The January/February 2016 Lincoln Douglas topic focuses on the role of handguns in American society. The Supreme Court took up the question of a handgun ban in two decisions: District of Columbia v. Heller, 554 U.S. 570 (2008) and McDonald v. Chicago, 561 U.S. 742 (2010). Both decisions represented major setbacks for advocates of handgun control. The District of Columbia had, in 1976, issued a ban on the private ownership of handguns. Dick Heller (supported by numerous gun rights groups) brought a court case arguing that the Second Amendment to the United States Constitution forbade such a ban on handguns. When that case reached the Supreme Court in 2008, the Court rendered a 5-4 decision in favor of Heller’s position. Justice Antonin Scalia, writing the decision for the majority, essentially ruled that the Second Amendment prohibited any ban on an entire category of firearms (such as handguns). An important element of the decision was the Supreme Court’s judgment that the Second Amendment’s use of the term “well regulated militia” referred to individual citizens rather than to an organized military force (such as the National Guard unit). The Heller decision did include a minor concession to the arguments of gun control activists; Justice Scalia said that the Second Amendment does not represent “a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose” (Rutgers Journal Of Law & Public Policy, Spr. 2010, 363).

While the Heller decision struck down a handgun ban in the nation’s capital, it remained unclear whether the decision would prohibit cities or states from instituting their own ban on handguns. Washington, D.C. does not have the status of being its own state; its government is controlled by the Congress of the United States. The Heller decision established that the federal government, given the limits of the Second Amendment, had no right to ban handguns. But what remained unclear is whether the Second Amendment limitation on federal government powers would also apply to state and local governments. That issue was the central focus of the Supreme Court’s 2010 decision in McDonald v. Chicago. The city of Chicago had an ordinance requiring that all private handgun owners register with the city and obtain a permit for their handguns. This ordinance essentially became a handgun ban when, in 1982, the city decided to stop issuing permits to private owners of handguns. Otis McDonald, a Chicago resident who lived in a high crime area of the city, challenged the city’s handgun ban in court, arguing that he needed a handgun for personal protection. Since the Heller decision had already established that the Second Amendment prohibited a ban on handguns, the only remaining question is whether such a prohibition would also cover states and localities. Justice Samuel Alito, writing the decision of the Court in McDonald, clearly established that the Second Amendment also prohibited states and localities from banning an entire category of firearms: “We have previously held that most of the provisions of the Bill of Rights apply with full force to both the Federal Government and the States. Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the States” (McDonald v. Chicago, 561 U.S. 742 (2010) at http://www.supremecourt.gov/opinions/09pdf/08-1521.pdf).

Journalist Michelle Gillett has offered the following summary of the impact of the Heller and McDonald decisions:

On June 28th, the Supreme Court made its second decision on gun ownership and the Second Amendment in McDonald vs. Chicago, which challenged Chicago’s restrictive ban on individuals owning handguns. The Supreme Court made a similar ruling when it decided that Washington D.C., a federal district, could not ban handgun ownership. Justice Samuel Alito stated that “self-defense is a basic right – individual self-defense is the central component of the Second Amendment.” Basically, these rulings state that handgun bans are unconstitutional, and the right to bear arms is a “fundamental” right of all individuals. While cities, states and the federal government still have the right to legislate and limit guns, these rulings provide more access to firearms. Licensing requirements are still constitutional, but the oversight of those licenses – who can get one and why – leaves a lot to be desired In addition to finding that the amendment protects an individual right to bear arms, the D.C. decision also ruled that laws that require a trigger lock on guns kept in the home are unconstitutional, as such locks might restrict the owner’s ability to use the gun “for the purpose of immediate self defense.” (Berkshire Eagle, Aug. 10, 2010, Nexis).

The twin decisions of the Supreme Court make it clear that any ban on the private ownership of handguns will be impossible unless and until the conservative makeup of the Supreme Court changes. Bill Scher, director of the Campaign for America’s future, points out that the political prospects for a handgun ban are grim: “Of course, this is a political impossibility for the foreseeable future. The current Republican Congress won’t even pass an expansion of background checks, and a previous Republican Congress allowed the Clinton-era assault weapons ban to expire. A handgun ban also could run afoul of the Supreme Court, as it is currently constituted” (Will Any Presidential Candidates Support Banning Handguns?, Dec. 12, 2015, https://ourfuture.org/20151002/will-any-presidential-candidate-support-banning-all-handguns). Like Bill Scher, law professor Nicholas Johnson supports a ban on handguns, but also recognizes the political difficulties involved: “Although handguns claim more than 20,000 lives a year, the issue of
More than two decades later, handgun restrictions consistently remain an issue with the vast majority of legislators, the press, and public (Brooklyn Law Review, Winter 2005, p. 780).

Even without the seemingly insurmountable Supreme Court obstacle, the political prospects for gun control are not good. Even such seemingly reasonable steps as banning assault weapons are now opposed by a majority of the American people. Trip Gabriel, writing in the New York Times, provides the following review of public opinion on the subject of gun control: “Surveys show support for gun control has never been lower. An annual Gallup poll of the issue in October last year found that for the first time, a majority, 53 percent, opposed a ban on semiautomatic guns, or assault rifles, and a record low 26 percent favored banning handguns. Support for stricter laws were down in all subgroups, with 64 percent of Democrats favoring stricter laws, 37 percent of independents and 31 percent of Republicans” (July 24, 2012, p. A12).

Fortunately for Lincoln Douglas debaters, however, the question is not whether instituting a ban on handguns is politically possible, but rather whether it “ought” to be done. For value debate resolutions, the focus is not on the political practicality of a handgun ban, but rather whether such a ban would be desirable. Debaters might wonder why the framers of this resolution chose to focus on a handgun ban as opposed to the more politically-palatable question of banning assault weapons. Alan Leshner, chair of the American Association for the Advancement of Science, offered one possible answer: “Handguns account for the vast majority of firearm-related homicides; in 2011, handguns comprised 72.5 percent of the firearms used in murder and non-negligent manslaughter incidents” (Priorities for Research to Reduce the Threat of Firearm-Related Violence, 2013, p. 30). The Violence Policy Center has also focused its attention on banning handguns as opposed to assault weapons: “America’s gun problem is a handgun problem.”

Handguns exact an inordinate toll on American lives. The vast majority of gun death and injury—in homicides, suicides, and unintentional shootings—has been carried out with easily concealable pistols and revolvers. The public health model as well as the traditional approaches employed in protecting consumer health and safety lead to one inevitable conclusion: handguns should be banned (Handgun Ban Backgrounder, 1999, http://www.vpc.org/fact_sht/hgbanfs.htm).

ANALYSIS OF THE TOPIC

As you will recall from The Value Debate Handbook, every proposition of value consists of two components: the object(s) of evaluation and the evaluative term. The object(s) of evaluation is that which is being evaluated or critiqued in the resolution. The evaluative term is the word or phrase in the resolution that is evaluative in nature. This resolution contains one object of evaluation: “Private ownership of handguns.” The evaluative term/phrase is “Ought.” This resolution does not specify a core value to be used when considering the objects of evaluation. It will be up to the debaters to determine whether the value should be liberty, safety, quality of life, dignity, the common good, or something else.

What is the significance of the phrase, “In the United States?” This phrase establishes that the debate should focus on the role of handguns in U.S. society. Debaters will, on occasion, point to example of whether handgun bans have worked in Britain, Ireland, Scotland, Australia, or elsewhere, the focus of the resolution is on the United States.

What is meant by the phrase “private ownership?” This phrase is obviously designed to distinguish between the right of normal citizens and members of the U.S. military, the National Guard, or public safety officers to possess handguns. The term “ownership,” according to the Macmillan Dictionary, means “something that belongs to a particular person and not to any other” (http://www.macmillandictionary.com/us/dictionary/american/own_1).

What is meant by the term, “handgun,” and how does it differ from other types of firearms? The Merriam-Webster Dictionary defines the term as follows: “Handgun: A firearm (as a revolver or pistol) designed to be held and fired with one hand” (http://www.merriam-webster.com/dictionary/handgun). The definitive legal definition of a “handgun” is contained in the U.S. Code, Title 18, Chapter 44, paragraph 29: “The term “handgun” means — (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled” (2012, p. 202). Numerous state laws also contain legal definitions of the term “handgun.” Some examples of such definitions are listed below:


What is meant by the verb phrase, “ought to be banned?” We normally take it for granted that the modal verb, “ought” simply means that it would be “desirable” to take the action indicated by the main verb. In other words, the resolution would say that banning the private ownership of handguns is desirable. This interpretation would establish that the debate should never be limited to what is politically possible. It should be said, however, that we rarely debate a resolution proposing an action so far beyond political possibility as the January/February topic. This makes it all the more important that debaters—especially affirmative debaters—are well equipped with definitions to establish that the modal verb, “ought,” moves us out of the realm of whether the action is politically possible. Fortunately, such definitions are available. The Cambridge English Dictionary defines “ought” as a modal verb “used to show when it is necessary or would be a good thing to perform the action referred to by the following verb. Example: You ought to be kinder to him.” (http://dictionary.cambridge.org/us/dictionary/english/ought-to).

The Cambridge English Dictionary does offer another possible definition of “ought” as “used to express something that you expect will happen. Example: He ought to be home by seven o’clock.” Yet such a definition clearly does not fit the context of the resolution. The example sentence in the latter definition shows that the word “ought” can be used synonymously with “an expectation.” The resolution, as it is worded, certainly does not imply anything about the likelihood of a ban on the private ownership of handguns. Rather, the resolution asks a question about the desirability of the action.

The use of the word, “ought,” is also a reminder that in Lincoln Douglas debate, we are engaged in value debate, rather than policy debate. The resolution does not mention an agent of action. Ralph Wedgewood, professor of philosophy at the University of Southern California, points out that such statements do not invite the presentation of plans or defense of particular mechanisms: “For example, consider: Drinking water ought to be clean and safe. No particular agent is explicitly mentioned in this sentence: so how can this occurrence of ‘ought’ stand for a relation between an agent, a possible course of action and a time?” (Meaning of “Ought,” Aug. 17, 2011, http://www-bcf.usc.edu/~wedgewood/meaningofought.htm).


AFFIRMATIVE STRATEGIES

There are a number of excellent affirmative strategies available to debaters on this topic. The first strategy focuses on the number of deaths associated with the use of handguns. The core value is “life” and the criterion for the value will be met if it can be shown that a handgun ban would save lives. Consider the following statement from the American Public Health Association:

“There is a clear link between handguns and increased risk of homicide, suicide and fatal accidental shootings, especially for those people who live in homes with guns, for women and for children,” said Susan Polan, PhD, associate executive director of public affairs and advocacy at APHA. “Today’s ruling is a serious setback for creating safer, healthier communities and for reducing violence-related injury and death.” The ban was at the center of McDonald v. the city of Chicago. In a friend-of-the-court brief, APHA argued that the ability to prevent injuries and deaths caused by handguns was at stake if the law was overturned. The Association joined health professionals, law enforcement officials, mayors and others in supporting Chicago’s ban on handguns. (States News Service, June 28, 2010, Nexis)

Negative debaters will likely argue that handguns save lives because Americans now use handguns in self-defense when their homes are invaded. But Charles Branas and Therese Richmond, professors at the University of Pennsylvania School of Medicine, say that defensive users of handguns are actually more likely to die: “After we adjusted for confounding factors, individuals who were in possession of a gun were 4.46 times more likely to be shot in an assault than those not in possession. Individuals who were in possession of a gun were also 4.23 times more likely to be fatally shot in an assault” (American Journal of Public Health, 2009, p. 2034).

The second affirmative case emphasizes the role of handguns in teen suicides and accidental deaths of children. Teen suicides are especially tragic because of the lasting impact on families, schools, and communities. Cheryl Bettingole, president of the National Physicians Alliance, describes the relationship between guns and suicide:

Having firearms in the home also plays a role in an individual's risk of suicide. One study found that homes in which a suicide had occurred were 4.8 times more likely to contain a firearm than similarly situated neighborhood homes that had not experienced a suicide. Average suicide rates are higher in states with higher rates of household firearm ownership. That relationship persists even after controlling for differences among states in poverty, urbanization, unemployment, mental illness, and alcohol or drug abuse. States with the highest prevalence of household firearm ownership had suicide rates about 60% higher than states with the lowest level of firearm ownership; that result holds true for men, women, and children. Another study found that more than 90% of all suicide attempts with a firearm, if serious enough to require hospital treatment, result in death. Suicide attempts by jumping, by comparison, carry a 34% fatality rate; suicide attempts by drug poisoning carry a 2% fatality rate.
About 90% of people who have lived through a suicide attempt do not go on to die by suicide. (Gun Safety and Public Health, 2013, p. 4)

Negative debaters may argue that persons wishing to commit suicide will simply find another means if a gun is unavailable to them. But journalist Martin Forstrom disagrees: “What we do know is that gun suicides kill 60 percent more often than gun homicides in this country, and decreasing gun ownership definitely lowers suicide rates. You might be thinking that it must lower only gun suicide rates. Anyone who really wants to kill themselves will just find another way, right? Wrong. This line of thinking reveals an astounding degree of ignorance about the top killer of young people. The bottom line is reduced gun ownership leads to a reduced rate of suicides and a subsequently lower number of gun-related deaths each year” (Daily Wildcat, Oct. 28, 2015, http://www.wildcat.arizona.edu/article/2015/10/column-you-cant-shoot-yourself-if-you-dont-own-a-gun).

