. To keep ours armed and disciplined is therefore at all times important."

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<sup>452</sup> Boston Gazette, Sept. 5, 1763

<sup>453</sup> Opening statement as defense counsel for British soldiers on trial for the Boston Massacre in 1770; from the "Legal Papers of John Adams", Butterfield and Zobel; 1965

<sup>454</sup> American Blackstone, 1803

<sup>455</sup> April 20, 1994

<sup>456</sup> Thomas Jefferson: Draft Virginia Constitution (with his note added), 1776. Papers 1:353

<sup>457</sup> Letter to James Madison, Dec. 20, 1787, in Papers of Jefferson, ed. Boyd et al.

<sup>458</sup> Thomas Jefferson to John Cartwright, 1824. Millennium Edition of The Writings of Thomas Jefferson 16:45

<sup>459</sup> Thomas Jefferson to George Washington, 1796. Millennium Edition of The Writings of Thomas Jefferson 9:341

<sup>460</sup> Thomas Jefferson to Jacob J. Brown, 1808. Millennium Edition of The Writings of Thomas Jefferson 11:432

### **JAMES MADISON, AMERICAN FOUNDING FATHER**

“[The Constitution preserves] the advantage of being armed which Americans possess over the people of almost every other nation...[where] the governments are afraid to trust the people with arms.”

### **OLIVER STONE, MOVIE DIRECTOR**

"I like automatic weapons. I fought for my right to use them in Vietnam."

### **PATRICK HENRY, AMERICAN FOUNDING FATHER AND CATALYST FOR THE BILL OF RIGHTS**

"The great objective is that every man be armed ... . Everyone who is able may have a gun."

### **MACHIAVELLI**

"The Swiss are well armed and enjoy great freedom"<sup>461</sup>

“From this we plainly see the folly and imprudence of demanding a thing, and saying beforehand that it is intended to be used for evil; ... For it is enough to ask a man to give up his arms, without telling him that you intend killing him with them; after you have the arms in hand, then you can do your will with them.”<sup>462</sup>

### **TENCHE COXE, REVOLUTIONARY ERA WRITER**

"As civil rulers, not having their duty to the people before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the article in their right to keep and bear their private arms."<sup>463</sup>

"Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birthright of an American... The unlimited power of the sword is not in the hands of either the federal or state government, but, where I trust in God it will ever remain, in the hands of the people"<sup>464</sup>

### **MALCOLM X, AMERICAN BLACK CIVIL RIGHTS ACTIVIST**

"It is criminal to teach a man not to defend himself when he is the constant victim of brutal attacks. It is legal and lawful to own a shotgun or a rifle. We believe in obeying the law." <sup>465</sup>

“... I must say this concerning the great controversy over rifles and shotguns. The only thing I've ever said is that in areas where the government has proven itself either unwilling or unable to defend the lives and the property of Negroes, it's time for Negroes to defend

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<sup>461</sup> In Switzerland, males age 20 to 42 serving in the army are required to keep rifles or pistols at home

<sup>462</sup> “Discourses on the First Ten Books of Titus Livius”,

<sup>463</sup> Remarks on the First Part of the Amendments to the Federal Constitution under the pseudonym ‘A Pennsylvanian’ in the Philadelphia Federal Gazette, June 18, 1789 at 2 col. 1

<sup>464</sup> Pennsylvania Gazette, Feb. 20, 1788

<sup>465</sup> Statement to the press, March 12, 1964

themselves. Article number two of the constitutional amendments provides you and me the right to own a rifle or a shotgun. It is constitutionally legal to own a shotgun or a rifle."<sup>466</sup>

### **SAMUEL ADAMS, MEMBER OF THE CONTINENTAL CONGRESS**

"That the said Constitution shall never be construed to authorize Congress to infringe the just liberty of the press or the rights of conscience; or to prevent the people of The United States who are peaceable citizens from keeping their own arms..."<sup>467</sup>

### **WILLIAM RAWLE, POST-REVOLUTION U.S. ATTORNEY**

"The prohibition is general. No clause in the Constitution could by any rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in any blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."<sup>468</sup>

### **THOMAS PAINE, AMERICAN REVOLUTION POLITICAL PHILOSOPHER**

"Arms, like laws, discourage and keep the invader and plunderer in awe and preserve order..."

### **MAFIA INFORMANT SAMMY "THE BULL" GRAVANO**

"Gun control? It's the best thing you can do for crooks and gangsters. I want you to have nothing. If I'm a bad guy, I'm always gonna have a gun. Safety locks? You will pull the trigger with a lock on, and I'll pull the trigger. We'll see who wins."

