

# CROSS



# FIRE: ANTIGUN FANATICS BLAST THE SECOND AMENDMENT

Report by James W. Harris

Owners of firearms are up in arms against challenges to the Second Amendment to the Constitution of the United States. Can an unarmed America survive as the land of the free?

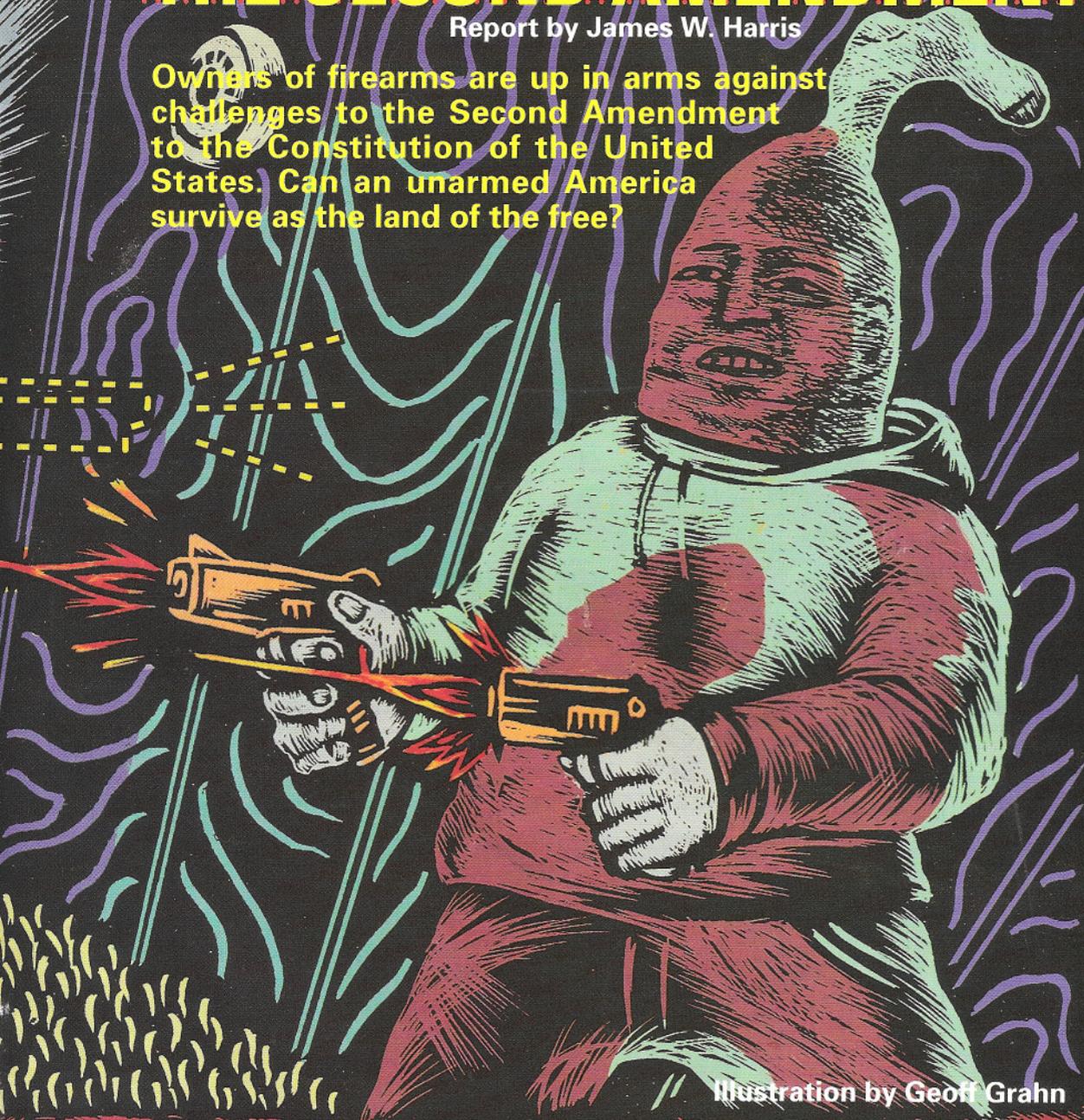


Illustration by Geoff Grahn

# Antigun Fanatics

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*Nineteen-year-old Justin Dey is alone in his Atlanta home on the night of May 11, 1993, when there's a loud pounding on the front door.*

*Justin looks out the window and sees two strangers. The house has been broken into three times in recent months. Scared, Justin dials 911. As he's talking to the police, the men begin kicking against the back door. The wood splinters.*

*Justin grabs a handgun his father purchased after the last break-in. The men enter. Feeling his life is in jeopardy, Justin raises the gun and fires.*

\* \* \*

According to Florida State University criminology professor Gary Kleck, Americans use handguns approximately 645,000 times per year to defend themselves against criminal attack. That's once every 48 seconds.