The National Physician’s Alliance also warns of the impact of private ownership of handguns on accidental deaths of children: “People who die from accidental shootings are more than three times as likely to have a gun in their home. Approximately one of three handguns is kept loaded and unlocked and most children know where their parents keep their guns” (Myth vs. Fact: Research on Gun Violence, June 2015, 1). Daniel Graham, writing in the Fall 2010 edition of the Phoenix Law Review, says that millions of children are at risk:

Firearm ownership involves inherent risks. For example, when a firearm is present in the home it can intimidate, wound, or kill. Minors with ready access to unlocked firearms are at an increased risk of firearm related injury or death. A U.S. government study, comprised of thirty-seven school shootings in twenty-six states, found that shooters obtained the guns from their own home or from the home of a relative in nearly two-thirds of the incidents. Another study, conducted in 2002, found that over 1.69 million children under age eighteen lived in homes with at least one loaded and unlocked firearm. Still another study found that in homes with children under age eighteen, forty-three percent of them had a readily accessible, unlocked firearm. Legislation and regulations need to be adopted that mandate the proper usage of devices to prevent minors unauthorized access to guns and/or impose civil liability against parents who leave unlocked guns readily accessible to minors. (p. 467)

The final affirmative case focuses on the need to ban private ownership of handguns for certain segments of the population, such as convicted criminals, perpetrators of domestic violence, alcohol abusers, and persons with juvenile justice convictions. Negative debaters will likely argue that such examples of handgun bans provide insufficient support for the resolution. Affirmative debaters can, however, argue that the resolution fails to include the term, “all private ownership of handguns.” This affirmative case may be especially useful as a response to a negative case that focuses rather exclusively on the Supreme Court’s interpretation of the Second Amendment. The Court’s interpretation of the Second Amendment has made it abundantly clear that there can be no universal ban on handgun ownership in the United States. Justice Scalia, writing in the Heller decision, said that “the right secured by the Second Amendment is not unlimited,” indicating that the Court would be open to considering some limitations on firearms so long as the law did not universally ban an entire class of firearms. Ironically, this argument for the impossibility of the resolution feeds an affirmative position in support of a handgun ban for certain populations. Some philosophers have argued that the term “ought” should never be interpreted to create an obligation to do that which is impossible. By such an interpretation, the affirmative should not be required to defend an interpretation of the resolution that – by the negative debater’s own admission – is impossible. Philosophical support for such a definition of “ought” comes from Theodore Gracyk, professor of philosophy at Minnesota State University at Moorhead:

Many philosophers use the principle “Ought implies can” as a basic test of moral obligation. If something is a moral obligation (a duty), then we ought (should) do it. The importance of this idea might not be obvious. However, by a basic rule of logic called contraposition, we can turn the principle around, into this second principle: “Can’t implies ought not.” In other words, if you can’t do x, then you have no duty to do x. (And “can’t” means you really can’t do x because x is impossible, not just that you don’t like the results of x.) It also means that we should not blame people for failing to do what they cannot possibly do. Seen in this way, the principle tells us that our obligations are restricted to what is humanly possible. The real world puts a limit on ethical responsibility. (Ought Implies Can, Mar. 25, 2008, http://web.mnstate.edu/gracyk/courses/phil318/ought-can_Outline.htm)

NEGATIVE STRATEGIES

There are also many excellent strategies available to negative debaters on this topic. The first negative case argues that the right to self-defense is fundamental and should not be abridged by the banning of handguns. Don Kates, Yale Law School graduate and an analyst at the Pacific Research Institute, offered the following defense of this view: “The scope of the Second Amendment, and its limitations, can only be understood by reference to its underlying rationale. That rationale is personal self-defense, which the Founding Fathers and the liberal political philosophers they revered held to be the first of all natural rights. ‘Who,’ Montesquieu asked, ‘does not see that self-protection is a duty superior to every precept?’” (Hastings Law Journal, June 2009, p. 1345).
Affirmative debaters will argue that people who use handguns as a means of self-defense end up getting killed at higher rates. But numerous studies deny this claim. H. Sterling Burnett, a senior policy analyst at the National Center for Policy Analysis, offered the following statistics about defensive uses of firearms:

Research supports the view that an armed response works. For example, women faced with assault are 2.5 times less likely to suffer serious injury if they respond with firearms rather than with a less effective weapon or by offering no resistance at all. According to the Department of Justice, less than one-fifth of the victims who defended themselves with firearms suffered injury, compared to one-fourth to one-half of those who defended themselves with other weapons or with none. Further, a study of robberies found that, of robberies begun, fewer than thirty-one percent were completed when the victims defended themselves with a firearm. Contrast this to thirty-five percent completed when the victims had a knife, but more than eighty-eight percent when the victims offered no resistance. During those robberies, persons who defended themselves with firearms suffered injury in seventeen percent of the cases, compared to forty percent of cases when they defended themselves with knives, twenty-two percent when other weapons were used, twenty-five percent when no resistance was offered, and thirty-five percent when they tried to flee. These statistics seem to indicate that firearms are the safest, most effective way to protect oneself against criminal activity. (Texas Review of Law & Politics, Spring 2001, pp. 449-450)

A second negative position simply defends the Second Amendment. This strategy argues that the Supreme Court has correctly interpreted the intent of the Founding Fathers by affirming the right of average Americans to own handguns. Clark Neily, III, an attorney for the Institute for Justice, offers the following defense of the Second Amendment: “The historical evidence is overwhelming that our forbears, including those from both the founding and Reconstruction eras, considered the right own guns to be among the most sacred rights American citizens possess. Indeed, as I have argued elsewhere, the Second Amendment may be seen as a pledge, a promise that no matter how intellectual fashions might change and no matter what path other countries might take, there is no power to effect the blanket disarmament of American citizens under any pretext or justification whatsoever” (Cardozo Law Review De Novo, 2010, p. 165).

The final negative case accepts the core value of “life” and argues that banning handguns would actually result in increases in homicide rates. Daniel Graham, writing in the Phoenix Law Review, provides support for this view:

Studies demonstrate that extremely restrictive gun regulations, especially those implementing the registration and/or ban of an entire class of guns, lead to an increase in murder and armed robbery. This is most likely because only law-abiding citizens comply with these laws, so criminals take advantage of the law-abiding citizens’ new inability to defend themselves. Furthermore, once rigid restrictions or bans are enacted, substantial law enforcement and judicial resources must be allocated to effectively enforce them. This diverts law enforcement efforts away from fighting the violent crimes these laws are intended to prevent and directs them towards prosecuting citizens whose only crime is possession of a firearm. (Fall 2010, pp. 481-482)
AFFIRMATIVE CASE #1: HANDGUNS KILL

The thesis of this case is that private ownership of handguns in the United States causes an inordinate amount of death and suffering. The question raised by the resolution is not whether it is politically expedient to ban handguns; given recent Supreme Court rulings in Heller and McDonald, it is clear that private citizens will continue to own handguns. Neither does the resolution raise the question of whether a handgun ban could ever be enforced; given the gun culture in America, enforcement would be difficult. The question before us, however, is whether handguns "ought" to be banned, not whether they will be banned. This case will show that handguns cause much more harm than they do good—American society would be better off without them.

OBSERVATION:

I. PRESERVING HUMAN LIFE SHOULD BE REGARDED AS THE ULTIMATE VALUE.

[See the Sanctity of Life brief in The Value Debate Handbook]


Human life is the precondition for all values attributed to human persons. Human life has been referred to as "an almost absolute value in history." The need to protect human life and the more stringent imperative of do not kill are regarded as basic, constitutive elements of the moral life of any society. The relationships embodied in and shaped by humans rest on the inviolability of human life. The inestimable value of human life is based on the consideration that each person has been raised to a sublime dignity.

CONTENTIONS:

I. ON BALANCE, HANDGUNS ARE RESPONSIBLE FOR RESPONSIBLE FOR EXTENSIVE LOSS OF LIFE IN THE UNITED STATES.

A. FIREARMS ARE RESPONSIBLE FOR TENS OF THOUSANDS OF DEATHS EACH YEAR.

National Physicians Alliance, MYTH VS. FACT: RESEARCH ON GUN VIOLENCE, JUNE 2015, 1.

Gun violence is a public health issue. More than 55,000 people had a non-fatall gun injury in 2011 and more than 33,000 people died from gunshot in 2010. Firearm-related mortality is the country’s fifth leading cause of years of potential life lost.


Guns kill an average of 80 Americans each day. This bloodshed receives less media attention, but is no less real and causes no less devastation to families throughout our nation. Life in America doesn’t have to be this way. Although the United States has, by far, the weakest gun laws and highest rate of gun violence of all industrialized nations worldwide, that fact can, and must, change.


Since the Tucson shootings, more than 47,000 Americans have been shot, and Americans are still being slaughtered at the rate of at least 32 people shot and killed in gun homicides every day. If today is a typical day in America, eight children and teens will die from gunfire. And for every person killed by guns, at least 3 are injured but survive.


The nationwide gun death rate was 10.64 per 100,000. The total number of Americans killed by gunfire rose to 33,636 in 2013 from 33,563 in 2012.


Researchers at Harvard have conducted numerous studies comparing data across states and countries with different gun laws and concluded, quite simply, "Where there are more guns, there is more homicide."

B. THE UNITED STATES LEADS THE WORLD IN FIREARM-RELATED DEATHS.

Jill Baniwicz, (JD Candidate, Indiana U. School of Law), INDIANA LAW REVIEW, 2010, 421.

Citizens in the United States own approximately 192 million guns and in 1997, firearms killed more than 32,400 people. The United States also holds the unequivocal title of leading the world in the number of people who die or are injured by handguns every year, which is approximately fifty times the amount in every other industrialized country. Furthermore, gun deaths disproportionately affect young people, illustrated by the fact that gun deaths peak between the ages of 15 and 24.

If you compare United States homicide rates with other high-income countries in terms of their average homicide rates, ours is approximately six times higher than other countries of similar wealth. If you look at our firearm homicide rates, our rates are 22 times higher than other countries.

Peter Lampl, (Chair, Education Endowment Foundation), LONDON TIMES, Dec. 19, 2012, 22.

While mass murders make national headlines, the 300 million guns in circulation — nearly one per person — mean that they are routinely used to settle disputes. Thousands die and more are injured each year as a result, with no fanfare. United Nations statistics show that there are 3.2 killings involving firearms for every 100,000 people in the US compared with 0.1 in the UK and Australia.


America’s gun death rates — both nationwide and in the states — dwarf those of other industrialized nations. In 2011, the gun death rate in the United Kingdom was 0.23 per 100,000 and in Australia the gun death rate was 0.86 per 100,000. (Data for these countries is available at GunPolicy.org, hosted by the Sydney School of Public Health at the University of Sydney in Australia).


The number of Americans killed by guns has remained fairly constant in the nine years for which complete data is available in the 21st century. Between 2000 and 2008, a total of 272,590 people died of gunshot injuries in the United States. This averages out to about 30,288 gun deaths per year, a number shocking by comparison to any other developed country.

C. HANDGUNS ARE PRIMARILY RESPONSIBLE FOR FIREARM DEATHS IN THE UNITED STATES.

Alan Leshner, (Chair, American Association for the Advancement of Science), PRIORITIES FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE, 2013, 30.

Handguns account for the vast majority of firearm-related homicides; in 2011, “handguns comprised 72.5 percent of the firearms used in murder and non-negligent manslaughter incidents”.


Furthermore, most gun deaths are from handguns and not assault rifles. According to the FBI, 68 percent of homicidal gun deaths in 2014 were from handguns. Only 3 percent were from rifles of any sort.


America’s gun problem is a handgun problem. Handguns exact an inordinate toll on American lives. The vast majority of gun death and injury – in homicides, suicides, and unintentional shootings – is carried out with easily concealable pistols and revolvers. The public health model as well as the traditional approaches employed in protecting consumer health and safety lead to one inevitable conclusion: handguns should be banned.


Handguns accounted for the majority of both homicide and nonfatal firearm violence. A handgun was used in about 83% of all firearm homicides in 1994, compared to 73% in 2011. Other types of firearms, such as shotguns and rifles, accounted for the remainder of firearm homicides. For nonfatal firearm violence, about 9 in 10 were committed with a handgun, and this remained stable from 1994 to 2011.


There are about 65 million handguns in the United States. Handguns make up 34 percent of all types of firearms. Of all firearm-related crime, 86 percent involved handguns.

D. BANNING HANDGUNS IS GOOD PUBLIC POLICY, EVEN IF OTHER FIREARMS CONTINUE TO BE AVAILABLE.

Adrian Fenty, (Mayor, District of Columbia), WASHINGTON POST, Sept. 4, 2007, A17.

Because handguns are involved in crimes, accidents and suicides far more often than other firearms, it makes perfect sense to ask that residents who want firearms at home choose something other than handguns. Although only a third of the nation's firearms are handguns, these easily concealable weapons are used in far more killings, woundings and crimes than all other types of firearms combined. The more handguns a jurisdiction has, the more people die in homicides.

Handguns are the weapon of choice in this country for homicides, suicides and other armed violence. Chicago has reacted to that choice by making them illegal. Long guns are allowed. They do not present the same risks. It's real tough to tuck one into your pocket and go out on the street for a drug deal.


Applying NYSRPA intermediate scrutiny to a handgun ban, there are only two questions: 1. Is there an important government interest? Yes, preventing violent criminals from shooting people. 2. Is there evidence to "fairly support" the inference that a handgun ban could advance the government interest? Yes. As detailed in Justice Stephen Breyer’s Heller dissent, there is extensive social science evidence about the harms of handgun misuse, disproportionate to other firearms.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 469.

Moreover, criminals can conceal a handgun while entering a building to commit a crime, withdraw the handgun, and use it once inside. Similarly, a child who obtains possession of a handgun can easily conceal it in a backpack and take it into public places, including a school. For the reasons mentioned above, law-abiding citizens and criminals alike tend to prefer handguns. However, their criminal application accounts for approximately seventy-five percent of all firearm homicides, even though handguns make up only forty percent of total firearms owned.

E. BANNING HANDGUNS WOULD SAVE LIVES.


"Reducing exposure to firearms and having stronger gun laws saves lives," says VPC Legislative Director Kristen Rand. “Each year, the data consistently show that states with strong gun violence prevention laws and low rates of gun ownership have the lowest gun death rates in the nation. The highest gun death rates are in states with weak gun violence prevention laws and easy access to guns.”


The U.S. is by far the world leader in the number of guns in civilian hands. The stricter gun laws of other “advanced countries” have restrained homicidal violence, suicides and gun accidents – even when, in some cases, laws were introduced over massive protests from their armed citizens.


Yet statistics show that the District’s strict gun laws save lives by keeping guns out of the homes of District residents. Compared to the 50 states, children and youth in the District have virtually escaped the plague of youth suicide that afflicts the rest of the country. If the laws that prevent handguns and assault weapons from being commonplace in District homes are repealed, children and youth will be among the first to pay the deadly price.

F. WHETHER A HANDGUN BAN COULD BE FULLY ENFORCED IS IRRELEVANT TO THE QUESTION OF ITS DESIRABILITY – THE SYMBOLISM OF A BAN WOULD PROVIDE A STARTING POINT.


But what if a handgun ban would be only a symbolic gesture? History is replete with examples of symbolic bans powering great social change.


The symbolism of coming together to say we will do everything possible to eliminate the means by which any of our precious young people are destroying each other would send a powerful message that we do think these young men have great worth. We really don’t have to live with handgun violence. It does not have to be part of life in the big city. We can evolve past it. The fewer the number of handgun deaths, the more each one will become a little more shocking, spurring us to even greater action.


Lasting social change usually occurs when people decide to do something they know they ought to have done long ago but have kept the knowledge private. This, I believe, is what happened with civil rights, and it is happening with guns. I doubt that it will be 25 years before we're rid of the things. In 10 years, even five, we could be looking back on the past three decades of gun violence in America the way one once looked back upon 18th century madhouses. I think we are already doing so but not saying so. Before Atlanta, before Columbine, at some quiet, unspecified moment in the past few years, America decided it was time to advance the civilization and do right by the ones who know what the killing and wounding are like, and who know the pain.
II. DEFENSIVE USES OF HANDGUNS END UP TAKING MORE LIVES THAN ARE SAVED.

A. PERSONS WITH FIREARMS ARE MORE LIKELY TO ENGAGE IN LIFE-THREATENING BEHAVIORS.

Charles Branas & Therese Richmond, (Professors, U. of Pennsylvania School of Medicine), AMERICAN JOURNAL OF PUBLIC HEALTH, 2009, 2034.

A gun may falsely empower its possessor to overreact, instigating and losing otherwise tractable conflicts with similarly armed persons. Along the same lines, individuals who are in possession of a gun may increase their risk of gun assault by entering dangerous environments that they would have normally avoided. Alternatively, an individual may bring a gun to an otherwise gun-free conflict only to have that gun wrested away and turned on them.

B. THE PRESENCE OF A FIREARM MAKES IT MORE LIKELY THAT AN INTRUDER WILL RESORT TO DEADLY VIOLENCE.

Philip Cook, (Prof., Public Policy Studies, Sanford Institute of Public Policy), UCLA LAW REVIEW, June 2009, 1073-1074.

The logical and documented result is that, when a gun is present in an assault or robbery, the victim is more likely to die. It is not only the assailant's intent that determines the outcome, but also the means of attack. This conclusion regarding instrumentality has been demonstrated in a variety of ways and is no longer controversial among social scientists. Thus widespread gun use in violent crime intensifies violence, increasing the case-fatality rate. The United States is exceptional with respect to violent crime not because we have so much more of it, but because widespread gun availability and use means that our violence is so much more deadly than that of other Western nations.