### **RICHARD HENRY LEE, MEMBER OF THE CONTINENTAL CONGRESS**

"[W]hereas, to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them;"<sup>469</sup>

### **ALEXANDER HAMILTON, AUTHOR OF THE FEDERALIST PAPERS**

"The best we can hope for concerning the people at large is that they be properly armed."<sup>470</sup>

### **ZACHARIAH JOHNSON**

"The people are not to be disarmed of their weapons. They are left in full possession of them."<sup>471</sup>

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<sup>466</sup> April 3, 1964. \*Malcolm X Speaks\* (New York: Merit Publishers, 1965)

<sup>467</sup> Debates and Proceedings in the Convention of the Commonwealth of Massachusetts, at 86-87

<sup>468</sup> A View of the Constitution 125-6 (2nd ed. 1829)

<sup>469</sup> Letters from the Federal Farmer to the Republican, at 21,22,124

<sup>470</sup> The Federalist Papers at 184-8

<sup>471</sup> Elliot, "Debates in the Several State Conventions", 646

### **TIMOTHY DWIGHT, ARMY CHAPLAIN DURING THE AMERICAN REVOLUTION**

"To trust arms in the hands of the people at large has, in Europe, been believed...to be an experiment fraught only with danger. Here by a long trial it has been proved to be perfectly harmless...If the government be equitable; if it be reasonable in its exactions; if proper attention be paid to the education of children in knowledge and religion, few men will be disposed to use arms, unless for their amusement, and for the defense of themselves and their country."<sup>472</sup>

### **CHARLES KRAUTHAMMER, SYNDICATED COLUMNIST**

"The Brady Bill's only effect will be to desensitize the public to regulation of weapons in preparation for their ultimate confiscation."<sup>473</sup>

"Passing a law like the assault weapons ban is a symbolic, purely symbolic move. ... Its only real justification is not to reduce crime but to desensitize the public to the regulation of weapons in preparation for their ultimate confiscation."<sup>474</sup>

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<sup>472</sup> Travels in New England and New York [London 1823]

<sup>473</sup> The Washington Post, April 5, 1996

<sup>474</sup> Ibid

## THOUGHTS ON GUN CONFISCATION

In 1911, Turkey established gun control. Subsequently, from 1915 to 1917, 1.5-million Armenians, deprived of the means to defend themselves, were rounded up and killed.

In 1929, the Soviet Union established gun control. Then, from 1929 to 1953, approximately 20-million dissidents were rounded up and killed.

In 1938 Germany established gun control. From 1939 to 1945 over 13-million Jews, gypsies, homosexuals, mentally ill, union leaders, Catholics and others, unable to fire a shot in protest, were rounded up and killed.

In 1935, China established gun control. Subsequently, between 1948 and 1952, over 20-million dissidents were rounded up and killed.

In 1956, Cambodia enshrined gun control. In just two years (1975-1977) over one million "educated" people were rounded up and killed.

In 1964, Guatemala locked in gun control. From 1964 to 1981, over 100,000 Mayan Indians were rounded up and killed as a result of their inability to defend themselves.

In 1970, Uganda got gun control. Over the next nine years over 300,000 Christians were rounded up and killed.

Over 56-million people have died because of gun control in the last century ...<sup>475</sup>

*Senator Diane Feinstein, speaking on "60-Minutes" said "if I thought I could get the votes, I'd have taken them all."*

## SERIOUS QUESTIONS TO ASK YOURSELF

- If guns are effective enough to be a criminal's preferred tool, why are they not good enough to use for protection?
- Why do politicians insist their bodyguards be armed, but not you and I?
- If you and your children were face-to-face with a male attacker twice your size, what *would* you do; If you weren't armed? If you were armed?
- If guns are "too dangerous" to be in our society, how come our leaders want to be the only ones who have them? Do you trust our leaders implicitly to protect you *at all times*?
- Which is better – more gun control and the eventual banning of all guns in our society, or not sitting by helplessly watching as an intruder repeatedly rapes your 13-year-old daughter?
- If we ever completely ban guns, do you think there will be no more armed criminals in America?
- With so many gun laws already on the books, why do "gun crimes" still exist?

