**Gun control**

**Introduction**

"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." 2d Amendment.

**I. A few cases to understand the Supreme Court’s current position on gun control**

**United States v. Miller*,* 1939**

After the 1931 St. Valentine’s Day Massacre, the National Firearms (NFA) was passed which required certain types of firearms to be registered and taxed. The defendants were indicted on charges of owning an unregistered double-barrel 12 gauge shot gun with a barrel less than 18 inch in length, which belonged to a category of firearms that should be registered under the NFA.

On March 30, 1939, the Supreme Court heard the case.

The defendants argued that :

1. The NFA was not within the authority of the central state since limiting the rights to bear arms encroached the freedom of the states ;
2. The right to bear arms is an individual right, regardless of the needs for any militia.

On the contrary, Attorneys for the United States argued that :

1. The NFA is intended as a revenue-collecting measure and so is within the authority of the Department of the Treasury.
2. The Second Amendment protects only the ownership of military-type weapons appropriate for use in an organized militia.

The Supreme Court held that the Second Amendment does not guarantee an individual the right to keep and bear a sawed-off double-barrel shotgun. Writing for the unanimous Court, Justice James Clark McReynolds reasoned that because possessing a sawed-off double barrel shotgun does not have a reasonable relationship to the preservation or efficiency of a well-regulated militia, the Second Amendment does not protect the possession of such an instrument.

This precedent stood for nearly 70 years, until the U.S. Supreme Court revisited the issue in the case of District of Columbia v. Heller*, 2008.*

**District of Columbia v. Heller, 2008**

In 2002, [Robert A. Levy](https://en.wikipedia.org/wiki/Robert_A._Levy), a senior fellow at the [Cato Institute](https://en.wikipedia.org/wiki/Cato_Institute), began vetting for a planned Second Amendment lawsuit that he would personally finance. He aimed for a group that would be diverse in terms of gender, race, economic background, and age and selected six plaintiffs from their mid-20s to early 60s: three men and three women; four white and two black :

Shelly Parker

A former nurse who had been active in trying to rid her neighbourhood of drugs. Parker is a single woman whose life had been threatened on numerous occasions by drug dealers who had sometimes tried to break into her house.

[Tom G. Palmer](https://en.wikipedia.org/wiki/Tom_G._Palmer)

Palmer, who is gay, defended himself with a 9mm handgun in 1982. While walking with a friend in San Jose, California, he was accosted by a gang of about 20 young men who used profane language regarding his sexual orientation and threatened his life. When he produced his gun, the men fled. Palmer believes that the handgun saved his life.

Gillian St. Lawrence

A mortgage broker who lives in the Georgetown section of D.C. and who owns several legally registered long guns that she uses for recreation. It had taken St. Lawrence two years to complete the registration process. She wanted to be able to use these guns to defend herself in her home and to be able to register a handgun.

Tracey Ambeau (now Tracey Hanson)

An employee of the U.S. Department of Agriculture. Her husband and her lived in a high-crime neighbourhood near Union Station in D.C. She grew up around guns and wanted one to defend her home.

George Lyon

A communications lawyer who had previously contacted the National Rifle Association (NRA) about filing a lawsuit to challenge the gun laws in the District of Columbia. Lyon held D.C. licenses for a shotgun and a rifle, but wanted to have a handgun in his home.

Dick Anthony Heller

A licensed special police officer for the District of Columbia. For his job, Heller carried a gun in federal office buildings, but was not allowed to have one in his home although he lives in a crime-ridden neighbourhood.

With this precedent, the Justices reverted to an individual right theory that guaranteed all law-abiding citizens the right to own arms.

**II. The NRA’s perspective on gun control**

# *Oral presentation : What is the NRA ?*

# Why Gun Control Doesn’t Work

# <https://www.nraila.org/why-gun-control-doesn-t-work/>

The Second Amendment guarantees law-abiding Americans the Right to Keep and Bear Arms. But over time, gun control laws have placed limits on that freedom. Some politicians and gun control proponents argue that these laws are necessary — even at the cost of infringing upon a fundamental American right. But the fact is, **gun control doesn’t work the way advocates argue it does.**

**What is Gun Control?**

**Gun control is an umbrella term that refers to laws and ordinances that restrict how law-abiding citizens can buy, own, or use firearms. These vary at the federal, state, and local levels.**

This means that while the Second Amendment protects your Right to Keep and Bear Arms, there may be different restrictions placed upon that right depending on where you live.

Gun control at the local level ranges widely. For example, in some towns, citizens who are licensed to carry concealed firearms cannot do so in public parks. And in Chicago, it’s unlawful to own most semi-automatic firearms.

Federal gun control legislation like the Gun Control Act of 1968 and the Brady Handgun Violence Prevention Act (1993) **created nationwide requirements that make it more difficult to obtain a firearm.**

These laws have been in place for decades, and by now, the evidence is crystal clear.