For starters, only the tiniest fraction of victims of violent crime are able to use a gun in their defense. Over the period from 2007-2011, when roughly six million nonfatal violent crimes occurred each year, data from the National Crime Victimization Survey show that the victim did not defend with a gun in 99.2% of these incidents – this in a country with 300 million guns in civilian hands. In fact, a study of 198 cases of unwanted entry into occupied single-family dwellings in Atlanta (not limited to night when the residents were sleeping) found that the invader was twice as likely to obtain the victim's gun than to have the victim use a firearm in self-defense.

C. STATISTICALLY, DEFENSIVE USERS OF HANDGUNS DIE MORE OFTEN THAN THOSE WITHOUT HANDGUNS.


Academics such as John Lott and Gary Kleck have long claimed that more firearms reduce crime. But is this really the case? Stripped of machismo bluster, this is at heart a testable claim that merely requires sturdy epidemiological analysis. And this was precisely what Prof Charles Branas and his colleagues at the University of Pennsylvania examined in their 2009 paper investigating the link between gun possession and gun assault. They compared 677 cases in which people were injured in a shooting incident with 684 people living in the same area that had not suffered a gun injury. The researchers matched these “controls” for age, race and gender. They found that those with firearms were about 4.5 times more likely to be shot than those who did not carry, utterly belying this oft repeated mantra.

Charles Branas & Therese Richmond, (Professors, U. of Pennsylvania School of Medicine), AMERICAN JOURNAL OF PUBLIC HEALTH, 2009, 2034.

After we adjusted for confounding factors, individuals who were in possession of a gun were 4.46 times more likely to be shot in an assault than those not in possession. Individuals who were in possession of a gun were also 4.23 times more likely to be fatally shot in an assault.

Charles Branas & Therese Richmond, (Professors, U. of Pennsylvania School of Medicine), AMERICAN JOURNAL OF PUBLIC HEALTH, 2009, 1023.

After we adjusted for numerous confounding factors, gun possession by urban adults was associated with a significantly increased risk of being shot in an assault. On average, guns did not seem to protect those who possessed them from being shot in an assault. Although successful defensive gun uses can and do occur, the findings of this study do not support the perception that such successes are likely.


However, the reality is, as physicist David Robert Grimes put it, “actually owning and using a firearm hugely increases the risk of being shot.”
Josh Sugarmann, (Dir., Violence Policy Center), JUSTIFIABLE HOMICIDES AND NON-FATAL SELF-DEFENSE GUN USE, June 2015, 1.

Guns are rarely used to kill criminals or stop crimes. In 2012, across the nation there were only 259 justifiable homicides involving a private citizen using a firearm reported to the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program as detailed in its Supplementary Homicide Report (SHR). That same year, there were 8,342 criminal gun homicides tallied in the SHR. In 2012, for every justifiable homicide in the United States involving a gun, guns were used in 32 criminal homicides. And this ratio, of course, does not take into account the tens of thousands of lives ended in gun suicides or unintentional shootings that year.

D. DEFENSIVE USES ARE RARE – THE SAME FIREARM IS MORE LIKELY TO BE USED IN OTHER HARMFUL WAYS.

Alan Leshner, (Chair, American Association for the Advancement of Science), PRIORITIES FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE, 2013, 16.

Even when defensive use of guns is effective in averting death or injury for the gun user in cases of crime, it is still possible that keeping a gun in the home or carrying a gun in public—concealed or open carry—may have a different net effect on the rate of injury. For example, if gun ownership raises the risk of suicide, homicide, or the use of weapons by those who invade the homes of gun owners, this could cancel or outweigh the beneficial effects of defensive gun use.


The use of guns in self-defense by private citizens is extremely rare. VPC research has found a gun is far more likely to be used in a homicide or suicide than in a justifiable homicide. More guns are stolen each year than are used in self-defense.


The evidence shows that handguns in the home are more likely to be used in a suicide, an unintentional shooting or a homicide with family members in that home than ever used in self-defense.


For every time a gun in the home is used in a self-defense homicide, a gun will be used in – 1.3 unintentional deaths, 4.6 criminal homicides, 37 suicides.


On average, the gun that represents the greatest threat is the one that is kept loaded and readily available in a bedside drawer. A loaded, unsecured gun in the home is like an insurance policy that fails to deliver at least 95% of the time you need it, but has the constant potential – particularly in the case of handguns that are more easily manipulated by children and more attractive for use in crime – to harm someone in the home or (via theft) the public at large.

E. THE GUN LOBBY’S STATISTICS ON THE BENEFITS OF DEFENSIVE USES OF FIREARMS ARE BOGUS.

David Hemenway, (Prof., Public Health Policy, Harvard School of Public Health), JUSTIFIABLE HOMICIDES AND NON-FATAL SELF-DEFENSE GUN USE, June 2015, 5.

Much discussion about the protective benefits of guns has focused on the incidence of self-defense gun use. Proponents of such putative benefits often claim that 2.5 million Americans use guns in self-defense against criminal attackers each year. This estimate is not plausible and has been nominated as the “most outrageous number mentioned in a policy discussion by an elected official.

Josh Sugarmann, (Dir., Violence Policy Center), JUSTIFIABLE HOMICIDES AND NON-FATAL SELF-DEFENSE GUN USE, June 2015, 10.

The reality of self-defense gun use bears no resemblance to the exaggerated claims of the gun lobby and gun industry. The number of justifiable homicides that occur in our nation each year pale in comparison to criminal homicides, let alone gun suicides and fatal unintentional shootings. And contrary to the common stereotype promulgated by the gun lobby, those killed in justifiable homicide incidents don’t always fit the expected profile of an attack by a stranger: in 35.5 percent of the justifiable homicides that occurred in 2012 the persons shot were known to the shooter.

Josh Sugarmann, (Dir., Violence Policy Center), JUSTIFIABLE HOMICIDES AND NON-FATAL SELF-DEFENSE GUN USE, June 2015, 7.

[David] Hemenway [Professor of Public Health Policy at Harvard University] notes, and numerous others agree, that the most accurate survey of self-defense gun use is the National Crime Victimization Survey (NCVS) conducted by the Bureau of Justice Statistics.
III. GUN LOBBY STUDIES ARE UNRELIABLE.

A. THE WIDELY-CITED STUDIES CONDUCTED BY JOHN LOTT ARE BASED ON FAULTY DATA.


But the real controversy started in 2000 when Lott was unable to produce any records of a national survey he claimed to have conducted. He said he lost the data in a computer crash, but was unable to produce any other records or the names of students who helped him with it, leading some critics to speculate that he fabricated the entire thing. Even conservative blogger Michelle Malkin eviscerated Lott over the data mystery.


Immediately after the publication of the Lott-Mustard paper, scholars started raising serious questions about the theoretical and empirical validity of the “More Guns, Less Crime” hypothesis. For example, Zimring and Hawkins claimed that the comparison of crime between RTC and non-RTC states is inherently misleading because of factors such as deprivation, drugs, and gang activity, which vary significantly across gun-friendly and non-gun-friendly states (and are often difficult to quantify). To the extent that the relatively better crime performance seen in shall-issue states during the late 1980s and early 1990s was the product of these other factors, researchers may be obtaining biased impact estimates.


Lott took another blow in 2003 when Julian Sanchez, a fellow at the libertarian CATO Institute (no fan of gun control), revealed that Mary Rosh, one of Lott’s most vociferous public defenders on the Internet, was actually an alter ego created by Lott to boost his work and harangue critics. "In most circles, this goes down as fraud," Donald Kennedy, the then-editor of the prestigious journal Science wrote in an editorial. Lott is now a Fox News contributor.


Working as an economist at Yale and the University of Chicago in the 1990s, Lott published a series of articles and a book that argued, for example, that more than 1,500 murders, 4,000 rapes and 60,000 aggravated assaults "would have been avoided yearly" if more states adopted right-to-carry laws. The research immediately entered the public discourse and that paper became one of the most downloaded in the history of the Social Science Research Network repository. But other scholars sharply criticized his methodology for having “multiple very important flaws.” For instance, he ignored the crack epidemic that ravaged urban, non-right-to-carry states but avoided rural, pro-gun states. (“This would never have been taken seriously if it had not been obscured by a maze of equations,” Rutgers sociologist Ted Goertzel wrote). Meanwhile, New York Democratic Sen. Chuck Schumer suggested Lott was a gun industry lackey because his salary was funded by a foundation created by the owner of one of the country’s largest gun makers.

B. THE WIDELY-CITED STUDIES CONDUCTED BY GARY KLECK AND MARC GERTZ ARE BASED ON FAULTY DATA.


Harvard economist David Hemenway has been especially critical of Kleck-Gertz, pointing out "serious methodological deficiencies" in their numbers. The data came from a national telephone survey of 5,000 households, which found that about .6 percent said they had used guns to defend themselves in the past year. The research immediately entered the public discourse and that paper became one of the most downloaded in the history of the Social Science Research Network repository. But other scholars sharply criticized his methodology for having “multiple very important flaws.” For instance, he ignored the crack epidemic that ravaged urban, non-right-to-carry states but avoided rural, pro-gun states. (“This would never have been taken seriously if it had not been obscured by a maze of equations,” Rutgers sociologist Ted Goertzel wrote). Meanwhile, New York Democratic Sen. Chuck Schumer suggested Lott was a gun industry lackey because his salary was funded by a foundation created by the owner of one of the country’s largest gun makers.

But perhaps the biggest problem with the Kleck-Gertz numbers is that one person's self-defense is another person's murder, as the case of George Zimmerman and Trayvon Martin [shooting occurred on February 26, 2012, in Sanford, Florida] demonstrated. Hemenway and a colleague conducted their own survey and then asked five criminal court judges to review their data to determine the legality of the incidents of defensive gun use reported by respondents. "A majority of the reported self-defense gun uses were rated as probably illegal by a majority of judges," they found. The conclusion: "Guns are used to threaten and intimidate far more often than they are used in self-defense."
AFFIRMATIVE CASE #2: SUICIDE AND ACCIDENTAL DEATH

The thesis of this case is that handguns are uniquely harmful due to their involvement with suicides and accidental deaths of children. Suicide is devastating to families and communities; the presence in the home of a handgun facilitates spontaneous and tragic decisions. In addition, the presence of handguns increases the likelihood that children will find and use the weapon on themselves or other persons in the household.

OBSERVATIONS:

I. SAFETY IS THE MOST FUNDAMENTAL HUMAN VALUE.

[See Safety Brief in The Value Debate Handbook]


Safety is a fundamental right. It is essential for the attainment of health, peace, justice, and well being.

II. SOCIAL COOPERATION IS THE CRITERION FOR A SAFE SOCIETY: SOME LIBERTIES MUST BE SACRIFICED FOR THE GOOD OF THE WHOLE.


The harm principle justifies restrictions on individual liberty when individual decisions or actions put others at risk, when have can be prevented by restricting individual liberty, and when no less restrictive alternative would be equally effective at preventing the harm. Justice requires that the burdens and benefits of public health intervention be shared equally across the population.

Amitai Etzioni, (University Professor, George Washington U.), THE ESSENTIAL COMMUNITARIAN READER, 98, xxx.

The ancient Greeks understood this well: A person who is completely private is lost to civic life. The exclusive pursuit of one's self-interest is not even a good prescription for conduct in the marketplace: for no social, political, economic, or moral order can survive that way. Some measure of caring, sharing, and being our brother's and sister's keeper, is essential.

CONTENTIONS:

I. THE PRESENCE IN THE HOME OF HANDGUNS INCREASES SUICIDE DEATHS.

A. SUICIDE DEVASTATES FAMILIES AND COMMUNITIES.


Adolescent suicide is a major problem in this country. It is the third leading cause of death of U.S. youths. The aftermath of suicide is the beginning of a painful journey of intense and complex grief for family, friends, classmates, the neighborhood, and the school community.


Once the shock wears off, many survivors begin to feel intense sadness and may long for the companionship and presence of their loved one. For some survivors, the sadness may develop into depression. Grief after suicide is unique in that there is the complicated nature of having had a loved one take his or her own life, causing survivors to interpret this act as the ultimate rejection or abandonment. The experience of grief for survivors can be so overwhelming and intense that they may relate to the emotional pain of the adolescent and even have thoughts of suicide themselves.

B. SUICIDE CAN BECOME A CONTAGION IN SOME SCHOOLS AND COMMUNITIES.


A longitudinal study of students ages 12 to 17 published last year in the Canadian Medical Association Journal concluded that a teen’s suicide can and does prompt suicidal thoughts and behaviors in the student body at large, even two years later. Thirteen-year-old students exposed to a suicide at school were five times more likely to be thinking about suicide or to say they had made an attempt. By age 17, the risk was reduced. But those older students were still twice as likely to think about or attempt suicide. Surprisingly, the effects on the teens were the same regardless of their relationship to the suicide victim.


Suicide contagion could explain some startling statistics in the United States. The Centers for Disease Control and Prevention identify suicide as the third leading cause of death for ages 15 to 24. One in five teenagers in the United States seriously contemplates suicide annually, according to its data. About 1 million adolescents — 8 percent — make an attempt.
C. THE RATE OF SUICIDE IN THE UNITED STATES IS HIGH.


According to the American Association of Suicidology (AAS), 4,822 youths, ages 15-24, died of suicide in 2011 in the United States. It is a teenage suicide fact that suicide was the second leading cause of death in this age group. In 2007, teen suicide was at an all-time low of 9.6 deaths per 100,000 youths while the latest statistics collected show an almost 14% increase on this number indicating 10.9 deaths per 100,000 youth in the years 2011-2013


Most gun deaths, 63 percent, are from suicide, not homicide, let alone mass homicide. And unlike the murder rate, the suicide rate is going up, from 10.4 in 2000 to 12.6 in 2013.

D. MOST SUICIDES INVOLVE THE USE OF HANDGUNS.

Michael Lewiecki, (Prof., Medicine, U. New Mexico School of Medicine), AMERICAN JOURNAL OF PUBLIC HEALTH, Jan. 2013, 27.

In the United States, firearms, particularly handguns, are the most common means of suicide. Despite strong empirical evidence that restriction of access to firearms reduces suicides, access to firearms in the United States is generally subject to few restrictions.


Accessibility to firearms, particularly handguns, influences the rate of teen suicides. Handguns were used in nearly 70% of teen suicides in 1990, up 20% since 1970. A home with a handgun is almost ten times more likely to have a teen suicide than a home without.


The largest category of firearms fatality is suicide, not homicide. In 1997, 54 percent of all gun deaths were suicides, and 42 percent were homicides. About six out of 10 suicides are committed with firearms. For firearm suicides, it is estimated that handguns are used twice as often (69 percent) as rifles and shotguns.


According to Matthew Miller, associate director of the Harvard Injury Control Research Center (HICRC) at Harvard School of Public Health, “If every life is important, and if you’re trying to save people from dying by gunfire, then you can’t ignore nearly two-thirds of the people who are dying.” Suicide is the 10th-leading cause of death in the U.S.; in 2010, 38,364 people killed themselves. In more than half of these cases, they used firearms. Indeed, more people in this country kill themselves with guns than with all other intentional means combined, including hanging, poisoning or overdose, jumping, or cutting.

E. THE MERE PRESENCE IN A HOME OF A HANDGUN DRAMATICALLY INCREASES THE RISK OF SUICIDE.


We know, for instance, that the mere presence of a gun inside a house is associated with a nearly fivefold increased risk of suicide and threefold increased risk in homicide, according to a 2004 paper published by Centers for Disease Control researchers in the American Journal of Epidemiology. (That finding has been replicated in numerous studies.)


Living in a house with a gun increases your odds of death by suicide 17-fold and, according to the Times, “the firearm-suicide rate for U.S. children is 10 times higher than the firearm-suicide rate of the children of all other nations in the world combined, according to the National Institutes of Health.” The odds of gun ownership saving you from a violent criminal is profoundly lower than the odds of you shooting yourself or someone else.