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<sup>475</sup> Most of the genocide statistics were reported in "Death by 'Gun Control': The Human Cost of Victim Disarmament, Aaron Zelman & Richard W. Stevens, 2001

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## MISCELLANEOUS STATISTICS

**Number of firearms in America:** 228,000,000<sup>476</sup>

**Number of firearm owning households:** At least 50,600,000<sup>477</sup>

**Projected firearm owning households in America:** 60-85 million

**Number of guns used in crimes:** 450,000<sup>478</sup>

**Percentage of guns used in crimes:** 0.09%

**Violent crimes committed daily by paroled prisoners:**

**Murders:** 14

**Rapes:** 48

**Robberies:** 578

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<sup>476</sup> BATF estimate, 1999

<sup>477</sup> Surveys show a “reported” ownership rate of 46%, but it is universally believed that these surveys under-reported (i.e., people that own firearms don’t want to admit so to a pollster). This is validated by surveys performed by the National Opinion Research Center. They perform their surveys face-to-face at the respondent’s home, and routinely have reported gun ownership rates 3-6% lower than telephone based surveys.

<sup>478</sup> Ibid



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# MISCELLANEOUS INFORMATION

## BRITISH CRIME STATISTICS

The U.K. measures crime using two different processes:

**British Crime Survey (BCS):** The Home Office conducts surveys of the population to determine how often subjects have been affected by criminal activity. Data is projected to reflect the entire population.

**Police reporting:** Crimes are reported to the police and nationwide, census-level statistics are summarized.

The BCS has been reporting a declining crime rate in the UK while police reporting has shown an increase. The BCS has routinely been criticized because it under reports crime due to the following factors:

- Murdered and imprisoned people do not answer surveys.
- Some crimes are not surveyed when victims are below age 16.<sup>479</sup>
- Does not include crime against institutions (bank robbery, etc.).
- Crimes are recorded at final disposition (conviction/acquittal), leaving many crimes completely unreported.<sup>480</sup>

These deficiencies are so significant that even the British government does not believe the accuracy of the BCS.

“[T]he BCS did not record ‘various categories of violent crime’, including murder and rape, retail crime, drug-taking, or offences in which the victims were aged below 16. The most reliable measure of crime is that which is reported to the police. We’re facing over a million violent crimes a year for the first time in history.”<sup>481</sup>

One curious tidbit: Murder rates initially appear to decline after 2002/2003. This is chiefly due to some 172 murders by serial killer Dr. Shipman which were booked in 2002/03 and did not recur in 2003/04.

More curious are the sudden leaps in reported violent crime when the British Home Office enforced standardized methods for recording reported crime (which led the Home Office to claim crime reports to be of poor quality, and thus rely on the suspect survey mechanism):

The 1998 changes to the Home Office Counting Rules had a very significant impact on violent crime; the numbers of such crimes recorded by the police increased by 83 per cent as a result of the 1998 changes ... The National Crime Recording Standard (NCRS), introduced in April 2002, again resulted in

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<sup>479</sup> This is a serious omission as most gang crime is committed by and against young people.

<sup>480</sup> “Fear in Britain”, Dr. Paul Gallant and Dr. Joanne Eisen, National Review, July 18, 2000

<sup>481</sup> David Davis, shadow home secretary, “Row over figures as crime drops 5%”, The Guardian, July 22, 2004

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increased recording of violent crimes particularly for less serious violent offences.<sup>482</sup>

## ORIGIN OF THE 2<sup>ND</sup> AMENDMENT

Before the United States Constitution or Bill of Rights existed, most of the 13 original states had clauses in their constitutions protecting the right to keep and bear arms. When the time came for Congress to draft the Bill of Rights, states submitted clauses from their constitutions that they thought should be added to the Federal Bill of Rights.

Three predominant arms clauses existed at that time (many states had word-for-word copies from other state constitutions, and the redundant versions are not mentioned herein.)

Pennsylvania (1776): That *the people have a right to bear arms for the defence of themselves and the state*; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination, to, and governed by, the civil power. (Simplified in 1790 to read “The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.”)

Vermont (1777): That *the people have a right to bear arms for the defence of themselves and the State* -- and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

Massachusetts (1780): *The people have a right to keep and to bear arms* for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

North Carolina (1776): That *the people have a right to bear arms*, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

We can see in these state constitution clauses the conjoined purposes as viewed by the people at the time the 2<sup>nd</sup> Amendment was drafted.

## CALLS FOR THE RIGHT TO KEEP AND BEAR ARMS FROM STATE RATIFICATION CONVENTIONS

Five states that ratified the Constitution sent demands for a Bill of Rights to Congress. All these demands included a right to keep and bear arms. The relevant parts of these written demands are:

New Hampshire: Twelfth[:] Congress shall never disarm any Citizen unless such as are or have been in Actual Rebellion.

Virginia: ... Seventeenth, That *the people have a right to keep and bear arms*; that a well regulated Militia composed of the body of the people trained to arms is the proper, natural and safe defence of a free State. That standing armies in time of peace are

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<sup>482</sup> "Crime in England and Wales 2005/06", British Home Office, July 2006

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dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the Community will admit; and that in all cases the military should be under strict subordination to and governed by the Civil power.