**GUN CONTROL DOESN’T WORK. SOME OF THE KEY REASONS ARE DETAILED BELOW.**

* **Criminals Don’t Obey Gun Control Laws**

**Criminals, by definition, do not obey the law. Gun control laws only affect law-abiding people who go through legal avenues to obtain firearms.**

Criminals overwhelmingly obtain their firearms through illegal channels and will never be deterred by state and federal laws**. That’s why background checks have virtually** [**no impact on criminals**](https://www.nraila.org/articles/20190111/background-checks-no-impact-on-criminals)**.**

A 2016 Obama administration study by the Bureau of Justice Statistics examined how prison inmates obtained the firearms they used during crimes — and the results weren’t surprising. The study found that only about 10.1% obtained their firearms through a retail source.

**The vast majority of criminals obtained their firearms through other means, including:**

* Illegal underground sales
* Bought, borrowed, traded, or rented from friends or family
* Gifts
* Purchased by another individual for them
* Theft
* From their victims
* From the scene of a crime

Criminals who go through illegal avenues to obtain firearms aren't going to submit to background checks while doing so. Ultimately, only law-abiding citizens would be impacted by expanded background checks.

* **Background Checks Aren’t Effective**

**Even if criminals did submit to background checks, we’ve seen that these checks aren’t effective at stopping those who intend to use guns to commit crimes.**

Consider the following scenarios.

A person with no criminal history walks into a store to buy a gun they’ll use to commit a crime. A background check most likely won’t stop them.

A drug addict lies about their addiction on a federal background check form. Although this individual is committing a federal crime, a background check most likely won’t stop them.

A person with serious mental health issues but no history of treatment or institutionalization goes to buy a gun. A background check most likely won’t stop them.

It makes sense then that background checks have no impact on violent crime.

Just take a look at California, a state that’s had background checks in place for decades. In 2018, a study was released that examined the effect of comprehensive background checks on the state. The study examined nearly two decades (1981-2000) of data and found that background checks had no effect on homicide rates in California.

Again and again, firearm background checks have proven to be ineffective. What we do know is that they simply make the gun buying process more difficult for law-abiding citizens.

* **Crime Goes Down When Good Guys Have Guns**

**On the other hand, allowing law-abiding citizens to more easily access firearms does help reduce violent crime.**

Gun control advocates have long promoted the idea that making firearms more accessible would increase crime. But time has told a different story. **Gun ownership is up, and violent crime is down overall.**

**Let’s look over some quick facts:**

* Over the past three decades (1991-2019), violent crime rates have dropped by more than half.

The number of privately-owned firearms in the United States doubled in that same period.

93-2001 Clinton, economic prosperity ?

* The number of people carrying a firearm for protection outside the home has also risen to all-time highs as violent crime dropped.
* Mass murderers have repeatedly been deterred or stopped by citizens carrying lawfully concealed firearms.
* Concealed carry laws help reduce the number of rapes and robberies overall.

It makes sense that criminals would be far less likely to commit a crime if they believed their victim might be armed.

**Cities with the Strictest Gun Control Have the Highest Crime Rates**

**Does gun control reduce crime? The evidence says no.**

In fact, cities with some of the most stringent gun laws, like New York and Chicago, suffer from some of the highest violent crime rates.

Shooting and murder rates in Chicago surged 50% in 2020, and that city recorded the highest number of gun-related homicides on record. Gun-controlled Chicago became the most murderous city in the country.

Homicide rates tend to rise when law-abiding citizens are unable to own and carry firearms for self-defense.

Gun control doesn’t work, so what does?

**THE SOLUTION: CRIME CONTROL**

**The simplest solution is crime control — enforcing existing laws aimed at criminals who carry and use firearms to commit their crimes.**

We know that homicides in cities trend down when elected officials encourage solid police work and harsh penalties for gun criminals. We’ve seen it work in past years in Chicago when the city gave additional resources to law enforcement.

We’ve known for decades that crime control works. A good example is “Project Exile,” a program launched in Richmond, Virginia in 1997. Faced with a sky-high homicide rate, Richmond prosecutors began enforcing existing gun laws to the fullest, imposing lengthy sentences against drug dealers and other criminals who were carrying firearms illegally.

The project was an enormous success. Law enforcement took hundreds of illegal guns off the street, and Richmond's homicide rate plummeted. Other cities implemented the program with similar success.

In short, "Project Exile" demonstrated beyond a doubt that focusing on gun criminals, not placing undue burden on law-abiding citizens, is the best way to curb violent crime and make the American people safe.

# https://www.nraila.org/why-gun-control-doesn-t-work/

**> Questions**

1/ List all the arguments the article mentions in favour of gun control.

2/ What is your opinion on each of them ?