

# Free research paper on gun control

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## **Introduction**

The debate on gun control in the US is well-documented in various publications and journals. This has elucidated different views on whether gun control mechanisms should be implemented or not. In general terms, gun control refers to policies and laws that serve in regulating the use, possession, modification, manufacture and sale of firearms. Throughout the world, such policies differ. Whereas countries such as the United Kingdom have strict limits in regard the possession guns, others like the United States of America have less strict rules. Most industrial democracies are less strict to such rules and regulations. In the United States of America, such rules differ from one state to another. The debate takes two perspectives: the proponents of gun control argue that gun ownership promotes widespread dangers. On the other hand, the opponents of this debate argue that gun control does not necessarily reduce crime and other gun-related injuries. Whichever perspective one may take; there are several issues underlying the gun control debate.

## **History of the debate**

Gun ownership in the United States of America is not necessarily a new issue. Traditionally, in the agrarian times, hunting was a profession in America (Blendon, 1996). It is through this practice that family bread-winners accessed food. During this time, there was a great urge to deter animal predators from attacking families when security had not been boosted. Most American communities considered shooting skills to be a rite of passage to facilitate survival in a competitive society. This encouraged the ownership of

guns as they were necessary to look for food. Although hunting has since ceased to be an economic activity, most experts believe that it was such a reliance on guns in the early periods in history that has promoted its ownership in the modern society.

Apart from hunting, people used guns to promote the frontiersman spirit (Blendon, 1996). Essentially, Americans used guns in protecting themselves from foreign troops. The capability of using a weapon very much determined the survival of a community. Before the American Revolution, there was no government to maintain a full-time army. This meant that the citizens had to act as soldiers and carry out the responsibilities. For all men, it was mandatory to participate in militia activities, which required one to provide their own weapons and ammunitions. By this time, there were no laws and regulations on possession and use of guns. However, most people used the gun for protection purposes such as attacking their enemies and safeguarding their territories from being invaded by foreigners. The 19th century witnessed a decline in militia of organized civilians. Although such a practice does not form part of the day to day survival mechanisms in the society, ' generations of Americans continued to embrace and glorify it as a living inheritance—as a permanent ingredient of this nation's style and culture' (Blendon, 1996. p. 1772). Because of the sensitivity of this issue in the society, various regulations have been drafted with the aim of providing rules on the subject. This century, for instance, has witnessed a number of high-profile cases touching on the subject.

## **The National Firearms Act**

This Act was enacted by the 73rd congress in 26th June, 1934 and served as a guideline to the gun ownership issue. The Act imposes an excise tax that is statutory in manufacturing and transferring firearms. It further requires such firearms to be registered in order to monitor them effectively. It is important to note that the Congress passed this Act after repealing Prohibition. At times, the National Firearms Act is referred to as the 2nd Title in laws dealing with firearms. The 1st Title is accorded to the 1968 Gun Control Act (Tonso, 1983).

According to the provisions of the National Firearms Act, any transfer of ownership should be facilitated by the federal National Firearms Act registry. Other provisions of the Act include the requirement that transportation of firearms should first be reported to BATFE (Bureau of Alcohol, Tobacco, Firearms and Explosives). This plays a crucial role in ensuring that there are records on the patterns of ownership and use of guns in America.

Under this Act, one does not need to have a ‘Class 3’ before owning a gun (Tonso, 1983). However, legal possession requires one to register with the National Firearms Act registry. To buy Title II, one does not need to be a dealer in NFA. It is important to note that the selling and purchasing NFA is subjected to tax regulations. This legislation is essential in monitoring firearms in the United States of America.

## **The 1968 Gun Control Act**

This is a federal law in the United States of America regulating the firearms industry, from owners to sellers. The Act mainly focuses on providing regulation to the interstate commerce and trade of firearms. In achieving

this, the Act prohibits firearm transfer from one state to another, save for importers, dealers and licensed manufacturers.

