# In the United States, the private ownership of handguns ought to be banned.

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## Topic Analysis

This topic calls on debaters to analyze and discuss the importance of gun control legislation in the United States. It takes a pretty radical position, forcing the affirmative to argue in favor of the complete elimination of handguns throughout the United States.

Most affirmative positions will probably want to focus on why HANDGUNS, specifically, are particularly problematic. Potential approaches include arguing that the relative ease of use make handguns deadly to their owners, as well as promoting a culture of fear in the police which might be responsible for some of the quickness that police often display when dealing with folks who are potentially armed.

Many folks are likely to object that the elimination of handguns violates the constitution. If you want this to be a viable argument on the Negative, it is important to connect the constitution to larger philosophical concerns, like the social contract, in order to ensure that you have clear links to impacts coming from a violation of the constitution. Affirmatives have a few options to respond to this argument: first, using the word “ought” in the resolution can be a nice way to decouple the concern of constitutionality from this debate. Secondly, isolating handguns in particular can easily be understood as a reasonable regulation under the constitution. Even the First Amendment, which has much harsher language “NO LAW,” is bound by a series of reasonable restriction. These claims can make it possible to avoid some of the most obvious constitutionally based objections to this topic. Debaters might also be interested in examining the doctrine of selective incorporation, and its relation to the second amendment, which languished outside of the doctrine of selective incorporation for quite some time.

This debate can easily turn almost entirely to matters of practicality. It is important for Affirmatives to remember the long range implications of a ban on handguns—particularly given the fact that it often takes years, if not decades, to fully implement legislation like the legislation that would be required by the affirmative.

From a critical perspective, Affirmatives might be interested in pursuing discussions of threat construction. Additional options include the parametrizing of the resolution to particular instances. On the negative side, positions might want to explore the importance of armed resistance to systems of oppression, or consider using different parametricized examples as alternatives for regulation.

From a more policy based perspective, Negatives have the option of solidly defending the use of guns in terms of self-defense and deterrence.

## Affirmative

### Contention One: Guns promote a culture of violence

#### A. Injuries to children from firearms is largely a problem of the proliferation of handguns and the acceptance of handgun violence in our culture

Phyllis F. Agran 1987 Public Health Reports “Injuries to Children: The Relationship of Child Development to Prevention Strategies” (1974-) Vol. 102, No. 6 (Nov. - Dec., 1987), pp. 609-610

Injuries to children from firearms is largely a problem of the proliferation of handguns and the acceptance of handgun violence in our culture. The young child is introduced to the handgun as a toy; violence with handguns is a mainstay of television drama. Moreover, there are an estimated 50 million guns in America, including tens of millions kept in households in which there are children. The young child does not understand the danger of the real object or the difference between it and a toy gun. While "playing" with the family gun, one child somehow kills another child. As for the adolescent who has grown up in our "gun culture," the handgun is all too often seen as the quick solution to conflict, and there has been increased incidence of handgun suicide and homi? cide among adolescents, ages 15-24

#### B. Gun ownership proves to be associated with a culture of gun violence

Edward L. Glaeser and Spencer Glendon 1998 “Who Owns Guns? Criminals, Victims, and the Culture of Violence” The American Economic Review, Vol. 88, No. 2, Papers and Proceedings of the Hundred and Tenth Annual Meeting of the American Economic Association (May, 1998), pp. 458-462

We have four tests of the view that guns are a symptom of a "culture of private justice." First, we predict that gun ownership is higher for individuals whose peers own guns. This strategic complementarity occurs because in a fight the benefit of having a gun rises if your opponent has a gun and because the likelihood of being punished for using or having a gun declines if everyone is a gun user. Second, gun ownership should decline with police availability and confidence in the legal system. Third, following Nisbett and Cohen (1996), we expect to find a connection between a general tendency toward violent retribution and gun ownership. Fourth, since handguns provide a less visible signal, we expect to see that the three effects just described are stronger for guns generally than for handguns … The next row in the table shows that individuals who answer yes to the question "Would you approve of hitting someone who hit your child?" are more likely to own guns. Gun ownership appears to be associated with a general taste for violent retribution. The next row shows that gun ownership is negatively correlated with confidence in the Supreme Court. Gun ownership is also negatively correlated with the number of police per square mile in the state, holding overall population density constant. In the fourth row from the bottom, we see that gun-owners are less likely to believe that public officials care about them, suggesting that private and public justice appear to be substitutes