National Physicians Alliance, MYTH VS. FACT: RESEARCH ON GUN VIOLENCE, JUNE 2015, 1.

Sadly, research has shown that homes in which a suicide had occurred were 4.8 times more likely to contain a firearm than similarly situated neighborhood homes that had not experienced a suicide.


Guns kept in the home escalate the risk of suicide, particularly among children and youth. According to the Surgeon General’s Call to Action to Prevent Suicide 1999, the rate of suicide among those 10 to 14 years of age is reported as having increased by 100 percent from 1980 through 1996. The availability of firearms is often cited as a significant risk factor for youth suicide.
G. A HANDGUN BAN WILL REDUCE THE INCIDENCE OF SUICIDE.


Research suggests that, for every 1 percent decrease in gun ownership, there is a .5 to .9 percent decrease in suicides, or 345 lives saved to provide some context about how much people should care.


The American Academy of Pediatrics (AAP), recognizing all these vulnerabilities, declared in a policy statement on firearms in October 2012 that “the absence of guns from homes and communities is the most effective measure to prevent suicide, homicide, and unintentional injuries to children and adolescents.”


Laws that keep guns out of the home play a significant role in preventing youth suicide. Repeal of the District of Columbia’s landmark ban on handguns and assault weapons can only increase the risk that D.C. children and youth will become the victims of suicide.
In the United States, suicides outnumber homicides almost two to one. Perhaps the real tragedy behind suicide deaths—about 30,000 a year, one for every 45 attempts—is that so many could be prevented. Research shows that whether attempters live or die depends in large part on the ready availability of highly lethal means, especially firearms.

Says Harvard University Professor of Health Policy, David Hemenway, the ICRC’s director: “Studies show that most attempters act on impulse, in moments of panic or despair. Once the acute feelings ease, 90 percent do not go on to die by suicide.”

Moreover, guns are an irreversible solution to what is often a passing crisis. Suicidal individuals who take pills or inhale car exhaust or use razors have time to reconsider their actions or summon help. With a firearm, once the trigger is pulled, there’s no turning back.

II. THE PRESENCE OF HANDGUNS IN THE HOME INCREASES THE RISK OF ACCIDENTAL DEATHS OF CHILDREN.

A. ACCIDENTAL DEATHS FROM HANDGUNS IS A MAJOR PROBLEM IN THE UNITED STATES.

Americans own an estimated 310 million firearms—approximately 90 guns for every 100 people. Yet research has shown time and again that the presence of firearms in a home makes its residents less safe. A national study of those who died from accidental shootings showed that victims were more than three times more likely to have had a gun in their home as those in the control group. Compared to states with the fewest guns, states with the most guns have, on average, nine times the rate of unintentional firearm deaths.

As described above, studies have repeatedly shown that the presence of firearms in a home makes the residents less safe.

B. HANDGUNS RESULT IN ACCIDENTAL DEATHS OF CHILDREN.

About 500 American children and teenagers die in hospitals every year after sustaining gunshot wounds—a rate that climbed by nearly 60 percent in a decade, according to the first-ever accounting of such fatalities, released Sunday. In addition, an estimated 7,500 kids are hospitalized annually after being wounded by gunfire, a figure that spiked by more than 80 percent from 1997 to 2009, according to two Boston doctors presenting their findings at a conference of the American Academy of Pediatrics, held in Orlando, Fla. Eight of every 10 firearm wounds were inflicted by handguns, according to hospital records reviewed by the doctors.

Nearly 800 children under 14 were killed in gun accidents from 1999 to 2010, according to the Centers for Disease Control and Prevention. Nearly one in five injury-related deaths in children and adolescents involve firearms. Although mass shootings get more attention, children are far more likely to be killed at home. Through homicide, suicide and accidents, guns cause twice as many deaths in young people as cancer, five times as many as heart disease and 15 times as many as infections, according to the American Academy of Pediatrics.
The United States accounts for nearly 75 percent of all children murdered in the developed world. Children between the ages of 5 and 14 in the United States are 17 times more likely to be murdered by firearms than children in other industrialized nations. Children from states where firearms are prevalent suffer from significantly higher rates of homicide, even after accounting for poverty, education, and urbanization.

People who die from accidental shootings are more than three times as likely to have a gun in their home. Approximately one of three handguns is kept loaded and unlocked and most children know where their parents keep their guns.

The danger of unintentional shootings is especially acute for homes with children. 89% of unintentional shooting deaths of children occur in the home – and most of these deaths occur when children are playing with a loaded gun in their parents’ absence.

Approximately one of three handguns is kept loaded and unlocked and most children know where their parents keep their guns. In one 2006 study, 73% of children under age 10 reported knowing the location of their parents’ firearms, and 36% admitted they had handled the weapons; 39% of parents who reported that their children did not know the storage location of household guns and 22% of parents who reported that their children had never handled a household gun were contradicted by their children's reports. Many young children, including children as young as three years old, are strong enough to pull the trigger on a firearm. More than 75% of guns used by youth in suicide attempts and guns causing unintentional injuries were kept in the home of the victim, a relative, or a friend.

Firearm ownership involves inherent risks. For example, when a firearm is present in the home it can intimidate, wound, or kill. Minors with ready access to unlocked firearms are at an increased risk of firearm related injury or death. A U.S. government study, comprised of thirty-seven school shootings in twenty-six states, found that shooters obtained the gun from their own home or from the home of a relative in nearly two-thirds of the incidents. Another study, conducted in 2002, found that over 1.69 million children under age eighteen lived in homes with at least one loaded and unlocked firearm. Still another study found that in homes with children under age eighteen, forty-three percent of them had a readily accessible, unlocked firearm. Legislation and regulations need to be adopted that mandate the proper usage of devices to prevent minors unauthorized access to guns and/or impose civil liability against parents who leave unlocked guns readily accessible to minors.

As William A. Collins notes in his recent “Other Words” column, “handguns are particularly devastating to families, where children can and do stumble upon Daddy’s hidden’ cabinet, or where caustic marital flare-ups become lethal.” He adds that in addition to husbands, wives and estranged lovers getting killed, “handguns are convenient for committing suicide. Kids adore them too, especially little kids. More preschoolers die from bullets than do police officers.”

C. FIREARM TRAINING AND SAFETY DEVICES ARE INSUFFICIENT TO PREVENT ACCIDENTAL FIREARM DEATHS.

Of the boys who found the gun, 63% handled it and 33% pulled the trigger. More than 90% of boys who handled the gun or pulled the trigger said they had received some sort of gun safety instruction, says Kellermann, co-author of the study, published in Pediatrics in 2001. “Although I have no doubt that the (NRA) program is well intended, I worry that it may foster a sense of complacency among gun-owning parents, that it’s OK to keep a gun loaded and readily available for protection because their child will respect it,” Kellermann says. “Even kids who’ve been taught gun safety are naturally curious.” Guns also should be designed more safely, Kellermann says.
AFFIRMATIVE CASE #3: SPECIAL POPULATIONS

The thesis of this case is certain groups should be subject to a ban on the private ownership of handguns. The resolution does not say that “all” private ownership of handguns ought to be banned. This case will argue that handgun ownership ought to be banned for the following groups: (1) convicted criminals, (2) perpetrators of domestic violence, (3) alcoholic abusers, and (4) persons with a juvenile justice conviction.

OBSERVATIONS:

I. THE RESPONSIBILITY OF GOVERNMENT IS THE PROMOTION OF GENERAL WELFARE AND THE COMMON GOOD.

A. PROMOTING THE GENERAL WELFARE/COMMON GOOD IS A FUNDAMENTAL DUTY OF GOVERNMENT.

Herbert Daughtry, (Staff, Brooklyn United for Innovative Local Development), AMICUS BRIEF 04-108, KELO V. CITY OF NEW LONDON, 04, 7.

It is not only the right, but the bound and solemn duty of a state, to advance the safety, happiness and prosperity of its people, and to provide for its general welfare, by any and every act of legislation, which it may deem to be conducive to its ends.

B. THE COMMON GOOD IS BEST SERVED BY BANNING HANDGUNS FOR DANGEROUS MEMBERS OF A SOCIETY.


"If we fixed all the gun laws and, presto, we fixed all the politics, would all the gun homicides go away immediately? Of course not, there are guns out there that people would use," said Daniel Webster, director of the Johns Hopkins Center for Gun Policy and Research in Baltimore. "But I tell you it would make a difference over the long haul in a substantial kind of way. We need to get beyond the pro-gun, anti-gun shouting match to get to what I think the heart of the matter is and something there's broad agreement on," he added. "Dangerous people shouldn't have guns."


The media's tendency to highlight mass shootings misses the point of the debate on gun laws, Webster added, pointing out that those kinds of random events account for a tiny fraction of overall gun violence. More important, he said, is to figure out who the dangerous people are and to find a way to keep them from getting guns.

CONTENTIONS:

I. PRIVATE OWNERSHIP OF HANDGUNS SHOULD BE BANNED FOR GROUPS PRONE TO VIOLENT BEHAVIOR.

A. HANDGUNS OUGHT TO BE BANNED FOR PERSONS WITH A CRIMINAL CONVICTION.

Winnie Stachelberg, (Vice President, Center for American Progress), PREVENTING DOMESTIC ABUSERS AND STALKERS FROM ACCESSING GUNS, May 9, 2013, 1.

While opinions may differ as to the scope of the Second Amendment right to keep and bear arms, almost all Americans agree that criminals should not have access to guns. Congress recognized the need to keep guns out of the hands of dangerous people more than 40 years ago when it passed the Gun Control Act of 1968, which prohibited felons and other dangerous individuals from owning guns. The Supreme Court has also sanctioned restrictions on gun ownership by such individuals, repeatedly holding in recent decisions that such federal and state laws to prohibit gun ownership by criminals and other dangerous individuals are well within the bounds of the Constitution.

B. HANDGUNS OUGHT TO BE BANNED FOR PERSONS WITH A RECORD OF DOMESTIC ABUSE.

Winnie Stachelberg, (Vice President, Center for American Progress), PREVENTING DOMESTIC ABUSERS AND STALKERS FROM ACCESSING GUNS, May 9, 2013, 12.

Domestic abusers and stalkers should not have guns. It’s as simple as that. The individuals who perpetrate these crimes against women engage in a continuing course of escalating conduct that all too often culminates in tragedy. As the cases discussed in this report demonstrate, there are serious gaps in the federal law that allow too many dangerous abusers to easily obtain guns, and more can be done to enforce the laws we have.


In a convincing, 7-2 decision Wednesday, the U.S. Supreme Court upheld a 1996 law written by U.S. Sen. Frank Lautenberg (D., N.J.) that bars anyone convicted of misdemeanor domestic violence from owning a firearm. The decision will preserve safeguards for thousands of women, who are most often the victims of domestic abuse. Lautenberg says the law has helped keep more than 150,000 guns out of the hands of abusers. The ruling also protects police officers, who are first responders in domestic disputes.
C. HANDGUNS OUGHT TO BE BANNED FOR PERSONS WITH JUVENILE JUSTICE CONVICTIONS.


Public health researchers have identified certain risk factors that make people more likely to misuse firearms, such as prior violent crimes and the abuse of alcohol. The federal law that prohibits the purchase and possession of firearms by certain individuals does not include all individuals with these risk factors, however. Some states have filled in these gaps, preventing firearm access by people known to be dangerous. Studies have shown that the following groups are at a significantly higher risk than the general population of committing violent or firearms-related crimes, yet are not prohibited by federal law from purchasing guns: Those who have been convicted of violent or firearms-related misdemeanors; Those with a history of abusing alcohol; Those convicted of juvenile offenses. Specifically, a study published in the Journal of the American Medical Association looked at 5,923 authorized purchasers of handguns in California and found that handgun purchasers with at least one prior misdemeanor conviction were more than seven times as likely to result in a death compared to non-firearm abuse incidents.


Research also indicates that individuals convicted of offenses at a young age are very likely to commit further acts of violence as adults. For example, a study analyzing a cohort of low-income, minority youth in Chicago found that those who were arrested before age 18 had a 38% higher likelihood of a subsequent felony conviction by age 26 compared with those who had not been arrested.
D. PRIVATE OWNERSHIP OF HANDGUNS OUGHT TO BE BANNED FOR PERSONS WITH A RECORD OF ALCOHOL ABUSE.


Similarly, numerous studies have associated alcohol abuse with a person's tendency to engage in violent behavior. One randomized trial found that, perhaps not surprisingly, alcohol consumption reduced shooting accuracy and impaired judgment about when it might be appropriate to use a gun. Another study found that firearm owners are more likely to drink and drive than those with no firearms at home, and to have more than 60 drinks per month. The same study also showed that heavy alcohol use was more common among firearm owners who also regularly carry the firearm for protection and who keep their firearm unlocked and loaded.

E. PRIVATE OWNERSHIP OF HANDGUNS OUGHT TO BE BANNED FOR PERSONS WITH A RECORD OF MENTAL HEALTH PROBLEMS.


Federal law does, in fact, prohibit gun ownership by mentally ill people if a judge has found them to be dangerous or they have been involuntarily committed to a mental hospital. President Obama has also initiated executive actions to ensure that federal background checks include complete information on people barred from owning guns for mental health reasons and to clarify that federal law allows health care providers to report patients' credible threats of violence to the authorities.

II. THE SECOND AMENDMENT OUGHT NOT BE INTERPRETED TO ESTABLISH AN UNALIENABLE RIGHT TO POSSESS FIREARMS.

A. THE FOUNDING FATHERS INTENDED THE SECOND AMENDMENT TO PRESERVE THE RIGHTS OF STATE MILITIAS.

Donna-Marie Korth, (J.D., St. John's U. School of Law & Partner, Certilman Balin Adler & Hyman, LLP), St. JOHN'S JOURNAL OF LEGAL COMMENTARY, Spr. 2003, 516-517.

Why do so many intelligent people believe that the Second Amendment unconditionally guarantees individuals, including those with mental illnesses, the right to possess arms when the debates in the Constitutional Convention, the constitutional ratification process and the Federalist Papers clearly show otherwise? Placed in its historical perspective, the Second Amendment was intended to provide a means to protect the people from the threat of federal tyranny through a standing army by preserving the right of the states to arm their militias, nothing more.

Donna-Marie Korth, (J.D., St. John's U. School of Law & Partner, Certilman Balin Adler & Hyman, LLP), St. JOHN'S JOURNAL OF LEGAL COMMENTARY, Spr. 2003, 518.

The Framers of the Constitution specifically rejected versions of the Second Amendment that provided for a right to bear arms unrelated to service in the Militia – powerful evidence that the Framers did not intend for there to be any constitutional guarantee of an individual right to bear arms.


What is clear from the legislative history of the Second Amendment is that the Anti-Federalists feared a large standing army under federal control could be used as a means of tyranny. This fear resulted in the Second Amendment. The Amendment was written to ensure that the states would have the right to well-regulated armed militias to prevent or resist tyranny by the federal government. Other purposes for a militia notwithstanding, this is the purpose for which the Second Amendment was written, and the Majority's failure to recognize this is disingenuous, given that it clearly understands this history.


The Majority's analysis of the Second Amendment and its conclusion that the Amendment protects an individual right of armed self-defense is erroneous. First, the Majority's analysis is backwards, and its conclusion is not supported by the facts. Second, the Majority blatantly ignores the first clause of the Amendment in its analysis. This disregard for almost half of the Amendment violates all accepted methods of constitutional interpretation.