To millions of Americans, gun ownership is a symbol of security, independence and freedom. In the past few decades, however, these views have been challenged.

Roughly 20,000 Americans per year are murdered by guns. Over 12,000

commit suicide with guns. Death by gunfire is the leading killer of black teenagers aged 15 to 19.

Such horrors have led increasing numbers of Americans to argue that gun ownership should be severely restricted—or outlawed altogether.

Much of the fight between pro- and antigun groups centers around the Second Amendment to the Constitution of the United States, which reads: "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."

George Mason, known as the Father of the Bill of Rights, stated: "What is the militia? It is the whole people, except for a few public officials." Samuel Adams, a leading figure in the American Revolution, said, "The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."

"No free man shall ever be debarred the use of arms," wrote Thomas Jefferson, who carried pocket pistols that are on display today at his home in

Monticello, Virginia. "Firearms stand next in importance to the Constitution itself," stated George Washington.

It is inconceivable that the founders of the Constitution, who had relied on private ownership of firearms to win their freedom and carried guns for self-defense and sport, would favor restricting the use of arms to government forces.

Joint Resolution 81—introduced in Congress last year by Representative Major Owens (Democrat; New York)—calls for a Constitutional amendment to abolish the Second Amendment. The Brady Bill (HR 1025), sponsored by Sarah Brady, president of a gun-control organization called Handgun Control Inc., would mandate a five-day waiting period on handgun purchases, during which police and mental-health records concerning the purchaser could be reviewed. The intent is to keep criminals and the mentally ill from buying guns, and to let hotheads and the suicidally depressed cool off before acquiring a lethal weapon.

Surveys indicate that the majority of Americans favors some form of waiting-period law. President Clinton has pledged support for the Brady Bill. But critics charge that the concept of waiting periods is inherently flawed.

The L.A. riots in April 1992 graphically illustrated one problem facing waiting-period legislation. "[During the riots, the L.A. police force] was totally outnumbered—overrun by forces beyond anyone's control," says LAPD officer R.T. Dorsey. Police officers bluntly informed citizens that the city's martial forces couldn't protect them from rioters. Their safety was in their own hands.

Residents rushed to gun stores to arm themselves in time to defend their businesses, homes and families. However, California requires a 15-day waiting period before firearms of any kind can be purchased. Store owners reported that people were astonished and horrified to learn that they couldn't immediately obtain weapons to protect themselves from harm.

The National Guard didn't stop the looting and burning for many hours. Business owners who were able to patrol their shops with firearms often saved them; those who couldn't saw their businesses wrecked and destroyed. Armed citizens were able to turn rioters away from their neighborhoods. According to columnist Joseph Farah in the *Los Angeles Times*: "Suddenly restrictive gun-control laws and 15-day waiting periods didn't seem like such a great idea anymore. Could it be that the Founding Fathers knew what they were

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doing when they drafted the Second Amendment?"

Waiting periods can be life-threatening during periods of personal crisis as well. On March 5, 1991, Wisconsin resident Bonnie Elmasri inquired about purchasing a gun to protect her and her two children from her estranged husband, who, despite a court-issued restraining order, had threatened their lives. Wisconsin's 48-hour waiting period prevented Elmasri from obtaining a firearm immediately. Twenty-four hours later, Elmasri and her two children were slain at her ex-husband's hand.

"Although New Jersey law requires that the authorities act on gun license applications within 30 days, delays of 90 days are routine, and some applications are delayed for years for no valid reason," says Second Amendment scholar David B. Kopel. "In Maryland, the police are overruled on 78% of the [weapons obtainment] denials that are appealed. In New York City, [even] crime victims [scheduled to] testify at a forthcoming trial, who are receiving death threats from the criminal element,

are denied gun-carrying permits that politically powerful citizens are routinely granted."