#### C. The Weapons Effect

Craig A. Anderson, Arlin J. Benjamin, Jr., and Bruce D. Bartholow 1998 “Does the Gun Pull the Trigger? Automatic Priming Effects of Weapon Pictures and Weapon Names” Psychological Science July 1998 9: 308-314, doi:10.1111/1467-9280.00061

In 1967, Berkowitz and LePage demonstrated that the presence of weapons (a rifle and a revolver) produced more retaliative aggression against an antagonist than did the presence of badminton rackets. These results, and several failures to replicate them (e.g., Page & Scheidt, 1971), led to considerable debate about the validity of the effect. But now, more than three decades later, it is clear that this “weapons effect” is real. It has been observed with knives as well as guns, with weapon pictures as well as real weapons, in field settings as well as the psychological laboratory. Early concerns that the weapons effect might be an artifact of participants’ suspicion or experimenter demand have been met by studies revealing the opposite: The weapons effect occurs only when participants are not suspicious or under heavy experimenter demand (Carlson, Marcus-Newhall, & Miller, 1990; Turner, Simons, Berkowitz, & Frodi, 1977). It is clear that the presence of a weapon—or even a picture of a weapon—can make people behave more aggressively. In essence, the gun helps pull the trigger. How might this occur?

### Contention Two: Easily Available Handguns result in death.

#### A. Availability of more guns mean more crime

Ingraham, 2014 (Christopher, Pew Research Center. More guns, more crime: New Research Debunks a Central Thesis of the Gun Rights Movement, Washington D.C.:Washington Post)

Stanford law professor John Donohue and his colleagues have added another full decade to the analysis, extending it through 2010 , and have concluded that the opposite of Lott and Mustard's original conclusion is true: more guns equal more crime . "The totality of the evidence based on educated judgments about the best statistical models suggests that righttocarry laws are associated with substantially higher rates" of aggravated assault, robbery, rape and murder , Donohue said in an interview with the Stanford Report. The evidence suggests that righttocarry laws are associated with an 8 percent increase in the incidence of aggravated assault , according to Donohue. He says this number is likely a floor, and that some statistical methods show an increase of 33 percent in aggravated assaults involving a firearm after the passage of righttocarry laws . These findings build on and strengthen the conclusions of Donohue's earlier research , which only used data through 2006. In addition to having nearly two decades' worth of additional data to work with, Donohue's findings also improve upon Lott and Mustard's research by using a variety of different statistical models, as well as controlling for a number of confounding factors, like the crack epidemic of the early 1990s. These new findings are strong. But there's rarely such a thing as a slamdunk in social science research. Donohue notes that "different statistical models can yield different estimated effects, and our ability to ascertain the best model is imperfect."

#### B. Availability of guns in an house leads to an increase in suicide.

Ingraham, 2014 (Christopher, Pew Research Center. More guns, more crime: New Research Debunks a Central Thesis of the Gun Rights Movement, Washington D.C.:Washington Post)

A primary “self harm” contributor for all deaths by suicide is a personal firearm, particularly a handgun. With a positive screening result for depression, and even with no risk to a low risk of suicide, an appropriate step for the ED practitioner is to assess for the presence of guns in the home and or access to firearms, especially in the elderly population. More than 80% of suicides among elderly persons are completed with a firearm . Regarding current availability of a handgun, 20% of elders in primary care practices report having a handgun available to them, and the presence of a handgun in the home increases suicide risk two fold . In one of the few studies of gun possession and cognition, researchers conducting a Veterans Health Administration study found that 40% of veterans who were mildly cognitively impaired had a gun in the home . Findings from other studies in which persons were not cognitively impaired show that within the first year after purchase, for persons older than 75 years, selfinflicted gunshots were the leading cause of death among this group. The association between firearm availability and potential for suicide mediated by depression is high; the presence of one or more guns in a home increases the risk of suicide nearly 5 times . Many of these guns, kept for protection by older adults, are stored unloaded and unlocked, but ammunition is readily available. Because depression and cognitive changes in elders are correlated, the presence of firearms in the home can be a public health safety issue for more than just the elder . For example, the homicide suicide rate among elders is twice as high as the homicide suicide rate among young adults. Homicide suicide by elders constitutes 5% of all homicides in the US. According to police reports with information obtained from interviews with decedents’ family members after a homicide suicide, the elderly homicide victim (often the wife) was totally unaware of the spouse’s intention.