B. FEAR OF GOVERNMENT TYRANNY IS A POOR JUSTIFICATION FOR A RIGHT TO OWN FIREARMS.

David Williams, (Prof., Law, Indiana University), OHIO STATE LAW JOURNAL, 2008, 668.

If the people really had the tools to resist and believed that they had the right to resist, we might quickly disintegrate into a complex civil war. As I have suggested elsewhere, in this country, political violence has commonly been tinged with racism, religious bigotry, and political intolerance. A right of resistance would not be good for less powerful groups, especially racial minorities.
The fundamental problem with legitimizing insurrectionism as an acceptable last resort is that there are always people who believe that governmental tyranny is not merely a future prospect, but a present reality. Insurrectionism has been present throughout American history, but until relatively recently it primarily has been popular with vigilantes and paramilitary groups; it was the philosophy of Jefferson Davis, John Wilkes Booth, and Timothy McVeigh. But it is a view that some conservatives – perhaps unthinkingly – have started to endorse. In so doing, they are abandoning faith in ordered liberty embraced by traditional conservatives, such as Burke, in favor of a new conservatism that has more in common with Robespierre and Mao Tse-tung.

Modern conservatism may be skeptical of government, yet insurrectionism reflects more than skepticism or even mistrust of government. It springs from a deep fear and hostility toward the government. It sees the militia not as an instrument for preserving order and suppressing insurrections, but as an instrument for promoting insurrection. It does not solve the problem to say that the militia or the people may only take up arms against the government "if necessary" or "as a last resort." Tyranny, like beauty, can be in the eye of the holder. When he leapt to the stage after murdering Abraham Lincoln, John Wilkes Booth shouted: "Sic semper tyrannis" (thus always to tyrants).

The Republic will endure only as long as its citizens have an unyielding faith in constitutional democracy and the rule of law. Romanticizing insurrectionism corrodes that essential faith; and the Court powerfully romanticizes insurrectionism when it states, with the authority only it possesses, that the Founders embedded it in the Constitution.

Some arguments against gun control laws have been raised, ironically, by extremists themselves. One such is that gun control laws act to facilitate the empowerment of extremists. For example, some suggest that gun control eased Hitler's rise to power. In fact, however, the history of gun control in Germany from the post-World War I period to the inception of World War II is a history of declining, rather than increasing, gun control. It was the inability of the German government to remain sufficiently strong that allowed Hitler's street gangs to seize control of the resources of a great modern State, causing the gutter to come to power.

The central meaning of the Second Amendment has long been settled in the courts. The last time the Supreme Court directly addressed the provision – 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" – was in 1939, in a case called United States v. Miller. The court said that the Second Amendment's "obvious purpose" is to ensure the effectiveness and continuation of state military forces (the militia mentioned in the amendment), not to provide a private right to own weapons for one's own purposes. For decades, the lower courts followed that pronouncement. They repeatedly rejected claims that the Second Amendment provides a defense against laws regulating gun possession and use that have no connection with service in a state militia. Although gun proponents vigorously insisted that the Second Amendment protects their right to possess and use guns for private purposes, the courts recognized that their view lacks support in its language and history.
NEGATIVE CASE #1: SELF-DEFENSE

The thesis of this case is that persons in the United States have an inherent right to defend themselves against violence intruders. The private ownership of handguns provides a vital first line of self-defense.

OBSERVATION:

I. SAFETY IS THE STANDARD FOR DETERMINING THE MORAL RESPONSIBILITY OF GOVERNMENT.

[See the Safety & Social Contract briefs in the Value Debate Handbook]


None of the goods that human beings cherish can flourish without a measure of civic peace and security.

II. PREVENTING VIOLENCE IS THE CRITERION FOR A SAFE SOCIETY.


A high level of public safety is a minimal condition for a good society. It cannot be stated often enough: Nothing takes us further away from being treated as ends than being subjected to violent crime.

III. THE RIGHT TO SELF-DEFENSE IS FUNDAMENTAL.

Don Kates, (Yale Law School Graduate & Analyst, Pacific Research Institute), HASTINGS LAW JOURNAL, June 2009, 1345.

The scope of the Second Amendment, and its limitations, can only be understood by reference to its underlying rationale. That rationale is personal self-defense, which the Founding Fathers and the liberal political philosophers they revered held to be the first of all natural rights. "Who," Montesquieu asked, "does not see that self-protection is a duty superior to every precept?"

Michael Green, (Prof., Law, College of William & Mary), NOTRE DAME LAW REVIEW, Nov. 2008, 137.

The first and most straightforward argument is that allowing individuals to possess arms for use in (justifiable) self-defense increases the likelihood that innocent life will be preserved. Since each of us has an interest in preserving his innocent life, we have an interest in private arms possession, an interest that is sufficiently fundamental to limit the authority of the government. It is not within the power even of a democratically elected government to undermine an individual's interest in the safety from harm that private arms possession brings.

CONTENTION:

I. THE PRIVATE OWNERSHIP OF HANDGUNS IS AN ESSENTIAL ELEMENT OF THE RIGHT TO SELF-DEFENSE.

A. POLICE RESPONDERS ARE OF LIMITED BENEFIT IN HOME INVASION SITUATIONS.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 465.

Police have a duty to protect the public, but police do not have an affirmative duty to protect individuals except in limited circumstances. Further, the police cannot be held liable for refusing to enforce a protective restraining order. A motivated perpetrator could do many things when left alone with his victims for five or ten minutes. Because police response times are often not sufficient to protect individuals from violent crime and because victims have no legal recourse against police for failing to protect them, many Americans own firearms to protect themselves against criminals.

David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 212.

In a perfect world, one could always rely on the police as the best means to guard against any danger. Unfortunately, the police cannot be everywhere at once. Oftentimes they arrive only after a crime occurs. And while it is soothing to believe that all officers are incorruptible and above reproach, experience teaches that those with power do not always act within the law. The Framers recognized this unfortunate reality and sought to codify important protections against government with the Bill of Rights. Chief among these rights, the Second Amendment stands as the ultimate check on governmental power – an assurance that citizens will have the means to defend themselves from harm without placing their safety entirely in the hands of a government which is itself prone to corruption. Fully incorporating the Second Amendment will guarantee that law-abiding citizens are protected from arbitrary disarmament by state or local officials. Then Heller, by establishing an individual right to bear arms, can guard against tyranny at all levels of government.

Gordon Dillow, (Staff), ORANGE COUNTY REGISTER, June 27, 2008, A2.

But it's hardly debatable that no matter how good local police departments are, no matter how quick their "response times" to 9-1-1 calls, there are times when private citizens have to defend themselves. And if they own guns and are trained in the use of them, that can mean the difference between being the victor and being the victim.
II. THE USE OF HANDGUNS IN SELF-DEFENSE IS EFFECTIVE.

A. THERE ARE MILLIONS OF DEFENSE USES OF HANDGUNS EACH YEAR IN THE UNITED STATES.


Turning to the more positive, citizens use guns in self defense between 764,000 and 3.6 million times annually, as has been shown in more than 15 studies. Criminologist Gary Kleck has estimated that there are approximately 2.5 million defensive gun uses per year. Kleck's estimate was later confirmed by a national survey sponsored by the National Institute of Justice and conducted by the Police Foundation – showing an even greater number of defensive uses – approximately 2.73 million per year.

B. CRIMINALS AVOID HOMES WHERE THEY EXPECT A HANDGUN MAY BE PRESENT.

David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 211.

In situations where the police are unable or unwilling to protect the public, legally armed citizens retain the ability to effectively defend themselves. The fear of armed resistance by a law-abiding citizen would cause most criminals to think twice before breaking into a dwelling or attempting a forcible rape. Notably, one survey, based on interviews with over 1,800 convicted felons, "found that most [criminals] worry more about meeting an armed victim than about running into the police."
Studies have shown that criminals are fearful of armed citizens. Their fear is reasonable. Between 1,400 and 3,200 criminals are lawfully killed each year by armed civilians – far more than the number killed by the police. An additional 9,000 to 17,000 criminals are wounded by civilians each year. Despite these incidents, however, far more often when guns are used to thwart a crime, no shots are fired. In most cases, merely showing the firearm prevents the attack or the crime.

C. PERSONS WHO DEFEND THEMSELVES WITH FIREARMS ARE LESS LIKELY TO SUFFER SERIOUS INJURY.

Research supports the view that an armed response works. For example, women faced with assault are 2.5 times less likely to suffer serious injury if they respond with firearms rather than with a less effective weapon or by offering no resistance at all. According to the Department of Justice, less than one-fifth of the victims who defended themselves with firearms suffered injury, compared to one-fourth to one-half of those who defended themselves with other weapons or with none. Further, a study of robberies found that, of robberies begun, fewer than thirty-one percent were completed when the victims defended themselves with a firearm. Contrast this to thirty-five percent completed when the victims had a knife, but more than eighty-eight percent when the victims offered no resistance. During those robberies, persons who defended themselves with firearms suffered injury in seventeen percent of the cases, compared to forty percent of cases when they defended themselves with knives, twenty-two percent when other weapons were used, twenty-five percent when no resistance was offered, and thirty-five percent when they tried to flee. These statistics seem to indicate that firearms are the safest, most effective way to protect oneself against criminal activity.

D. THE CLAIM THAT HANDGUNS ARE COMMONLY TURNED ON DEFENDERS IS FALSE.

Guns have been called "the great equalizer" because "[they] reduce the power differential between the weak and the strong, making it harder for the strong to prey upon the weak." Allowing the physically weaker members of society to possess firearms may reduce the chance that they will be victimized by those looking for an easy target. Indeed, "studies show that robbery and rape victims who resist with a gun are only half as likely to suffer injuries as those who put up no defense." Furthermore, the danger that a criminal will use a victim's weapon against her is negligible since "at a maximum, criminals take a gun away from armed victims only [one] percent of the time."

E. FIREARMS PROTECT THE WEAK AGAINST THE STRONG.

The unique role of firearms in human society is that they are the only weaponry which allows the weak to defend against victimization and aggression by the strong. This obvious point is obscured to us because, of course, firearms can also be used by aggressors for unlawful violence. But the true impact of firearms on society is that only they allow victims to defend themselves on equal terms.
NEGATIVE CASE #2: SECOND AMENDMENT RIGHTS

The thesis of this case is that the right of private citizens to own handguns is fully protected by the Second Amendment to the U.S. Constitution. Since the United States is (and ought to remain) a nation of laws, government ought not ban the private ownership of handguns.

OBSERVATIONS:

I. PROTECTION OF LIBERTY IS THE STANDARD FOR DETERMINING WHAT GOVERNMENT OUGHT TO DO.

[See the Liberty/Freedom brief in the Value Debate Handbook]

A. LIMITED GOVERNMENT INTERFERENCE WITH INDIVIDUAL AUTONOMY IS THE CRITERION FOR PROTECTING FREEDOM.

Lawrence O. Gostin, (Prof., Law & Public Health, Georgetown U.), PUBLIC HEALTH LAW, 00, 88-89.

At its core autonomy is the personal governance of the self that is free from controlling interferences. Autonomons persons are free to hold views, to make choices, and to take actions based on personal values and beliefs. Respect for autonomy, according to Immanuel Kant, demands respect for a person's unconditional worth and freedom of will. Persons should be treated as an end and never as a means only. Thus, an individual should not be treated in a fashion exclusively for the objectives of others without regard to his own goals.

Philip Romohr, (Staff), DUKE LAW JOURNAL, Mar. 2006, 1042.

Individual rights are the means by which the legal code interacts with the fundamental nature of individuals. The origin of rights lies in one's existence as a rational being who cannot function properly under coercion; therefore, "rights are a necessary condition of [one's] particular mode of survival." The fundamental right from which all others derive is the right to one's own life. Since one who has no right to the product of his effort cannot survive, the right to property is necessary for the implementation of all other rights. In practice, rights are action-oriented. They demand "freedom from physical compulsion, coercion or interference by other men." As such, each person's life and freedom are not owned by or owed to society.

B. THE U.S. CONSTITUTION IS A BULWARK AGAINST UNREASONABLE FEDERAL GOVERNMENT INTRUSIONS ON FREEDOM.


The people created the Constitution to be fundamental, supreme, and pedrmanent law. Part of the constitutional scheme is that the federal government is a government of limited powers. The branches may exercise only the authority that the people have delegated to them in the Constitution. Therefore, any act that is contrary to the Constitution or beyond the powers enumerated in it is void.


It seems clear that the only way to prevent legislators from overstepping the legitimate constitutional bounds of their authority is for courts to fully enforce both the letter and the spirit of the Constitution, which is not merely a blueprint for government, but a charter of liberty. This is true both with respect to enforcing constitutional limits on the sources of government power (which the Supreme Court largely refuses to do anymore) and enforcing constitutionally protected rights in a way that prevents the government from regulating those rights out of existence on the basis of a mere whim — or, as seems to be the case with guns, unsupported prejudice.

Kenneth Klukowski, (J.D. Candidate), GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL, Spr. 2008, 174.

It is wrong to use some constitutional provisions as spring-boards for major social change while treating others like senile relatives to be cooped up in a nursing home until they quit annoying us. As guardians of the Constitution, we must be consistent in interpreting its provisions. If we adopt a jurisprudence sympathetic to individual rights, we must give broad compass to all constitutional provisions that protect individuals from tyranny. If we take a more statist approach, we must give all such provisions narrow scope. Expanding some to gargantuan proportions while discarding others like a crumpled gum wrapper is not faithfully applying the Constitution; it's using our power as federal judges to constitutionalize our personal preferences.
II. IT IS ILLOGICAL TO PROPOSE THAT THE GOVERNMENT “ought” DO WHAT IT CANNOT DO.

A. THE NOTION OF “ought” LOGICALLY IMPLIES “can.”


Many philosophers use the principle “Ought implies can” as a basic test of moral obligation. If something is a moral obligation (a duty), then we ought (should) do it. The importance of this idea might not be obvious. However, by a basic rule of logic called contraposition, we can turn the principle around, into this second principle: “Can’t implies ought not.” In other words, if you can’t do x, then you have no duty to do x. (And “can’t” means you really can’t do x because x is impossible, not just that you don’t like the results of x). It also means that we should not blame people for failing to do what they cannot possibly do. Seen in this way, the principle tells us that our obligations are restricted to what is humanly possible. The real world puts a limit on ethical responsibility.

B. ETHICAL OBLIGATIONS CAN APPLY ONLY FOR THOSE ACTIONS THAT ARE REALISTIC.


The clearest example in ethics is to be found in the work of James Griffin. In a recent book and associated articles, Griffin has argued for what might be called a greater degree of realism in ethics, in the sense that we should begin by understanding ourselves and our capacities, as a necessary first step to thinking about moral issues. He claims that moral theories have too often neglected facts about human nature and society, and as a result have become distorted and inadequate to our real needs: We have theorized in a vacuum, and so have failed to do so successfully.

CONTENTION:

I. THE SECOND AMENDMENT PREVENTS ANY BAN ON THE PRIVATE OWNERSHIP OF HANDGUNS.

A. IN THE UNITED STATES, THE SUPREME COURT HAS THE RESPONSIBILITY OF INTERPRETING THE U.S. CONSTITUTION.


To develop the meaning of the Constitution in an orderly, coherent manner and ensure that its mandates are observed, society needs an authoritative interpreter of the Constitution. The previous section described why the Supreme Court and the federal judiciary, is best suited to serve in this role.

Erwin Chemerinsky, (Dean and Distinguished Professor of Law, U. California at Irvine School of Law), THE POLITICAL QUESTION DOCTRINE AND THE SUPREME COURT OF THE UNITED STATES, 2007, 197.

