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Gun Control: An Overview

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American Accent

The term gun control as it is used in the United States refers to any action taken by the federal government or by state or local governments to regulate, through legislation, the sale, purchase, safety, and use of handguns and other types of firearms by individual citizens.

The political and social debate over the question of how much gun control is appropriate has been an extremely polarized one for several decades. The 1999 Columbine High School massacre, the 2007 shootings at Virginia Tech, and the 2011 Tucson shooting has pushed the gun control debate further into the public eye. The Brady Center to Prevent Gun Violence and the National Rifle Association are among the many special interest groups that lobby the government on either side of the gun control issue.

Discussions on the topic tend to revolve around three major talking points: a sociological, an ethical, and a legal dimension. From the point of view of social science, the arguments concern the efficacy of gun control laws in relation to reducing violent crime. The ethical point of view pits the right to bear arms against the protection of citizens and prevention of crime. The legal question involves how the Second Amendment to the US Constitution should be interpreted. At hand is the question of whether or not the right to bear arms extends to private citizens or applies only to so-called "well-regulated militias." Another legal issue related to gun control is found in the question of whether more legislation is needed, or whether better enforcement of current legislation is required.

Some of the restrictions that have been proposed or enacted into law include background checks and waiting periods for individuals who want to purchase a firearm, regulation of secondary market sales, mandatory child-safety locks, child-access prevention laws, concealment laws, bans on small and lightweight guns, and a controversial 1994 ban on assault weapons.

Although not an entirely partisan issue, public opinion polls and voting data indicate that Democrats largely support gun control legislation while Republicans are more divided between gun control and gun rights advocates.

Understanding the Discussion

Assault Weapons: As defined by federal legislation, this term refers to semi-automatic weapons (guns

that fire a round of bullets with each pull of the trigger). As defined by gun rights advocates, only fully automatic weapons (guns that continue to shoot until the trigger is released) should be considered assault weapons.

Background Checks: Investigations into the background of potential gun buyers, intended to prevent the purchase of firearms by potentially dangerous criminals. Depending on legislation, these can be "instant" or may require a waiting period.

Concealment: Carrying a loaded weapon that is not visible.

Secondary Market Sales: Sales of guns by individuals who are not licensed firearms dealers; such transactions are sometimes exempt from gun control regulations such as required background checks (this is known as the "gun show loophole").

Special Interest Groups: Non-governmental organizations that advocate for or against changes in public policy; also known as lobbying groups.

Well-Regulated Militia: A disputed term used in the Second Amendment: gun control advocates interpret it to mean a disciplined, organized army under government control; gun rights advocates interpret it to mean any person trained in the use of firearms.

History

The early settlers of the United States took full advantage of the abundant game to be found in the new lands they were beginning to inhabit. The ability to hunt wild animals for food not only offered a means for survival, but also allowed settlers to expand their territories farther west. It was taken for granted that every man, starting in his teenage years, would know how to shoot a rifle.

The Second Amendment to the US Constitution was ratified in 1791, as a direct result of the Revolutionary War; without access to weapons, the colonists would not have been able to defeat the British troops. In part, the Second Amendment states that a "well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The ambiguity of the amendment's text—in particular the controversy over the original meaning of the term "well regulated militia," and the question of whether contemporary concerns justify an adaptation of its original meaning—has always been at the heart of the gun control debate in the United States.

In 1871, one hundred years after the ratification of the Second Amendment, the National Rifle Association (NRA) was founded by two Union officers who wished to promote rifle shooting. The NRA has since become one of the biggest and most powerful non-governmental organizations in the country: it works to protect personal firearm rights and hunting rights, promotes shooting as a sport, and sponsors educational programs on firearm safety.

The NRA is against most gun control legislation. Among its positions are the claims that the Second Amendment protects the rights of individuals to bear arms, that stricter gun control laws have done

nothing to prevent gun violence (while taking away a form of self-defense from law-abiding victims of violence), and that requiring better safety controls on firearms places unfair burdens on manufacturers.

In the 1930s, in reaction to gun violence by organized crime groups during Prohibition, the National Firearms Act and the Federal Firearms Act were passed banning machine guns, imposing taxes on gun sales, and regulating certain kinds of sales and shipments of guns. Even stricter legislation was created in 1968 with the Gun Control Act, which outlawed mail-order sales of guns. In part, the momentum for this act came from the assassinations of John F. Kennedy, Robert Kennedy, and Martin Luther King, Jr. A few years later, in 1972, the Bureau of Alcohol, Tobacco and Firearms was created to issue licenses, inspect firearms dealers, and enforce existing federal gun control laws.