Many of its supporters view the Brady as the start of a major war on gun ownership. Sarah Brady favors outright bans on handguns and semiautomatic rifles. In 1976, Handgun Control Inc.'s Chairman Emeritus Pete Shields stated that the organization's ultimate goal was to outlaw the possession of all handguns and handgun ammunition—except for the use of the military, police, licensed security guards, licensed sporting clubs and licensed gun collectors.

Shields and Brady currently deny such a sweeping referendum. However, the 1990 version of the Brady Bill redefined "handgun" from the standard definition of a gun with a barrel of 16 inches or less, to a gun that may be held and fired with one hand, which would cover nearly every type of gun in existence.

Sarah Brady's husband Jim was critically wounded by John Hinckley Jr. during Hinckley's 1981 attempt to assassinate President Reagan. Hinckley bought his gun five months before he

committed his crime, and he had no police or mental-health records that would have held up the purchase under the Brady Bill standards. The Brady Bill, named on Jim Brady's behalf, would not have forestalled his shooting.

Sociologists James D. Wright and Pete Rossi have researched gun control since 1978 for the National Institute of Justice. A ten-state, 1981 study by Wright and Rossi found that only 12% of convicted felons of gun-related crimes had obtained their weapons legally. The majority of criminals had stolen their firearms or acquired them from legal purchasers.

One of the chief intended benefits of waiting periods for firearm purchases is to provide a cooling-off period. Wright and Rossi determined acquaintance murders are typically the culmination of long years of violence among persons living within abusive relationships. Criminologist Donald G. Kates concurs, noting, "[Acquaintance murderers] frequently have life histories of substance abuse, felonies and attacks on relatives and acquaintances."

According to Kates, incidents of criminals killing criminals are included in acquaintance-murder statistics, which misleadingly distorts the numbers. Wright concluded, in 1981: "It is commonly hypothesized that much homicide would not occur were firearms generally less available. There is no persuasive evidence that supports this view."

Republican Senator John Chaffee of Rhode Island has proposed legislation that would require all private citizens to turn over their handguns to the government. Ownership of handguns would then be outlawed. The bill would reimburse owners for a fraction of the value of their confiscated weapons, and would penalize resisters with fines of up to \$5,000 and prison sentences of up to five years.

Chaffee estimates that there are some 66 million handguns in America. Millions of Americans take advantage of their Constitutional right to bear arms. In May 1989, California required owners of so-called assault rifles to register the firearms with the state government. A year later, only 7,000 of the estimated 300,000 such weapons had been registered, little more than two percent. Citizens simply refused to comply with the regulations, despite threats of penalties. In New York City, where difficult-to-obtain permits are required to legally possess firearms, surveys indicate several hundred thousand people own guns without permits.

For many Americans, inexpensive handguns are a life-or-death protection.

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**More than 2,500 Orlando women promptly took well-publicized handgun training from police instructors. A year later, the rape, assault, robbery and burglary rates plummeted.**

"I find it unacceptable for a society that cannot protect its people to punish them for keeping or acquiring what they believe to be the necessary means of protecting themselves and their families," says criminologist Donald Kates.

Chicago judge David J. Shields describes the types of people arrested for violating that city's strict gun laws: "For most it is their first arrest; many are old people. Shopkeepers, persons who have been victims of violent crimes and others carry guns because of a sincere belief in their need for protection—these constitute the greatest number."

Statistics put the failure rate of rape attempts against women who are armed at 83%. According to Kates, there is no recorded example of an armed woman having her gun seized by a rapist and used against her. Bureau of Justice statistics indicate that criminals are able to turn weapons against their owners, male or female, in less than one percent of cases.

One woman who fears that gun-control restrictions would prevent women from quickly acquiring needed weapons is gun-rights advocate Sonny

Jones. "I [do] not approve of background checks, waiting periods, registration or mandatory training," says Jones. "Every woman in this country today is at risk. It is our right to use whatever means we choose to protect ourselves."

In 1966, the number of rapes in Orlando, Florida, tripled, accompanied by a dramatic increase in robberies. More than 2,500 Orlando women promptly took well-publicized handgun training from police instructors. A year later, the rape, assault, robbery and burglary rates plummeted in Orlando while continuing to rise throughout the rest of the state. Similar training elsewhere has also been followed by sharp reductions in violent crime.