This discussion has attempted to establish that the judiciary should be the authoritative interpreter of all constitutional provisions. For the Constitution to serve its function as a restraint on political majorities, there is a need for [Supreme] Court enforcement of its strictures. Furthermore, judicial elaboration is the best means for constitutional interpretation. It is undesirable to allocate constitutional decision making to other branches of government through the political questions doctrine. The Constitution is best upheld if one branch, the judiciary is the authoritative interpreter.


The [Supreme] Court’s power to give binding effect to a constitutional interpretation is virtually ironclad.

B. THE SUPREME COURT HAS CONSISTENTLY RULED THAT THE SECOND AMENDMENT PROHIBITS A BAN ON THE PRIVATE OWNERSHIP OF HANDGUNS.


On June 28th, the Supreme Court made its second decision on gun ownership and the Second Amendment in McDonald vs. Chicago, which challenged Chicago’s restrictive ban on individuals owning handguns. The Supreme Court made a similar ruling when it decided that Washington D.C., a federal district, could not ban handgun ownership. Justice Samuel Alito stated that “self-defense is a basic right – individual self-defense is the central component of the Second Amendment.” Basically, these rulings state that handgun bans are unconstitutional, and the right to bear arms is a “fundamental” right of all individuals. While cities, states and the federal government still have the right to legislate and limit guns, these rulings provide more access to firearms. Licensing requirements are still constitutional, but the oversight of those licenses – who can get one and why – leaves a lot to be desired. In addition to finding that the amendment protects an individual right to bear arms, the D.C. decision also ruled that laws that require a trigger lock on guns kept in the home are unconstitutional, as such locks might restrict the owner’s ability to use the gun “for the purpose of immediate self defense.”

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 464.

In Heller, The Supreme Court held that “the enshrinement of constitutional rights necessarily takes certain policy choices off the table. These include the absolute prohibition of handguns held and used for self-defense in the home.” The need for reliable means of self-defense in the home is compelling for a number of reasons. A United States Department of Justice survey found that in 73.4% of violent crime cases, police took longer than five minutes to arrive on scene after the 9-1-1 call. The same survey found that after 41.4% of violent crimes were reported police took longer than ten minutes to arrive on scene. Handguns provide the immediacy that the police cannot.
C. THE SECOND AMENDMENT RIGHT OF CITIZENS TO BEAR ARMS IS FUNDAMENTAL TO ALL LIBERTY.


Justice Joseph Story called "the right of the citizens to keep and bear arms" the "palladium of the liberties of the republic," because it "offers a strong moral check against usurpation and arbitrary power of the rulers." The bloodletting of the twentieth century reinforces this axiom. If the Supreme Court is to invoke international views, it should take notice of the tyranny that has ensued in foreign countries when a despotic regime controls an unarmed population. These events are no less relevant to the Court's international considerations than the fashionable opinions emanating from the latest world summit.

Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 1020.

The right to keep and bear arms serves two purposes that transcend national boundaries: preventing government tyranny and providing people with the means to defend themselves. The purposes therefore show that "[t]he right to possess arms is a fundamental human right." The Second Amendment serves to secure this fundamental human right. It is time for international human rights law to secure this fundamental right. Until that occurs, all people will not have the means to prevent government tyranny and provide for their individual self-defense. Consequently, James Madison's words from over 200 years ago, referring to America's "advantage of being armed, which the Americans possess over the people of almost every other nation," still ring true today.


The historical evidence is overwhelming that our forbears, including those from both the founding and Reconstruction eras, considered the right gun to be among the most sacred rights American citizens possess. Indeed, as I have argued elsewhere, the Second Amendment may be seen as a pledge, a promise that no matter how intellectual fashions might change and no matter what path other countries might take, there is no power to effect the blanket disarmament of American citizens under any pretext or justification whatsoever.

Stephen Halbrook, (J.D., Georgetown Law Center), ST. THOMAS LAW REVIEW, Winter 2009, 114.

Few saw the Third Reich coming until it was too late. The Second Amendment is a doomsday provision, one designed for those exceptionally rare circumstances where all other rights have failed — where the government refuses to stand for reelection and silences those who protest; where courts have lost the courage to oppose, or can find no one to enforce their decrees. However improbable these contingencies may seem today, facing them unprepared is a mistake a free people get to make only once.

D. THE FOUNDING FATHERS CLEARLY BELIEVED THAT THE RIGHT TO BEAR ARMS WAS AN INDIVIDUAL RIGHT.

Don Kates, (Yale Law School Graduate & Analyst, Pacific Research Institute), CARDozo LAW REVIEW, 2010, 97-98.

Modern criminological research imperatively supports the confidence of the Founding Fathers in the right to arms and the safety with which that right may be reposed in the general citizenry. The Founders and the philosophers they followed believed that self-defense was the cardinal human right, the one from which all others flow. That right emphatically embraced — indeed was coextensive with — the right to arms.

Don Kates, (Yale Law School Graduate & Analyst, Pacific Research Institute), HASTINGS LAW JOURNAL, June 2009, 1346.

The Second Amendment guarantees a collateral principle, which the Founders followed the natural-rights philosophers in deeming indispensable to this primary right of self-defense: what Blackstone termed the "auxiliary" right to possess arms. Illustrative of the interrelationship the Founders saw between the right of self-defense and the right to possess arms is a 1790 lecture by Justice James Wilson. Here is how Justice Wilson, a law professor, member of the Constitutional Convention, and the primary author of the Pennsylvania Constitution, explained the right to use deadly force to repel a homicidal attacker: "It is the great natural law of self preservation, which, as we have seen, cannot be repealed, or superseded, or suspended by any human institution. This law, however, is expressly recognised in the constitution of Pennsylvania. The right of the citizens to bear arms in the defence of themselves shall not be questioned."

Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 991.

The Founders viewed the right to resist tyranny as a mainstay of organized constitutional government. Because of the fear of a standing army's power over the people, the possession of arms to counterbalance state power was "viewed as part of the rights of Englishmen by many on both sides of the Atlantic" during the American founding era. Noah Webster, a Federalist, concluded "[b]efore a standing army can rule, the people must [first] be disarmed."

Kenneth Klukowski, (J.D. Candidate), GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL, Spr. 2008, 175.

The individual right model holds that the Second Amendment guarantees to private citizens the right to obtain, possess, and maintain access to readily usable firearms for lawful purposes. Most advocates of this model argue that it is a natural law right, and one that America inherited as part of the English common law, and derived from the English Bill of Rights of 1689. They argue that only an individual right would be consistent with the purpose and other amendments to the Constitution. This model urges that research suggests government simply preserved the right to arms, rather than created it, a concept that holds true for the entire Bill of Rights.
E. THE FOUNDING FATHERS DID NOT CONSIDER THE PHRASE, “A WELL REGULATED MILITIA,” TO BE LIMITED ONLY TO FORMAL MILITARY SERVICE.

Allison Mollenhauer, (JD Candidate), VILLANOVA LAW REVIEW, 2008, 360-361.

The legal right of the people to keep and bear arms is a right that existed before the Constitution. Early Americans understood the right as permitting private uses of guns, including hunting, defending against attacks by individuals and resisting a tyrannical government, in addition to any militia service the state required of an individual. At the time the Second Amendment was drafted, the term “militia” referred generally to all adult male citizens, and rarely referred to standing military organizations. The second Militia Act of 1792 defined the militia as all “able-bodied” male citizens between the ages of eighteen and forty-five years old.

Allison Mollenhauer, (JD Candidate), VILLANOVA LAW REVIEW, 2008, 374.

While the phrase “bear arms” sometimes referred to the use of weapons in connection with military service in the late eighteenth century, the D.C. Circuit determined that other uses of the phrase implying a private use illustrated the Framers did not equate “bear Arms” exclusively with military service. Additionally, the court found “keep” to mean “ownership or possession of a functioning weapon by an individual for private use.”


The Second Amendment is not an abstraction. The Founding Fathers recognized an unarmed populace was a voiceless one. In their prescience, they understood the right to defend oneself would transcend time. The Second Amendment is the fountainhead from which all other constitutional rights flow. Reading the Second Amendment out of existence will have dire consequences for individuals and liberty alike. The plaintiffs in Parker can attest to such realities.


In Heller, the Court provided at least a partial answer to that question: The Second Amendment does protect an individual right, albeit of uncertain scope, and one that prevents the federal government from disarming citizens across-the-board, the way the District of Columbia had done by banning private ownership of handguns and the possession of all functional firearms in the home.

F. THE SECOND AMENDMENT WAS DESIGNED TO PREVENT TYRANNY.

Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 989.

A historical understanding of the Second Amendment shows it was ratified to serve two purposes. First, the amendment secures the right of the people to resist government tyranny. Second, it provides the means for the people to ensure the right to individual self-defense.

Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 992.

Hamilton likewise described how the people could defend themselves from government tyranny. He said when the government becomes “usurpers,” the people can take measures for their defense. Hamilton affirmatively stated in these instances “[t]he citizens must rush tumultuously to arms, without concert, without system, without resource; except in their courage and despair.” Hamilton later described how the people could fend off a standing army with their arms: “[A]n army can never be formidable to the liberties of the people, while there is a large body of citizens little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow citizens. This appears to me the only substitute that can be devised for a standing army: the best possible security against it, if it should exist.” Madison and Hamilton’s writings show the Founders feared a standing army and the potential for government tyranny. The Founders viewed an armed citizenry as a protection against such government tyranny.

David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 203.

Even the dissenting justices in Heller recognized that the purpose of the Second Amendment was to defend against federal tyranny. In their words, “it was a response to concerns raised during the ratification of the Constitution that the power of Congress to disarm the state militias and create a national standing army posed an intolerable threat to the sovereignty of the several States.” The “state militias could not effectively check the prospect of a federal standing army so long as Congress retained the power to disarm them, and so a guarantee against such disarmament was needed.”
NEGATIVE CASE #3: SAVING LIVES

The thesis of this case is that the private ownership of handguns actually saves lives. Contrary to the claims of gun control advocates, banning the private ownership of handguns has actually been associated with increases in homicides. This case will also demonstrate that methods short of a handgun ban are available to eliminate the harms associated with teen suicide and accidental deaths of children.

CONTENTIONS:

I. PRIVATE OWNERSHIP OF HANDGUNS SAVES LIVES.

A. MORE HANDGUNS MEAN FEWER MURDERS.


Thus, the historical and anthropological evidence suggests that more guns tend to lead to less murder, not more. Thus, nations considering enacting highly restrictive gun controls should assess the risk that if the controls are effective in reducing gun possession this could increase murder and other crimes by disarming the citizenry or making it difficult for people to defend themselves in public places.


In short, what can be said as a matter of historical fact is that widespread diffusion of firearms among the general population has gone hand-in-hand with decreased murder. As to whether these things are causally related, readers may draw whatever conclusions they deem appropriate.

B. WHenever Handgun Bans Have Gone Into Effect in the U.S., Deaths Have Increased.


On Sept. 24, 1976, one of the toughest gun laws in the nation took effect in the District of Columbia, essentially outlawing the private ownership of new handguns in a city struggling with violence. Over the next few weeks, a man with a .32-caliber pistol held up workers at a downtown federal office at midday, a cab driver was shot in the head, and a senator was mugged by three youths, one carrying a revolver, near the U.S. Capitol. Since the ban was passed, more than 8,400 people have been murdered in the district, many killed by handguns. Nearly 90 percent of the 181 murders in 2007 were committed with guns.


The Windy City's murder rate fell relative to America's other 50 largest cities before the ban and rose relative to them afterward. For example, Chicago's murder rate went from equaling the average for those other U.S. cities in 1982 to exceeding their average murder rate by 32 percent in 1992. There is no year after the ban that Chicago's murder rate fared as well relative to other cities as it did in 1982. That increase in murder rates isn't surprising. Every time gun bans have been tried anywhere, murder rates have risen. Whether one looks at Ireland, Jamaica or England and Wales, the experience has been the same. Not only did murder rates fail to decline as promised, but the rates actually increased following gun bans. In general, gun-control laws disarm law-abiding citizens -- not criminals who don't care about the law. The lesson is that freedom and safety go hand in hand.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 478-479.

In 1976, Washington DC adopted a full ban on handgun ownership and possession along with other tight restrictions on rifle and shotgun ownership; by the time of the study in 1992, DC's murder rate had risen 134 percent. In the meantime, the national murder rate had fallen two percent. In addition, Hawaii passed a series of very restrictive gun laws in 1968, limiting the ownership of all types of firearms, and Hawaii's murder rate tripled by 1977.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 479.

The NCPA study found that of the fifteen states with the highest murder rates in the nation, ten of those states had the strictest firearm laws in the nation (i.e. either total bans of gun ownership or highly restrictive licensing requirements). Furthermore, twenty percent of the nation's murders occurred in the four cities that contained only six percent of the nation's population -- Chicago, DC, Detroit, and New York City -- and each has very tight licensing/registration schemes or full bans on private firearms. In fact, New York City accounts for twenty percent of the nation's armed robberies by itself.

Gordon Dillow, (Staff), ORANGE COUNTY REGISTER, June 27, 2008, A2.

In Washington, D.C., for example, after handguns had been banned for 32 years, there were more gun-related murders last year -- 143 -- than there were in 1976, when the handgun ban was enacted and the city counted up 135 gun-related killings.

Daniel Graham, (J.D. Candidate), PHOENIX LAW REVIEW, Fall 2010, 481-482.

Studies demonstrate that extremely restrictive gun regulations, especially those implementing the registration and/or ban of an entire class of guns, lead to an increase in murder and armed robbery. This is most likely because only law-abiding citizens comply with these laws, so criminals take advantage of the law-abiding citizens' new inability to defend themselves. Furthermore, once rigid restrictions or bans are enacted, substantial law enforcement and judicial resources must be allocated to effectively enforce them. This diverts law enforcement efforts away from fighting the violent crimes these laws are intended to prevent and directs them towards prosecuting citizens whose only crime is possession of a firearm.
D. AS HANDGUN OWNERSHIP HAS INCREASED, CRIME HAS DECREASED.

The overall rate of serious crime in the U.S. is at a twenty-year low. The murder rate has fallen almost forty percent since 1993 (thirty percent in the past three years) and is now lower than in the 1970s. One reason for this drop in crime is liberalized concealed carry laws. Since 1987, twenty-two states have made it easier for private citizens to get concealed carry permits. A recent study by University of Chicago economist John Lott found that concealed carry laws reduce murder by 7.7%, rape by 5.3% and severe assault by 7%. Had liberalized concealed carry laws prevailed throughout the United States, twenty-five percent more firearm related deaths occur in Brazil than in the United States each year.


Kates & Mauser contrasted the nine nations in which gun ownership was very low (less than 5000 guns per 100,000 inhabitants) to the nine in which gun ownership was three times higher (more than 15,000 guns per 100,000 inhabitants). The nations with high gun ownership had an average murder rate that was much lower than the average murder rate of the low gun ownership nations. On average, the low gun ownership nations averaged three times more murder than the high gun ownership nations.


The nations of Western Europe and Scandinavia – whose gun laws are often less stringent than American gun laws – have comparatively low murder rates. But the murder rates of Russia and many former Soviet possessions and satellites in Europe are three to four times higher than American murder rates even though those nations totally ban handguns. Moreover, comparing the murder rates of the twelve European nations for which gun ownership data are available shows that the nations with much higher gun ownership have much lower murder rates.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 478.

