



*This opinion editorial appeared in The Recorder on September 22, 2006.*

## **Pro-Gun Logic Is Wrong on the Facts**

by Juliet A. Leftwich

Guns kill more than 30,000 people every year in this country — an average of 82 deaths each day — and injure more than 65,000 others. Despite these undisputable statistics, the basic premise of Don Kates' Sept. 1 article, "The Laws that Misfire," is that guns are good, and more guns are even better. He argues that violent crime rates have skyrocketed in countries which strictly regulate guns, that firearm laws in the United States are ineffective and that guns are much more likely to be used in self-defense than by criminals committing crimes. Kates contends that "[m]ore guns don't mean more death, and fewer guns don't mean less death."

The problem with Kates' claims is that they belie the facts. Kates asserts, for example, that Canada, Australia and the United Kingdom, countries which restrict civilian handgun possession, have "the highest violent-crime rates in the Western world — more than double ours." Although Kates cites no authority for this statement in his article, his *amicus curiae* brief in *Parker v. District of Columbia* (currently before the D.C. Circuit U.S. Court of Appeals), cites an analysis of the 2000 International Crime Victims Surveys to support a similar claim.

Significantly, however, those surveys are not limited to violent crime. In fact, the International Crime Victims Surveys necessarily exclude the most violent crime — homicide — for the simple reason that homicide victims are not available to respond to a survey.

Once homicide rates are brought back into the equation, the picture changes dramatically. According to the FBI, the U.S. homicide rate in 2004 was 5.5 per 100,000. In the same year, the homicide rate in Canada, in contrast, was 2.0 (Canadian Centre for Justice Statistics); in Australia and England/Wales it was 1.5 (Australian Bureau of Statistics, U.K. Research Development and Statistics Directorate). Thus, the homicide rate in the U.S. is many times higher than in these countries, and Kates is simply wrong when he claims that their "violent crime" rates are "more than double ours."

Kates is also wrong when he claims that laws restricting access to firearms in Canada, Australia and the United Kingdom are "unenforceable." On the contrary, it is because these laws have been so effectively enforced that gun-related death rates in those nations pale compared to those in the U.S.

According to "The Global Gun Epidemic: From Saturday Night Specials to AK-47s" (2006), the 2001/2002 rates of firearm death per 100,000 for the countries in question are as follows: U.S.: 10.27; Canada: 2.6; Australia: 1.68; and England/Wales: .38.

When one focuses on children, the comparison of international statistics is even more disturbing.

According to the U.S. Centers for Disease Control and Prevention, the overall firearm-related death rate among U.S. children under the age of 15 is nearly 12 times higher than that among children in 25 other industrialized nations combined. This statistic is not surprising when one considers that Americans own far more civilian firearms — particularly handguns — than people in other industrialized nations.

Kates rejects the "quasi-religious belief that more guns (particularly handguns) mean more violence and death, and, concomitantly, fewer guns mean fewer deaths." Yet this is precisely what the empirical evidence shows, as discussed by David Hemenway, director of Harvard's Injury Control Research Center, in his book "Private Guns, Public Health" (2004). Numerous studies have found that having a gun in the home is associated with an increased risk of unintentional firearm injury, suicide and homicide.

Kates contends there is no evidence that American gun laws reduce violent crime, suicide or gun accidents, relying on a 2004 report of the National Academy of Sciences. That report, however, does not suggest that legislation is an ineffective means to address gun violence. On the contrary, the thrust of the report is that additional research is needed to identify which particular policies are most likely to stem firearm-related violence and crime.

Existing research does show, however, that our nation's gun laws have had a positive impact. For example, according to the U.S. Department of Justice, the Brady Handgun Violence Prevention Act of 1993, which requires firearms dealers to conduct background checks on prospective gun purchasers, has prevented the sale of firearms to more than 1 million prohibited purchasers.

Of course, our federal gun laws would be much more effective if they weren't riddled with loopholes. The Brady Act, for example, only applies to firearms dealers. Private sellers (including those who sell at gun shows) have no obligation under the act to conduct background checks on prospective buyers. Thus, criminals and other prohibited purchasers can easily buy guns throughout most of the country.

In addition, firearms dealers are permitted to transfer a firearm to a purchaser if the background check has not been completed within three days. Because of these "default proceeds," the FBI is forced to request the retrieval of thousands of firearms that have been sold to ineligible persons each year.

Moreover, guns and ammunition are exempt from the federal Consumer Product Safety Act. As a result, there are no federal health and safety standards for domestically manufactured firearms (Such standards do exist, however, for toy guns).

Finally, federal laws do not require gun owners to be licensed or handguns to be registered. Licensing laws help ensure that gun owners know how to safely operate firearms and are familiar with applicable gun laws. Registration laws facilitate efficient tracing of crime guns, and reduce illegal sales by creating gun owner accountability. In addition, background checks conducted during the registration renewal process help ensure that a gun owner has not been convicted of a felony or otherwise become ineligible to possess firearms.

Kates' remaining claims are equally without merit. Kates argues that firearm ownership is desirable for purposes of self-defense, asserting that "[r]esearch has shown guns are six times

more often used by victims to repel criminals than by criminals committing crimes." The 2004 National Academy of Sciences report, however, found that studies of defensive gun use reached wildly different conclusions and were potentially error-ridden:

"Self-defense is an ambiguous term that involves both objective components about ownership and use and subjective features about intent," the report said. "Whether one is a defender (of oneself or others) or a perpetrator, for example, may depend on perspective. Some reports of defensive gun use may involve illegal carrying and possession, and some uses against supposed criminals may legally amount to aggravated assault." (Internal citations omitted.)

Kates also contends that Washington, D.C.'s handgun ban is a failed policy, ignoring a 1991 New England Journal of Medicine study which found a 25 percent decline in homicides committed with firearms and a 23 percent decline in suicides committed with firearms in the district after the ban was adopted. No similar reductions were observed in the number of homicides or suicides committed by other means, nor were there similar reductions in adjacent metropolitan areas.

Although firearm homicide rates in the district subsequently increased, who is to say that those rates wouldn't have been even higher without the handgun ban?

Moreover, as Kates himself points out, laws covering a single city are difficult to enforce, given the ease with which guns can cross city limits. Of course, uniform federal gun laws would be ideal, but clearly will not be enacted by this Congress, under this president, given the enormous political power of the gun lobby. In fact, during President Bush's tenure, Congress has consistently acted to weaken existing federal laws, e.g., by allowing the assault weapon ban to expire and adopting legislation to grant unprecedented legal immunity to the gun industry.

Given this situation, state and local governments must act to protect the public from gun violence. Many regulatory options are available short of a complete ban on handguns. In 2001, the National Opinion Research Center of the University of Chicago found overwhelming support for a variety of rational gun laws, including those to limit handgun sales to one per person per month (69.1 percent) and to require gun buyer safety courses (87.9 percent), background checks for private gun sales (77.5 percent), and handgun registration (76.9 percent). None of these laws prevent law-abiding citizens from owning handguns for personal protection, yet they are vehemently opposed by the gun lobby.

Gun violence has reached epidemic levels in our nation. Yet many Americans have become numb to the daily reports of firearm-related death and injury, believing there is simply nothing that any of us can do to stem the bloodshed. But there is. We can cast our votes for candidates who are willing to stand up to the gun lobby and urge our lawmakers at the federal, state and local levels to adopt the common sense gun laws we need. Despite what Don Kates says, more guns are not the answer.

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