

Volume 25, Number 3, February 2016

A2 US politics

Arguments for and against the laws on gun ownership in the USA

Jeremy Taylor

When studying US politics, the issue of gun ownership and gun control frequently arises, for example when studying pressure groups, parties and the Supreme Court. For British students, knowledge of this issue will probably stem from seeing news reports of mass shootings. In that context, the arguments for gun control can seem obvious. However, we need to understand that the USA is a different country with a different history and culture. It is therefore important that you are aware of both sides of the debate.

The issue of guns is currently highly significant. In the aftermath of the 2012 Newtown shootings — where 20 children were killed in an elementary school — President Obama hoped to persuade Congress to introduce some form of gun control, but Congress failed to pass any legislation. Obama's frustration with Congress is increasingly evident every time there is another mass shooting in the USA. Hillary Clinton has recently made gun control part of her campaign for the Democratic nomination: 'We're going to make this a voting issue, just like the other side does.' Gun control may not be the most important issue in 2016, but it will be more significant than it has been in recent elections.

Arguments in favour of gun ownership

It is traditional and popular

Gun ownership is a traditional part of American culture. A Gallup poll showed that in 2015, 41% of Americans owned a gun in their home. An October 2015 poll showed that 72% of Americans oppose laws to ban handguns (except by police officers or other authorised people). The same pollsters showed that 58% of Americans are 'mostly favourable' or 'very favourable' to American's leading pro-gun pressure group, the National Rifle Association (NRA).

It protects citizens from tyranny

The USA is traditionally suspicious of 'government' (not just 'the Government'). This often takes the form of a deep suspicion of the federal government. The country was formed in the 1780s as a result of a revolution that freed the 13 colonies from what they saw as the tyrannical, oppressive government of the British. The logical extension of this argument is first, the government does not have the right to deny people the right to a gun, and second, an armed citizenry is essential to preventing democracy becoming tyranny in the future.

It is a right guaranteed by the Constitution

The US Constitution, in the Second Amendment, protects the right to gun ownership as it states that 'the right of the people to keep and bear Arms, shall not be infringed'. It is worth noting that many of the rights guaranteed by the Constitution are negative rights. Rather than being positive statements of the rights Americans possess, they are expressed in terms of what the federal government is not

allowed to 'infringe' or 'abridge'. Thus, the right to own a gun is a right the federal government cannot restrict.

It makes society safer

Polls show that in October 2014, 63% of Americans thought having a gun in the house made it safer. Only 30% thought it made it more dangerous. This is because guns provide a means of self-defence. As Wayne LaPierre, the leader of the NRA, stated after the Newtown massacre: 'The only thing that stops a bad guy with a gun is a good guy with a gun'. In other words, armed security guards in schools would make schools safer.

Polls show that 56% of Americans believe the USA would be safer if more Americans carried concealed weapons. Many Americans believe gun control laws will not prevent mass shootings – 31% of Americans say it will 'make no difference' and 22% only 'a little'. Only 19% think it will affect mass shootings 'a great deal'. Many Americans argue mass shootings are a product of mental illness, drugs, extremist views online or violence in films, computer games and music. Consequently, gun control laws are not likely to prevent mass shootings.

Arguments in favour of gun control

There is popular support for restricting guns

The evidence above can be misleading. Over half (55%) of Americans want stricter gun laws and only 11% want them less so. Support for universal background checks using a centralised database is at 86% – this is a key demand of the gun control movement. Lax gun control laws in recent years mean that 40% of gun sales have been made with no background check of the buyer's criminal record, mental health and so on.

The USA has a high murder rate and mass shootings are frequent

In 2015, there were over 40,000 incidents of gun violence in the USA, with over 11,000 deaths. Almost 3,000 children were killed or injured. While availability of guns may not be the only factor, the ease of access to them is likely to explain why the rate of gun murders is so high. In the period up to 1 October 2015 there were 294 mass shootings, with 45 of these taking place in schools. In the UK, where guns are banned, the gun murder rate is 30 times lower. Controlling guns would thus reduce the murder rate.

The Second Amendment does not say what people think it says

The Second Amendment arguably does not protect gun ownership. To quote the Second Amendment in full:

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.

In other words, the individual right to gun ownership is not guaranteed by the Constitution and therefore can be restricted. What the Second Amendment does permit is ownership of weapons as part of a *well regulated Militia* (a militia is an army made up of civilians).

This interpretation of the Second Amendment is actually the one that the Supreme Court has favoured until fairly recently, in *US v Cruikshank* (1875) and in *US v Miller* (1939). As a result of this, legislation was passed at the federal level to restrict guns. At state level, some states (and cities, for example Washington DC) passed restrictive gun laws without challenge.

However, two recent Supreme Court cases have changed this. In *DC v Heller* (2008) and *McDonald v Chicago* (2010), the Court upheld the individual right to own a gun within the home for self-defence. The Court ruled that handguns constitute 'arms' as referred to in the Second Amendment. However, the vote on the Court was 5–4 (and conservatives outnumber liberals on the Court 5–4).

Gun rights are anachronistic rights

It is possible to understand why the Founding Fathers included the Second Amendment. The USA in 1791 contained no police force, was under threat from Native American tribes and possible re-invasion from Britain and was a rural society where farmers had to deal with wild animals. In that society, permitting gun ownership made sense. However, in 2016 — when there is a police force and the murder rate has spiralled out of control — permitting guns no longer makes sense. So, while the Constitution may permit these rights, they are anachronistic and so should disappear.

Find out more

NRA: <https://home.nra.org/>

Coalition to Stop Gun Violence: <http://csgv.org/>

The Gallup polling website has some fascinating stats on guns in the USA:
www.gallup.com/poll/1645/Guns.aspx

The Gun Violence Archive provides data on gun crime: www.gunviolencearchive.org/

Bowling for Columbine — documentary film by Michael Moore that explores the issues from the 1999 Columbine High School massacre in Colorado, where two students murdered 12 other students and a teacher as well as wounding 26 others, before killing themselves

Thomas Frank, *What's the Matter with Kansas? How Conservatives Won the Heart of America* (Picador, 2004) — this book analyses the issues (including guns) that have allowed the Republican Right to dominate in the southern and Midwestern states

Jeremy Taylor is Head of History and Social Sciences at Preston Manor School, Wembley.