This Act was signed to become law on October 22nd, 1968 by the then president, Lyndon B. Johnson. It is regarded as the 1st Title to America's federal firearms laws (Parker, 2001). This Act, among many other things, lists the categories of people who are ineligible to own firearms. For instance, selling and/or disposing a firearm to persons knowing that such persons are under indictment or have been convicted for crimes that are punishable by imprisonment for a period that may exceed one year is illegal. The Act also has provisions to the effect that sellers must not trade their firearms to persons who are fugitives from justice. The Act gives several categories of people that should not have access to firearms. This is a positive move because it ensures that only the legitimate people who have a considerable need for protection should be licensed to own a firearm. This prevents illegal activities that are related to using unnecessary violence against the victim.

## **The Second Amendment**

This Constitutional Amendment serves to protect the rights that individuals have in regard to keeping and bearing arms. According to the ruling by the United States Supreme Court, such rights vest in individuals and not collective militias. This Amendment is not unlimited. Further, the Amendment does not prohibit the firearms regulations (Parker, 2001). Local and State governments are subjected to similar regulations to the federal government and effectively; they should not infringe such a right. This Amendment was part of the Amendments to the constitution that comprised the Bill of Rights and was adopted in 1791, 15th December.

Effectively, this Amendment was based on the right the citizens had to keeping and bearing arms and was greatly influenced by the English Bill of Rights. This right, according to Sir Blackstone, was auxiliary. This is because it played a big role in supporting some of the natural rights such as resistance to oppression, the right of self-defense and other civic duties of defending the state.

The Supreme Court has made a number of judgments basing its argument in this Amendment. Although some judgments have directly supported this right as being absolute, there are judgments that have questioned the constitutionality of this Amendment. In the case of *United States v. Cruikshank*, for instance, the court ruled ‘ The right to bear arms is not granted by the Constitution; neither is it in any manner dependent upon that instrument for its existence” (Gusterson, 2013. p. 25). The court limited the Second Amendment’s applicability to the federal government. This decision was further corroborated by the decision in *United States v. Miller* (1939). In this case, the Supreme Court ruled to the effect that the States and the federal government have the discretion to limit the ownership of weapons that do not have ‘ a reasonable relationship to the preservation or efficiency of a well-regulated militia’ (Gusterson, 2013. p. 25). The impact of such judgments is to cause further controversies as to the applicability of the Second Amendment. This has led to a number of academic inquiries in the 21st century as regards to the issue. For instance, the judgment given by the court in the case of *District of Columbia v. Heller* did not take a similar approach to the one taken by the early courts (Weaver, 2009). In this case, the court gave a landmark decision that would shape future approaches to

such matters. The court expressly held that the Amendment protected the rights of individuals to carry and possess firearms. In the year 2010, the court was faced with such issues in the case of *McDonald v. Chicago*. It took the opportunity to clarify the early decisions that seemed to limit the impact of the Amendment's restriction on federal governments. According to the judgment given by the court, the Fourteenth Amendment should apply the Second Amendment to local and state governments in a similar manner that Second Amendment is applied to federal governments (Gusterson, 2013). Although such decisions have been given by the courts on the issue, the debate on gun control has never ceased. Proponents and opponents alike have their arguments and opinions on this issue in the United States of America.

## **Arguments for Gun Control**

A small survey carried out on gun ownership in the United States of America revealed that in 100 people, 90 have firearms. This is a big ratio, bigger than a combination of countries such as Pakistan, Yemen, Mexico and Gaza.

Proposers of the Gun Control initiative have a number of reasons as to why they support this debate. First, they argue that more guns in the society will only increase homicides (Calathes, 1993). Essentially, easy accessibility to guns and other weapons are more likely to increase violence cases in the society. This is not the case as to when there is no easy accessibility to the guns. Statistics tend to show that countries that promote gun ownership rights have high cases of violence. States such as Massachusetts that have limited the ownership of guns are safer than, let's say, Arizona, which does not implement this rule. Because of this, the proposers believe that gun

control is essential in reducing violent activities in States.

According to the proposers, more guns in the society equal to more suicides.

The widespread perception is that suicide is not a rational decision that one makes; it is something that one does on the spur of the moment. The

difference between life and death could be based on the access or lack of it to a killer objective. Because rush decisions are made at the heat of the moment, gun holders may never think twice before taking a costly action.