### Contention Three: Relaxed Gun Control Laws Waterfall Internationally

#### Relaxed gun regulations in the United States lead to more guns in other countries

Eby, 2014, (Jessica A. Eby, UCLA/RAND Empirical Legal Studies program, Fast and Furious, or Slow and Steady? The Flow of Guns From the United States to Mexico, 61 UCLA L. Rev. 1082, May 24, 2014, Issue #1, Pg # 1085)

In Mexico, strict gun control laws make it difficult for anyone but the police or the military to legally obtain most firearms, particularly the high-powered [\*1085] long guns that are popular with drug trafficking organizations. n5 In contrast, in the United States, not only are firearms available for legal sale in every state, but three out of four of the states that border Mexico have some of the most lax gun regulations in the country. In Arizona, New Mexico, and Texas, there is no limit to the number of guns that a single buyer can purchase at a time from a dealer; there is no requirement for background checks to be conducted at gun shows; there are no restrictions on the sale of assault weapons; and straw purchasers (those who buy a gun with the intention of transferring it to a person who is prohibited from legally owning a gun) cannot be prosecuted as such. n6 California, which has three out of four of these gun control measures in place, n7 sources significantly fewer crime guns to Mexico per capita.

### Affirmative Extensions

#### Gun demographics show how many people currently own a gun, and less people are choosing to own guns

Eby, 2014, (Jessica A. Eby, UCLA/RAND Empirical Legal Studies program, Fast and Furious, or Slow and Steady? The Flow of Guns From the United States to Mexico, 61 UCLA L. Rev. 1082, May 24, 2014, Issue #1, Pg # 1090)

Estimates place the number of privately owned firearms in 2007 in the United States at 294 million, and the total number of firearms available to civilians in 2009 at 310 million. The number of individual gun owners in the United States has remained largely steady from the 1980s to the present, but because of shifting demographic patterns, the percentage of households with guns has decreased: In 1980, 48 percent of American households had at least one gun, but by 1999, that had dropped to 36 percent. Guns are also distributed unequally geographically: Rural residents are far more likely than urban residents to own guns (including handguns), and rates of gun ownership are lower in the Northeast than in the Southern, Rocky Mountain, Midwest, and Pacific regions.

#### A minimal reduction in firearm ownership can have a large impact on multiple lives

Moeller, 2014 (Nicholas Moeller, University of Illinois Law Review, THE SECOND AMENDMENT BEYOND THE DOORSTEP: CONCEALED CARRY POST-HELLER 2014 U. Ill. L. Rev. 1401)

Some critics posit that the proliferation of concealed carry laws allows more guns to be on hand for individuals. The increased availability of guns may lead to an increase in cases of suicide, as "suicide rates are ... largely a function of the availability of firearms." Gun ownership, some studies show, is not just the "strongest correlate" for homicides, but also suicide levels. One estimate is that a ten percent reduction in firearm ownership in the United States would translate to 800 fewer suicides per year. Since handguns are typically the firearm discussed in matters of concealed carry, it is interesting to look at the effects of Washington, D.C.'s handgun ban. In the decade following the D.C. ban, the district saw a twenty-three percent decrease in suicides. A study in California showed that purchasers of a handgun were four times more likely to commit suicide during the first year following their purchase. In Michigan, concealed carry permit holders have been shown to have a higher rate of suicide than those without permits.