Another country that has failed to achieve success through highly restrictive gun regulation is Brazil. Firearm purchasers must be at least twenty-five years old in Brazil, all firearms are required to be registered with the state in which the owner resides, and owners cannot carry firearms outside their homes. There are an estimated seventeen million firearms in Brazil, with about nine million of those unregistered and illegally owned. In 2003, there were 39,000 gun deaths in Brazil. While Brazil has 100 million fewer inhabitants and ninety-four percent fewer firearms than the United States, twenty-five percent more firearm related deaths occur in Brazil than in the United States each year. In sum, by enacting laws that make private gun ownership very difficult, Brazil now has the second highest number of per capita gun deaths in the world. This increase in Brazilian gun deaths has led the populace to believe the police cannot protect them and that they need firearms to defend themselves. Recent efforts to further restrict ownership of firearms have met popular resistance.

D. AS HANDGUN OWNERSHIP HAS INCREASED, CRIME HAS DECREASED.

The total ban on private firearm ownership has increased crime in several cities and countries that have implemented it, particularly where, like the United States, there existed large numbers of firearms before the bans were implemented. Great Britain progressively adopted a licensing system from 1960 to 1990, which eventually denied licenses to all gun owners who could not demonstrate a need for firearm ownership beyond self-defense.

C. WHEREVER HANDGUN BANS HAVE BEEN TRIED IN OTHER COUNTRIES, HOMICIDES HAVE INCREASED.

Whenever gun ownership rights are debated, anti-gun activists like to point out that about 30,000 people are killed by guns in America every year. But they seldom note that about 60 percent of those deaths are suicides, or that the national firearm homicide rate has dropped by 40 percent in the past 15 years, or that far more people are killed by motor vehicles or medical malpractice every year than are killed by guns.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 477.

Wherever handgun bans have been tried in other countries, homicides have increased.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 477.

In 1997, British Parliament banned all private ownership of handguns in response to an incident in which a gunman killed kindergartners at a school. Handgun-related crime in Great Britain increased nearly forty percent during the two years after the implementation of the handgun ban. A 2001 report from the Centre for Defense Studies at King's College London states, "the UK appears not to have succeeded in creating the gun free society for which many have wished. Gun-related violence continues to rise and the streets of Britain . . . seem no more safe." Instead, an estimated four million handguns remain in the hands of criminals following the enactment of Great Britain's licensing restrictions and total handgun ban. (ellipsis in original)


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Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 477.

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Mark Bowes, (Staff), RICHMOND TIMES DISPATCH, Nov. 24, 2015, A1.

Gun-related violent crime in Virginia has dropped steadily over the past six years as the sale of firearms has soared to a new record, according to an analysis of state crime data with state records of gun sales. The total number of firearms purchased in Virginia increased 73 percent from 2006 to 2011. When state population increases are factored in, gun purchases per 100,000 Virginians rose 63 percent. But the total number of gun-related violent crimes fell 22 percent over that period, and when adjusted for population, gun-related offenses dropped more than 27 percent, from 79 crimes per 100,000 in 2006 to 57 crimes in 2011. The numbers appear to contradict a long-running popular narrative that more guns cause more violent crime, said Virginia Commonwealth University professor Thomas R. Baker, who compared Virginia crime data for those years with gun-dealer sales estimates obtained by the Richmond Times-Dispatch. “While there is a wealth of academic literature attempting to demonstrate the relationship between guns and crime, a very simple and intuitive demonstration of the numbers seems to point away from the premise that more guns leads to more crime, at least in Virginia,” said Baker, who specializes in research methods and criminology theory and has an interest in gun issues.


Twenty years ago, when murder rates were high, sponsors of gun control legislation billed it as a way to help get guns off the street and reduce the murder rate. It’s not clear that gun control got many firearms off the street, but violent crime has declined sharply and, with it, some of the impetus for more laws.

II. HANDGUN BANS, WHERE TRIED, HAVE NOT BEEN SHOWN TO SAVE LIVES.

A. WHEN HANDGUNS ARE BANNED, ONLY CRIMINALS WILL STILL HAVE GUNS.


Why gun control legislation is failing to reduce violent crime is evident: Law-abiding firearms owners are by definition law-abiding – they follow the rules and regulations – and are less likely to use weapons illegally. Gun control laws only inconvenience those who are likely to follow the law – and that doesn’t include criminals. As numerous scholars have said, you can never effectively keep guns out of the hands of criminals, because it takes so few guns to meet their needs. That need will always be met by black markets and smuggling.

Don Kates, (Yale Law School Graduate & Analyst, Pacific Research Institute), HASTINGS LAW JOURNAL, June 2009, 1367.

The Second Amendment reflects the Founding Fathers’ accurate perception that banning guns to the general populace is counterproductive, indeed oxymoronic. Those who will flout such basic admonitions as “thou shalt not kill” also flout gun laws. So such laws disarm only the law-abiding, whose gun ownership is not a problem. This is doubly counterproductive: First, it deprives victims of the only means of self-defense with which the weak can defeat predation by the strong. Second, it diverts scarce law enforcement resources away from the very difficult task of trying to control the lawless to the useless task of trying to deny victims the means of self-defense.


Here is a report from the July 16 online edition of The Scotsman, Scotland’s national newspaper: “The criminal use of handguns increased by 40 percent in the two years immediately after the weapons were banned in the wake of the Dunblane shootings, according to a new study. “The number of crimes in which a handgun was reported to have been used increased from 2,648 in 1997-98 to 3,685 in 1999-2000, the report claimed.

B. WHEN HANDGUNS ARE BANNED, SUICIDES WILL STILL BE JUST AS LETHAL.

Alan Leshner, (Chair, American Association for the Advancement of Science), PRIORITIES FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE, 2013, 29.

In 2010, firearms were used in the majority of the 38,364 suicide deaths in the United States. A wide array of other lethal measures, such as hanging, suffocation, and jumping from heights, are available for suicide. For example, between 2005 and 2009, for every 100 suicide attempts in which a firearm was used, more than 83 ended in death, but the fatality rate for suffocation was similar, at almost 80 per 100. Because firearms are only one lethal method for committing suicide, it is not clear how public health initiatives to reduce firearm-related suicides will affect the total public health burden of suicide. Further, it is not understood how frequently firearms are associated with premeditated or impulsive suicides.

C. WHEN HANDGUNS ARE BANNED, CRIME WILL NOT BE REDUCED.


Simply put, there is no credible evidence that gun control regulations reduce crime, lessen the amount of gun violence, or have any other positive public policy effects – let alone a net beneficial effect. As a result, it should be very difficult to uphold many gun laws if the right to keep and bear arms is accorded anything close to fundamental status because one of the most important distinctions between fundamental and non-fundamental rights is the burden the government faces in trying cases under the two different regimes.
E. GUN-FREE SOCIETIES STILL HAVE HIGH MURDER RATES.


Once again, if more guns equal more death and fewer guns equal less death, areas within nations with higher gun ownership should in general have more murders than those with less gun ownership in a similar area. But, in fact, the reverse pattern prevails in Canada, "England, America, and Switzerland, [where the areas] with the highest rates of gun ownership were in fact those with the lowest rates of violence." A recent study of all counties in the United States has again demonstrated the lack of relationship between the prevalence of firearms and homicide.

D. MASS SHOOTERS DO NOT TYPICALLY RELY ON HANDGUNS.

Nolan Finley, (Staff), THE DETROIT NEWS, July 26, 2012, B1.

One of the firearms used last week by the Colorado movie theater shooter was an AR-15 rifle, which was described in coverage as a "military-style" weapon. Military style doesn't mean military issue. While the AR-15 is a cousin to the M-16 used by the armed forces, there's a big difference between them. The AR-15 is not a machine gun. It won't spray bullets with a single pull of the trigger. It's a semi-automatic, meaning that the trigger must be pulled for each round fired. And while it looks more fearsome, in practical application it's no different and certainly no more deadly or powerful than many of the deer rifles favored by Michigan hunters.

E. GUN-FREE SOCIETIES STILL HAVE HIGH MURDER RATES.


At the very least, as the evidence so far considered shows, a complete absence of guns does not guarantee one's safety. In fact, the reverse is often true: pre-historic, ancient, and modern simple gun-free societies can have remarkably high homicide rates. It is therefore quite possible, and quite common in many societies, to commit homicide at very high rates without the aid of firearms. Contrary to the implications of the more guns mean more crime hypothesis, life in gun-free societies is typically neither peaceful nor safe.


The first truly effective English gun control law, the Firearms Control Act of 1920, was enacted more than ninety years ago. After more than nine decades of ever more stringent controls, the homicide rate in England is roughly double what it was in 1900 during the pre-gun control era. In the 2000s it peaked in 2002-03 at 1.79 per 100,000. This rate is well below the rate of 5.9 per 100,000 in the United States but is an 86% increase over the rate in 1900, when guns in England were essentially unregulated. It is also considerably higher than the rates in Norway, Austria and various other Continental nations where guns are as available as in the United States.


A more reasonable approach than dreaming hazily of a gun-less society, as anti-gun fantasists do, is to examine the actual phenomenon. Russia is an actual real-world gun-less society. Handguns have been totally banned for civilians since 1929, and unlike wealthy western nations where such bans are unenforceable, in a poor society like Russia with a police-state government, the ban is enforceable. As a result, gun murders among the general populace have always been rare in Russia. Yet as far back as records are available (the 1960s) the murder rate in gun-less Russia has always been higher than in gun-ridden America. As of the year 2000 it was almost four times higher. In fact, Russia has by far the highest murder rate among the industrialized nations and one of the highest murder rates among all the nations of the world. Moreover, the murder rates of the now-independent, but still gun-less, nations that used to be part of the Soviet Union are generally about three times higher than the American murder rate.


One study asserts that Americans are more likely to be shot to death than people in the world's other 35 wealthier nations. While this is literally true, it is irrelevant except, perhaps, to people terrified not of death per se but just death by gunshot. A fact that should be of greater concern -- but which the study fails to mention -- is that per capita murder overall is only half as frequent in the United States as in several other nations where gun murder is rarer, but murder by strangling, stabbing, or beating is much more frequent.


Since at least 1965, the false assertion that the United States has the industrialized world's highest murder rate has been an artifact of politically motivated Soviet minimization designed to hide the true homicide rates. Since well before that date, the Soviet Union possessed extremely stringent gun controls that were effectuated by a police state apparatus providing stringent enforcement. So successful was that regime that few Russian civilians now have firearms and very few murders involve them. Yet, manifest success in keeping its people disarmed did not prevent the Soviet Union from having far and away the highest murder rate in the developed world.


Table 1 shows many other developed nations (e.g., Norway, Finland, Germany, France, Denmark) with high rates of gun ownership. These countries, however, have murder rates as low or lower than many developed nations in which gun ownership is much rarer. For example, Luxembourg, where handguns are totally banned and ownership of any kind of gun is minimal, had a murder rate nine times higher than Germany in 2002.
F. MOST VIOLENT CRIMES DO NOT INVOLVE GUNS.


In 1997, 13.2 million crimes were reported to the police, of which approximately 1.6 million were crimes of violence. Most violent crimes do not involve guns. As noted above, only 482,954, or just less than 29%, of the violent crimes committed in 1996, including 13,319 murders, were committed with firearms. Though still alarmingly high, crime-related firearm injury or death is a relatively rare event. Of the victims of nonfatal violent crimes involving a gun from 1987 to 1992, only three percent suffered gunshot wounds. According to a 1992 survey, only 0.3% of injury visits to hospital emergency rooms involved firearm injuries. In 1994, approximately five percent of violence-related injuries treated in emergency rooms involved firearms.

III. ALTERNATIVES TO A HANDGUN BAN CAN PREVENT ACCIDENTAL DEATHS.

A. USE OF TRIGGER LOCKS PREVENT CHILDREN FROM USING HANDGUNS.

Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 470.

Additionally, low-cost safes and trigger locks are widely available to keep criminals from stealing and children from using guns. Many new firearms include either a built-in key locking mechanism or an external cable lock that allows the owner to disable the gun; selected law enforcement agencies across the country provide firearm cable locks at no cost. Due to inexpensive safe storage options and safety education across the U.S., the rate of accidental gun death has decreased by ninety-four percent from 1904. Gun ownership rates appear to have no correlation with gun death rates. The current rate of accidental gun deaths per capita in the U.S. is at an all-time low while gun ownership per capita is at an all-time high.

B. SMART GUNS CAN PREVENT ACCIDENTAL DEATHS.


Take TriggerSmart, which is a system that uses radio-frequency identification (RFID) to childproof guns. TriggerSmart’s technology — which had a patent granted in the U.S. last year and has an international patent pending — has the vision to create “smart guns” where only an authorized user could fire the weapon. The technology also seeks to allow remote disabling, called Wide Area Control, of firearms in certain areas, such as airports and schools.


But what if guns worked only after recognizing shooters' fingerprints? That’s just one technology already being used to keep guns away from unauthorized users. Other so-called smart guns rely on radio-frequency identification, or RFID. These guns can only be used when they're near, say, a watch that's sending out the correct radio waves.
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L. Weak gun laws mean more deaths. (25-26)

Evidence

1. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 469. Deaths and injuries caused by firearms in the U.S. exact a high cost. In 1999, the annual medical cost associated with firearm injuries was an estimated $2.3 billion. The total financial cost of firearm related deaths and injuries, including medical, legal, and funeral expenses as well as lost wages, is approximately $100 billion per year. Further, firearm deaths and injuries cause emotional and physical damage to victims and their loved ones far beyond the measure of a dollar.

2. Jill Baniwicz, (JD Candidate, Indiana U. School of Law), INDIANA LAW REVIEW, 2010, 421. In some states, such as New York, California, and Texas, gunshot fatalities have surpassed car accidents as the leading cause of unnatural death. Aside from the toll of human lives, the cost of providing medical care for gun-related injuries in 1995 was estimated at $4 billion, which does not take into consideration police and emergency services, disability benefits, security costs at schools and public buildings, and prison costs.

3. A.J. Peterman, (JD Candidate), MARQUETTE LAW REVIEW, Spr. 2014, 856. To illustrate the significance of guns in the United States, current estimates put the total number of guns owned by civilians in the United States at around 270 million. The United States has the highest rate of private ownership of firearms at 88.8 per 100 people, making it higher than Yemen, Iraq, and Afghanistan. Additionally, it would take the next ninety-two countries, by highest rate of ownership per weapons combined, to hit 255 million firearms owned by citizens. China, taking the position of 102, has 4.9 weapons per 100 people and a grand total of 40 million weapons. The United States purchases roughly 4.5 million of the 8 million new guns manufactured worldwide.

4. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 462. There are an estimated 283 million firearms in the United States of America, an average of approximately ninety-three firearms for every one hundred people.

5. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 471. In 2004, firearms were present in an estimated forty-two million American households with approximately fifty-seven million adults owning at least one firearm.

6. A.J. Peterman, (JD Candidate), MARQUETTE LAW REVIEW, Spr. 2014, 855. In 2011, there were a total of 11,101 gun homicides, accounting for almost 70% of all homicides in the United States. Additionally, 851 individuals died unintentionally at the hands of guns. The seriousness of homicide and deaths by guns in the country cannot be underestimated, nor should the problem be swept under the rug.

7. Alan Lesner, (Chair, American Association for the Advancement of Science), PRIORITY FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE, 2013, 1. Fatal and nonfatal firearm violence poses a serious threat to the safety and welfare of the American public. Although violent crime rates have declined in recent years, the U.S. rate of firearm-related deaths is the highest among industrialized countries. In 2010, incidents in the United States involving firearms injured or killed more than 105,000 individuals; there were twice as many nonfatal firearm-related injuries (73,505) than deaths.

8. Alex Seitz-Wald, (Staff, National Journal), GUNS AND CRIME, 2015. Retrieved Dec. 7, 2015 from Opposing Viewpoints in Context. Colin Goddard, who became an advocate with the Brady Campaign after getting shot multiple times at the Virginia Tech shooting [April 16, 2007, in Blacksburg, Virginia], put it another way: “If more guns would lead to crime, then why is America not the safest place in the world, with 300 million guns?”