For instance, one may resolve to shoot themselves whenever they are distressed. However, if they have no easy access to the guns, they may never take such a step because they will have time to recover from the stress. According to the report that was given by the Boston Globe, States that promote ownership of guns have high suicide rates when compared to States that practice gun control. Because of this, there is a need for the guns to be controlled (Calathes, 1993).

The available information indicates that most massacres that have occurred use legal weapons. In the United States of America, more than 62 mass shootings have been witnessed between 1982 and 2013. Out of these shootings, forty-nine of them involved people using legal weapons such as licensed guns (Gusterson, 2003). This is based on the accessibility that people have towards guns. In this case, for instance, it would be wise to argue that the forty-nine shootings could have been prevented, or thereby lowered if gun control mechanisms were put in place. It is for such reasons that proposers of gun control hold that this is the only way that such activities can be controlled in the society.

There is a big debate as to whether arming everybody in the society will help



prevent crimes in the society. The truth of the matter is that this is not the case. Although owning a gun may play some role in facilitating one's self-defense, there is no assurance that an armed person is safe. Most criminals that use guns in killing their victims often have a well-orchestrated plan on how to carry out the activity. Individual self-defense will not be enhanced by owning a gun. Furthermore, owning a gun for the purposes of self-defense may promote criminal activities. Potential criminals would see it as an opportunity to engage in criminal activities against less-armed people in the society. An armed person is also more confident when committing a crime as compared to a person who is not armed. For this matter, gun control policies should be implemented to save innocent people from being victims of crime. Uncontrolled ownership of guns is likely to result to careless shootings (Parker, 2001). Licensed gun owners are expected to use them for the purposes of self-defense. However, there have been several questions as to the basic threshold of determining when one is in danger and when they can use their guns to protect themselves. Promoting gun ownership is likely to see increased shootings that are unnecessary in the name of self-protection. To prevent this, the supporters of the debate argue that gun control should be exercised.

## **Arguments against Gun Control**

The issue of gun control is widespread. However, nowhere has it elicited much debate as in the United States of America. As much as the supporters of this debate argue that gun control policies should be effected, there is a group of people who believe that gun control should never be effected. According to this category, controlling guns does not translate to a reduction

of shootings and murder. In the United Kingdom, for instance, civilians are banned from possessing handguns, purchasing them or owning them. This decision was arrived at after the Dunblane Massacre where a 43-year-old man shot dead 16 children in an elementary school before killing himself. Although the United Kingdom banned ownership of guns, several murder cases have been reported. According to the statistics available, the murder rates have gone up, despite guns being controlled in UK. This has a direct implication that controlling guns does not necessarily mean that murders will be controlled. For this reason, the opponents argue that gun control is a waste of time and resources.

Opponents have always put forward the self-defense argument to explain their position as to why gun control policies should never be effected. In practice, killers and shooters have a tendency of attacking soft-targets. Few cases have been reported where criminals attack well-protected persons. With this in mind, the opponents argue that it's important to elevate all people to the same level at which they will not become soft targets. As such, this group argues that providing a level-playing ground for all people will mean that the issue of soft targets will be reduced significantly. This is likely to scare away potential criminals as they understand the risk they stand in attacking people who are armed. As such, gun control policies should not be implemented as they will give the criminals more power.

## **Conclusion**

Whereas the gun control policies are intended to have a positive effect in reducing criminal activities in the society, there is no guarantee that the same will be achieved. The two sides of the arguments have strong points as

to why gun control should/should not be implemented. The most effective means or method of reducing crime in the society seems to be by educating the members on the reasons why crime should never be practiced. There is no doubt that implementing gun control policies will reduce the accessibility to guns for the criminals. However, there is no guarantee that the criminals will respect the control policies that are put in place. This will look like such policies are only implemented on the innocent citizens, while empowering criminals who will have a number of soft targets to attack. Whichever side one argues for, the issue calls for a thorough analysis to determine its viability. Furthermore, there is no guarantee that effecting gun control will reduce crime. In Germany, for instance, this did not work. The problem should get a more ideological solution.

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