New York: ... That *the People have a right to keep and bear Arms*; that a well regulated Militia, including the body of the People capable of bearing Arms, is the proper, natural and safe defence of a free State; That the Militia should not be subject to Martial Law except in time of War, Rebellion or Insurrection. That Standing Armies in time of Peace are dangerous to Liberty, and ought not to be kept up, except in Cases of necessity; and that at all times, the Military should be under strict Subordination to the civil Power.

North Carolina: Almost identical to Virginia demand, but with "the body of the people, trained to arms" instead of "the body of the people trained to arms."

Rhode Island: Almost identical to Virginia demand, but with "the body of the people capable of bearing arms" instead of "the body of the people trained to arms," and with a "militia shall not be subject to martial law" proviso as in New York.

## 2<sup>ND</sup> AMENDMENT DRAFTING, PROPOSALS, AND EDITING

James Madison had the duty of drafting the Bill of Rights from proposed amendments submitted by the states, and most coming from state constitutions. The Bill of Rights went through several revisions. The initial version of the 2<sup>nd</sup> Amendment read as follows:

*The right of the people to keep and bear arms shall not be infringed*; a well armed and well regulated militia being the best security of a free **country**; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person.

The second drafting of the 2<sup>nd</sup> Amendment saw a rearrangement of the justification and rights clauses, but no change in the intents and purposes therein:

A well regulated militia, composed of the body of the people, being the best security of a free **State**, *the right of the people to keep and bear arms shall not be infringed*, but no person religiously scrupulous shall be compelled to bear arms.

Notice that in the original draft, Madison used the phrase "free country" as the object of what is protected by the militia. In subsequent drafts, the word "state" was substituted. This is important because the concept the "state" and "country" are interchangeable, whereas "states" (plural) and "country" are not. Throughout the rest of the Constitution, when the states and their powers were defined, the plural was always used but in the 2<sup>nd</sup> Amendment it was not. Clearly, the intent of militia protection defined in the 2<sup>nd</sup> Amendment was to protect a form of government, not define the power of the several states.

Four further revisions removed objectionable concepts (such as the "conscientious objector" clause). On September 9, 1789, a member of the Senate proposed adding "for the common defense" onto the draft of the Second Amendment. In other words, the proposed wording of the amendment would have read:

A well regulated militia being the security of a free State, the right of the people to bear arms *for the common defense*, shall not be infringed.

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The proposed change was voted down. This is instructive because some believe that the current wording of the amendment exists specifically for collective/common/mutual defense, and has no bearing on individual self defense. However, the Senate considered adding this restriction and rejected it.

It is clear from these origins and first drafts, and from contemporary commentaries on the clause that the original intent was to secure an individual right. The commentaries of St. George Tucker (The American Blackstone) and Supreme Court Justice Joseph Story, both of whom were federal jurists and chronologically close to the authoring of the amendment, bear this out.

### **ARMS CLAUSES OF STATES THAT JOINED SHORTLY AFTER THE 2<sup>ND</sup> AMENDMENT WAS RATIFIED**

Also worth review are arms clauses in the constitutions of states that joined the union shortly after ratification of the Bill of Rights. These demonstrate the contemporary understanding of the amendment and the rights of the people:

Kentucky (1792): That *the right of the citizens to bear arms in defense of themselves* and the State shall not be questioned.

Tennessee (1796): That the freemen of this State have a right to keep and to bear arms for their common defence.

Kentucky (1799): That *the rights of the citizens to bear arms in defense of themselves* and the State shall not be questioned.

Ohio (1802): That *the people have a right to bear arms for the defence of themselves* and the State; and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

Indiana (1816): That *the people have a right to bear arms for the defense of themselves* and the State, and that the military shall be kept in strict subordination to the civil power.

Mississippi (1817): *Every citizen has a right to bear arms, in defence of himself* and the State.

Connecticut (1818): *Every citizen has a right to bear arms in defense of himself* and the state.

Maine (1819): Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

Alabama (1819): That *every citizen has a right to bear arms in defence of himself* and the state.

Missouri (1820): That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their *right to bear arms in defence of themselves* and of the State cannot be questioned.

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<sup>i</sup> Federal Firearm Offenders report, Bureau of Justice Statistics, June 4, 2000 – firearm suspects declined for prosecution by U.S. attorneys ... some of the reasons listed for not prosecuting known gun criminals include “minimal federal interest” and “DOJ/U.S. Attorney policy”