9. David Grimes, (Prof., Physics, Oxford U.), GUNS DON’T OFFER PROTECTION, Mar. 25, 2013. Retrieved Dec. 12, 2015 from http://www.theguardian.com/science/blog/2013/mar/25/guns-protection-national-rifle-association. It is worth remembering that just as America leads the world in gun ownership, so too does it lead the world in gun homicide, with 11,000 to 12,000 murders committed by firearms each year. The tired old rationalization that guns protect people is frankly contradicted by the evidence. The inescapable conclusion is that gun ownership makes everyone less safe.

10. Judith Palfrey, (M.D. & Past President, American Academy of Pediatricians), NEW ENGLAND JOURNAL OF MEDICINE, Jan. 31, 2013, 401. Injuries are the biggest threat to U.S. children over 1 year of age. In 2010, gun-related injuries accounted for 6570 deaths of children and young people (1 to 24 years of age). That includes 7 deaths per day among people 1 to 19 years of age. Gun injuries cause twice as many deaths as cancer, 5 times as many as heart disease, and 15 times as many as infections.

11. Judith Palfrey, (M.D. & Past President, American Academy of Pediatricians), NEW ENGLAND JOURNAL OF MEDICINE, Jan. 31, 2013, 401. Depressed young people may attempt suicide. Less than 5% of such attempts involving drugs are lethal, but 90% of those involving guns are.

12. Michael Planyt, (Chief, Victimization Statistics Unit, U.S. Department of Justice), GUNS AND CRIME, 2015. Retrieved Dec. 7, 2015 from Opposing Viewpoints in Context. From 1993 to 2011, about 60% to 70% of homicides were committed with a firearm. Over the same period, between 6% and 9% of all nonfatal violent victimizations were committed with a firearm, with about 28% to 30% of robberies and 22% to 32% of aggravated assaults involving a firearm.

13. Allen Rostron, (Prof., Law, U. of Missouri-Kansas City School of Law), THE UNIVERSITY OF TOLEDO LAW REVIEW, Spr. 2014, 439-440. In the United States, school shootings have produced far more debate than action. Americans have been shocked and saddened by a series of shooting sprees at schools in recent years, such as the murder of 12 students and a teacher at Columbine High School in 1999 and the murder of 27 students and five faculty members at Virginia Tech in 2007. A familiar pattern has repeated itself after each high-profile incident: the media and public talk a lot about guns for a while, many people suggest that perhaps this time people have had enough and the incident will be a real game-changer for gun issues, and then attention soon shifts to other things.

14. Philip Cook, (Prof., Public Policy Studies, Sanford Institute of Public Policy), UCLA LAW REVIEW, June 2009, 1074. The likelihood that a gun will be used in crime is closely linked to the general availability of guns, and especially handguns. In jurisdictions where handgun ownership is common, the various types of transactions by which youths and criminals become armed are facilitated. The list of transactions includes thefts from homes and vehicles, loans to family members and friends, and off-the-shelf sales. In an area with a high-prevalence of gun ownership, then, transactions in the secondary market are subject to less friction and may well be cheaper than in markets where gun ownership is rare.
The devastation guns inflict on our nation each and every year...
28. Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 1013. None of the genocides that occurred in the twentieth century occurred against an armed population. Also, the majority of cases in the twentieth century show that "when oppressive regimes . . . are confronted [with] popular insurgency[,]" the suppressed people usually rise up and defeat their oppressors. Some commentators have thus made the natural conclusion that there is a connection between the restrictiveness of a State's gun policy and its ability to commit genocide. The historical evidence of this conclusion seems clear. There is reason to distrust the State and to fear the potential for genocide. It is harder to exterminate an armed population than a disarmed one.

29. David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 202. The Second Amendment was enacted during a time of deep-seated distrust of standing armies in response to fears that "the federal government would disarm the people in order to impose rule through a standing army or select militia." It 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." An important purpose of the Second Amendment was to serve as a check against tyranny. As noted by the Heller Court, "one of the ordinary modes, by which tyrants accomplish their purposes without resistance, is, by disarm[ing] the people, and making it an offence to keep arms, and by substituting a regular army in the stead of a resort to the militia." The Second Amendment pledged that no tyrant would disarm the American public.

30. David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 202-203. Kings Charles II and James II both used loyal militias to disarm their opponents, and because of this history, Englishmen became "extremely wary of concentrated military forces run by the state and . . . jealous of their arms." These fears ultimately resulted in the English Bill of Rights, which guaranteed Protestants would never be disarmed. "By the time of [America's] founding, the right to have arms had become fundamental for English subjects." Consistent with this long-established, fundamental right, the Heller decision affirmed that the Second Amendment conferred an individual (as opposed to a collective) right to keep and bear arms. An important reason the militia was "necessary to the security of a free State" was that "when the able-bodied men of a nation are trained in arms and organized, they are better able to resist tyranny." When the Second Amendment was adopted, "it was understood across the political spectrum that the right [to keep and bear arms] helped to secure the ideal of a citizen militia, which might be necessary to oppose an oppressive military force if the constitutional order broke down." In addition, the ever looming "threat that the new Federal Government would disarm the people by taking away their arms was the reason that [the Second Amendment] right-unlike some other English rights-was codified in a written Constitution."

31. David Pittman, (J.D. Candidate), APPALACHIAN JOURNAL OF LAW, Spr. 2009, 204. While recognizing the necessity of a federalized standing army, the Framers, fearing tyranny, saw the Second Amendment as an important guarantee that the state militias would not be disarmed. In this way, the states were enabled to serve as an important check on the power of the federal government and its standing army.

32. Christopher Keleher, (Attorney, Kubasiak, Flystra, Thorpe & Rotunno, Chicago), MONTANA LAW REVIEW, Winter 2008, 161. Unarming a populace has been the hallmark of tyrannous regimes. History shows a defenseless population is an integral ingredient to genocide. While firearm possession of a firearm.

33. Christopher Keleher, (Attorney, Kubasiak, Flystra, Thorpe & Rotunno, Chicago), MONTANA LAW REVIEW, Winter 2008, 165. The Armenian massacre was replicated in the Soviet Union and Nazi Germany, but to an exponential degree. The parallels between the Soviet and Nazi regimes' repressive techniques are striking. The Soviet Union began instituting firearm restrictions in 1918 when Vladimir Lenin decreed that all citizens surrender their firearms, ammunition, and sabers to the government.

34. Christopher Keleher, (Attorney, Kubasiak, Flystra, Thorpe & Rotunno, Chicago), MONTANA LAW REVIEW, Winter 2008, 165. Nazi Germany represents the best known example of disarmament leading to genocide. As Adolf Hitler and his Nazi party solidified their grip on power, the Nazis enacted the "Weapons Law" in March of 1938 which implemented gun control, barred Jewish people from businesses involving firearms, and excluded Jews from firms that produced firearms later that year. By 1939, the Nazi regime had completely repressed the Jewish population and other enemies of the state. From 1939 to 1945, 10 million defenseless people were rounded up and exterminated.

35. Christopher Keleher, (Attorney, Kubasiak, Flystra, Thorpe & Rotunno, Chicago), MONTANA LAW REVIEW, Winter 2008, 166. The aforementioned examples are not relics of a bygone era. History repeats itself in Zimbabwe. Once "the breadbasket of Africa," the country is now a human rights crisis. Elected in 1980, President Robert Mugabe has slowly perpetrated a systematic raping of people and land. As Newsweek reports, "Mugabe's rule is increasingly taking on the worst outlines of the world's dictatorships." Mugabe at first limited his violence to white farmers. As author Amy Chua describes, "furious mobs wielding sticks, axes, crossbows, iron bars, sharpened bicycle spokes, and AK-47 automatic rifles have invaded and ripped apart white-owned commercial farms. Usually by the hundreds, sometimes a thousand at a time, the invaders ... ransack and destroy ... beating, raping, abducting." Chua notes the "assaults have not been spontaneous. Rather, they have been sponsored and encouraged by the Zanu-PF government of President Robert Mugabe." Mugabe's oppressive tactics eventually became colorblind. Murder and torture have become the central planks of his domestic policy. The country has descended into a police state, where voicing opposition to Mugabe is akin to a death wish. The government's ultimate goal is to implement "Dithus Mutasa, Zimbabwe's Minister of State for Manpower and Youth, chillingly commented, 'We would be better off with only six million people, with our own people who support the liberation struggle. We don't want all these extra people.' Zimbabwe's population is twelve million.

36. Christopher Keleher, (Attorney, Kubasiak, Flystra, Thorpe & Rotunno, Chicago), MONTANA LAW REVIEW, Winter 2008, 172. Events of the twentieth century demonstrate the Second Amendment's relevance. The hellish havoc engendered by disarmament stains the pages of history. Defenseless people are left vulnerable to the vicissitudes of megalomania. As Newsweek noted, "In the midst of the country's civil war, Hubert Humphrey believed 'the right of citizens to bear arms is just one more guarantee against arbitrary government, one more safeguard against the tyranny which now appears remote in America, but which historically has proved to be always possible.' Respecting individual liberty has guided the modern Supreme Court's constitutional interpretation. Defending oneself is the epitome of fundamental liberty."

37. Christopher Schmidt, (Prof., Law, Widener U. School of Law), WILLIAM & MARY BILL OF RIGHTS JOURNAL, Feb. 2007, 1008. An international human right to keep and bear arms would further the ideal of preventing government tyranny. Historically, tyrannical governments have used their power to overwhelm the citizenry. Tyranny was often preceded by laws preventing the citizenry from possessing arms or requiring that such arms be given to the government. The tyrannical governments recognized an unarmed citizenry was easier to overtake than an armed one. When citizens have remained armed, they have been successful in thwarting such governmental tyranny.

38. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 481-482. Studies demonstrate that extremely restrictive gun regulations, especially those implementing the registration and/or ban of an entire class of guns, lead to an increase in murder and armed robbery. This is most likely because only law-abiding citizens comply with these laws, so criminals take advantage of the law-abiding citizens' new inability to defend themselves. Furthermore, once rigid restrictions or bans are enacted, substantial law enforcement and judicial resources must be allocated to effectively enforce them. This diverts law enforcement efforts away from fighting the violent crimes these laws are intended to prevent and directs them towards prosecuting citizens whose only crime is possession of a firearm.
39. H. Sterling Burnett, (Sr. Policy Analyst, National Center for Policy Analysis), TEXAS REVIEW OF LAW & POLITICS, Spr. 2001, 451-452. Notably, serious crime and murder rates are higher in Cook County, where Chicago is located, than in the rest of Illinois. The 1998 "violent index offense rate" in Cook County is more than three times higher than the rate in the rest of the state. Although crime rates have dropped in both Cook County and Illinois since 1994, the rates in Illinois have dropped faster than the rates in Cook County. While the state crime index declined twenty-three percent from 1994 to 1997, Cook County saw a twenty-one percent decline. More than five hundred people die in Chicago each year from gunshot wounds. Ironically, along with these high rates of crime, Chicago has some of the strictest gun laws in the country.

40. Carlisle Moody, (Prof., Economics, College of William & Mary), FORDHAM URBAN LAW JOURNAL, Oct. 2012, 1436. In fact, according to the United Nation's Office for Drug Control and Crime Prevention, England has surpassed the United States in terms of overall crime victimization. In 2000, England and Wales had the highest crime rate among the world's twenty largest countries, higher than that of such notoriously crime-ridden societies as the United States, Russia, and South Africa. The International Crime Victims Survey reports that in 2000 the overall victimization rate per 100,000 in England was 45,100 while that of the United States was 33,600. The corresponding victimization rate for burglary was 3400 for England compared to 3300 for the United States while the robbery rate was 2000 compared to 600 for the United States. The rate of sexual assault against women was 6100 per 100,000 in England in 2004, an astounding 217% higher than the United States rate of 2800 per 100,000. England today apparently has fewer legal guns and more crime compared to the United States, which has vastly more legal guns and less crime.

41. Steven Marinovich, (Staff), VANCOUVER PROVINCE, Oct. 14, 2003, A20. The failure of gun control laws isn't exclusive to America. A year after the 1996 Dunblane massacre which saw Thomas Hamilton murder 16 kids, private ownership of handguns was banned. Legislation was passed in the hopes of reducing the number of handguns available to criminals, but the opposite happened. Crimes with handguns jumped 35 per cent in the past year, to levels not seen since 1995. A similar story is occurring in Canada. Even after three major gun control bills and the set up of a national firearms registry, handguns – the most regulated of firearms in Canada – accounted for two-thirds of firearm-related homicides, up from about half during the 1990s and one-third before 1990. Of all handguns used in a homicide, 72 per cent weren't registered, proving the registry's ineffectiveness.

42. Carlisle Moody, (Prof., Economics, College of William & Mary), FORDHAM URBAN LAW JOURNAL, Oct. 2012, 1426-1427. England discouraged gun ownership ever more stringently throughout the twentieth century. But progressively discouraging gun ownership coincided with progressive increases in British violent crime. Yet that does not necessarily prove anything about the presence (or absence) of guns promoting violence, because it does not prove that guns actually were absent. Yes, outlawing and confiscating handguns in 1997 resulted in more than 160,000 legal handguns being surrendered by law-abiding owners. But, as to the overall success of that measure, a 2002 report of England's National Crime Intelligence Service states, that while "Britain has some of the strictest gun laws in the world it appears that anyone who wishes to obtain a firearm [illegally] will have little difficulty in doing so."

43. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 479. The NCPA summarizes its theory on why highly restrictive gun laws lead to increased crime as follows: "An increase in violent crime that appears to follow a tightening of controls on gun ownership and use is consistent with economic reasoning. Gun control laws are most likely to be obeyed by people who are otherwise law-abiding if, indeed, they are obeyed by anybody. Thus measures that apply equally to criminals and non-criminals, if they affect behavior at all, are almost certain to reduce gun possession more among non-criminals. As the popular slogan puts it: 'If guns are outlawed, only outlaws will have guns.'"

44. Daniel Graham, (JD Candidate), PHOENIX LAW REVIEW, Fall 2010, 479. Scholarly studies have not been able to demonstrate any effect of gun control laws. However, if there is an effect, it is likely to benefit criminals in two ways: fewer armed victims to worry about and fewer criminal justice resources to devote to prosecuting real criminals. If fewer potential victims have guns for defense, the balance of power tilts slightly toward criminals. The overall crime rate tends to increase, although guns may not be used in any more crimes because, on average, victim resistance is lowered.

45. Tim Renken, (Staff), ST. LOUIS POST-DISPATCH, Aug. 25, 2001, 19. The legislation in the U.K. and the gun-control movement in the United States are based on the idea that gun control is the same as crime control and that laws banning the Great Villain, handguns, would make everybody safer from crime. After World War I an almost identical concept gained popularity in this country, except in those days the Great Villain was alcohol. Alcohol was the major cause of crime and hardship, the crusaders said. In 1920, federal legislation banned the manufacture, sale and transportation of alcoholic beverages. Crime increased then, too, throughout the era known as the Roaring '20s. Prohibition made alcohol illegal and didn't reduce crime but increased it enormously. The nation suffered through the Noble Experiment until prohibition was ended in 1933. By then most Americans had rejected the romantic notion that people would be good if it weren't for alcohol. Most Americans perceive the same fallacy in today's gun control crusade. Gun control, like alcohol prohibition, is a noble but impractical idea. It will disarm a lot of law-abiding people but increase, not reduce, crime, as the experiment in the U.K. is on its way to proving.