Criminologist Gary Kleck, studying U.S. Justice Department figures, finds that for both robbery and assault, victims who used guns for protection were less likely to be either attacked or injured than victims who responded in any other way, including those who did not resist at all.

An estimated 30 million Americans own semiautomatic rifles. One-third of all new guns manufactured are semi-

automatics. The technology behind the weaponry is fundamentally the same today as it was at the turn of the century: After each shot is fired, a mechanism feeds another round into the chamber. The trigger must then be pulled again to fire that round.

Riflery capable of firing multiple shots with a single pull of the trigger is not available to the public, except under extremely restricted and regulated conditions. The major difference between today's semiautomatic, so-called assault rifle and a plain old semiautomatic hunting rifle is often simply that the assault rifle has been manufactured to look like a streamlined, fully automatic military weapon, with bayonet holder, night sights, pistol grips, etc. A far more accurate, if less dramatic, term for these weapons would be "assault rifle replicas."

One of the major problems with gun control is weapons definition. Since so-called assault weapons are mechanically virtually identical to common hunting guns, much anti-assault weapon legislation inevitably ends up also banning ordinary rifles and pistols. In 1989, Congress debated the Stark Bill, which would have imposed sentences of up to 80 years in prison for law-abiding citizens for mere possession of these highly common firearms.

Police and FBI statistics show that criminals much prefer weapons that can be more easily concealed than semiautomatic rifles. Hunting and sporting shotguns are used more commonly by criminals than semiautomatics.

The public outcry against assault rifles peaked in January 1989, when James Purdy opened fire on a schoolyard in Stockton, California, killing six people and wounding 29 others in about four minutes. Reports of the incident were misleading. The national media declared that Purdy had used an automatic AK-47 rifle, and that such machine-gun-like automatic weapons could be purchased over the counter—both falsities. Actually, Purdy used a semiautomatic rifle, and his rate of fire could have been accomplished with simple bolt-action rifles or revolvers.

No one would deny that America has a serious problem with gun-related violence. Gun-control advocates often point to other countries with strict gun-control laws, where gun murders are far lower than the United States. Handgun Control Inc. notes that, in 1985, handguns killed only 46 people in Japan, eight in Great Britain, 31 in Switzerland and five in Canada, as compared to 8,092 in the United States.

Yet such figures ignore crucial cultural

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differences. The Japanese tolerate a level of police and government interference in their personal lives that Americans would find unconstitutional. In Britain, gun deaths were equally low before gun control was passed in 1920.

Switzerland requires all young men to undergo military training and to keep fully automatic assault rifles—true machine guns—at home. Other weapons, including high-tech combat ones, are also easily available and widely owned. Yet Switzerland's murder rate is lower than Japan's, England's or Canada's.

South Africa and Taiwan have the world's most severe gun laws—gun ownership there can be punished by death. Yet their murder rates are higher than the murder rate in the United States. In 1976, gun controls in Mexico and Puerto Rico were extremely strict. Yet Puerto Rico had murder rates well above the U.S. average. And Mexico had knife-homicide rates three times the U.S. murder rate for all weapons.

In 1987, Florida began allowing citizens to carry handguns in public. Though critics predicted bloodbaths, the opposite occurred. The national murder rate rose 14% from 1986 to 1991; it fell

20% in Florida. The state's murder rate was 36% above the national average in 1986; it's now four percent below. Since 1986, robberies rose 21% nationally; they only rose nine percent in Florida.

This common-sense view—that criminals tend to avoid areas where they are likely to encounter guns—is reinforced by a 1981 National Institute of Justice survey of convicted felons. Seventy-four percent of the felons said they believed burglars avoid houses where people are at home because they fear being shot. Fifty-three percent had personally chosen not to commit a planned crime for fear the victim might be armed.

National Rifle Association [NRA] membership recently reached a new high of three million. Tens of thousands of new members are joining each month. Clearly, more and more Americans favor the Constitutional right to keep and bear arms.

The Clinton Administration favors gun control. The Brady Bill and other local, state and national gun-control laws are nearing passage. A shootout on the Second Amendment seems inevitable; there's a very real possibility that Americans will soon face severe, unprecedented restrictions on their right to keep and bear arms. 