Two pieces of legislation, both passed in 1994, became the focal point for the gun control debate: the Violent Crime Control and Law Enforcement Act and the Brady Handgun Violence Prevention Act. The former banned various types of assault weapons entirely, and the latter (named after Ronald Reagan's press secretary Jim Brady, who was seriously wounded in a 1981 assassination attempt on the president) imposed a mandatory five-day waiting period and background check on all sales of firearms to unlicensed individuals.

The Brady Center to Prevent Gun Violence, also named after Jim Brady, is the largest grassroots organization working to promote gun control legislation. Its positions include the claim that certain classes of guns should not be legal for private ownership (including assault weapons and small, lightweight handguns), that guns in the home are more often used in accidental shootings, suicides, or criminal activity than in acts of self-defense, and that gun violence strains the US economy and health system. The Brady Center supports more gun control legislation and better enforcement of current laws.

Gun Control Today

When there is doubt over the meaning of the Constitution, it falls to the courts to interpret the words of the founding fathers. In general (although not in every instance), American courts have demonstrated support for gun control legislation. In a landmark 1999 case, District Judge Sam R. Cummings cited the Second Amendment to protect the right of an individual to own and carry a firearm even when under a restraining order. The case, the first in which the Second Amendment was used to strike down a federal gun control law, was appealed. In *The District of Columbia vs. Heller* in 2008, the United States Supreme Court addressed the matter directly and found the individual rights to bear arms was indeed protected by the Second Amendment. The court therein struck down regulations in the District of Columbia concerning restrictions to the right to bear arms, including the requirement that firearms kept in the house must be disassembled or have a trigger lock.

Today, many pieces of legislation on gun control and gun rights exist at the federal, state, and local levels of government. One of the most controversial aspects of recent gun control legislation has been the rise in so-called "Stand Your Ground" bills, which protect the right of private citizens to defend themselves with deadly force. Such bills have tended to be more prevalent in Southern states, where there is greater support for gun rights.

One of the biggest issues facing the United States is the question of how to address different attitudes

toward gun control in varying states. Some states, such as New York, have taken steps to stop guns purchased in other states from being brought into the state. The Violent Crime Control and Law Enforcement Act was allowed to lapse in 2004, to the dismay of gun control supporters.

The gun control debate is an important issue internationally, though rarely are gun politics as contentious elsewhere as they are in the United States; rates of gun ownership outside the US tend to be much lower (Canada is an exception, and is often cited as a country with significant gun ownership rates but low gun violence rates). Most countries that permit private gun ownership have strict governmental regulations in place.

US President Barack Obama was criticized by gun control advocates for not speaking about the issue with any regularity during his first years in office. However, the Tucson shooting on January 8, 2011, in which six people were killed during an assassination attempt of Congresswoman Gabrielle Giffords, returned the gun control debate to the forefront of the national consciousness. Paul Helmke, president of the Brady Center to Prevent Gun Violence, was highly critical of the president for avoiding any mention of gun violence in his public comments regarding the tragedy. Meanwhile, Senator Frank Lautenberg of New Jersey advocated for a manufacturing ban on high-capacity ammunition and increasing the thoroughness of background checks at gun shows.

Following the Tucson incident, a series of mass shootings—a movie theater in Aurora, Colorado, a Sikh temple in Wisconsin, a mall outside Portland, Oregon, an elementary school in Newtown, Connecticut—put gun control firmly in the middle of public debate. The latter shooting—in which twenty first-grade students, six teachers, and the gunman’s mother were fatally shot by a twenty-year-old former student—spurred the most serious discussion over gun control policy to date. Speaking at a vigil for victims of the massacre, President Obama made several allusions to action on gun control, and promised to use “whatever power this office holds” to prevent a similar tragedy from occurring in the future. In the wake of the aforementioned mass shootings, gun control opponents focused on the need to address the treatment of the mentally ill. The NRA advocated the arming of school personnel in order to prevent another school shooting.

After this series of shootings, Connecticut and Colorado both passed state legislation making gun control more stringent. Connecticut created the country’s first registry for gun owners, while Colorado expanded background checks and set a limit on ammunition magazine sizes. Washington State followed suit in November 2014, with voters approving a ballot measure establishing background checks for all gun sales, including private and online transactions. Gun control advocates were optimistic that other states would soon follow Washington’s example, although an NRA spokesperson stated that the organization would fight the Washington legislation and any similar measures in other states.

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