#### The limitation on handguns make the successful of suicide an unfathomable statistic

Miller, 2011, (Joan H. Miller, The Second Amendment Goes to College, The Seattle University Law Review, Seattle University Law Review, 35 Seattle U. L. Rev. 235, Fall, 2011)

Many of the same reasons for a total prohibition of guns on campuses carry over to residence halls. Once again, it would be hard to argue that a college or university does not have a compelling interest in ensuring and maintaining public safety on its campus. College students, especially those living together in large groups, are an at-risk group who engage in particularly risky behaviors such as binge drinking and drug use. They have higher suicide rates than the rest of the population, and 94% of suicide attempts with a firearm are successful. If a college seeks to protect its students from the dangers of guns, which are exacerbated by alcohol and depression, the only way to achieve that interest is by prohibiting guns.

#### Story of Child killed

Regan, Helen. "Three-year-Old Boy Shoots and Kills One-Year-Old in Ohio." Time. Time, 2015. April, 12. 2015. Web. 14 July 2015.

A three-year-old boy in Cleveland, Ohio shot and killed a one-year-old boy after picking up a handgun that had been left unattended inside a home on [April 12, 2015] Sunday. The infant was rushed to hospital with a gunshot wound to the head but was later pronounced dead, reports the Associated Press. Investigators were trying to determine where the gun came from, Cleveland Police Chief Calvin Williams told reporters. Though full details behind the shooting have not been released, Williams said there was at least one adult home when the incident happened. “It’s a sad day for Cleveland,” said Williams. “This fascination that we have with handguns, not just in this city but in this country, has to stop. This is a senseless loss of life.”

#### Suicide Occurs more often in homes with guns available

("Firearm Access Is a Risk Factor for Suicide." Means Matter. Harvard University School of Public Health, 11 Sept. 2012. Web. 14 July 2015.)

Twelve or more U.S. case control studies have compared individuals who died by suicide with those who did not and found those dying by suicide were more likely to live in homes with guns. For example, Brent and colleagues studied three groups of adolescents: 47 suicide decedents, 47 inpatient attempters, and 47 psychiatric inpatients who had never attempted suicide. Those who died by suicide were twice as likely to have a gun at home than either of the other two groups:

                                    Adolescent                 Adolescent Psychiatric Inpatients

                                    Suicides                    Attempters            Non-attempters

Firearm in home:            72%                              37%                        38%

#### States with heavier gun prevalence have much higher rates of suicide

("Firearm Access Is a Risk Factor for Suicide." Means Matter. Harvard University School of Public Health, 11 Sept. 2012. Web. 14 July 2015.)

Ecologic studies that compare states with high gun ownership levels to those with low gun ownership levels find that in the U.S., where there are more guns, there are more suicides. The higher suicide rates result from higher firearm suicides; the non-firearm suicide rate is about equal across states. For example, one study (Miller 2007) used survey-based measures of state household firearm ownership (from the CDC’s Behavioral Risk Factor Surveillance System) while controlling for state-level measures of mental illness, drug and alcohol abuse, and other factors associated with suicide. The study found that males and females and people of all age groups were at higher risk for suicide if they lived in a state with high firearm prevalence. This is perhaps most concrete when looking not at rates or regression results but at raw numbers. The authors compared the 40 million people who live in the states with the lowest firearm prevalence (HI, MA, RI, NJ, CT, NY) to about the same number living in the states with the highest firearm prevalence (WY, SD, AK, WV, MT, AR, MS, ID, ND, AL, KY, WI, LA, TN, UT). Overall suicides were almost twice as high in the high-gun states, even though non-firearm suicides were about equal.

Suicides in the 15 U.S. States with the Highest vs. the 6 U.S. States with the Lowest Average Household Gun Ownership (2000-2002)

High-Gun States        Low-Gun States

Population                                  39 million                   40 million

Household Gun Ownership          47%                           15%

Firearm Suicide                           9,749                          2,606

Non-Firearm Suicide                   5,060                          5,446

Total Suicide                             14,809                          8,052

#### Guns are extremely fatal especially at suicide attempts

("Firearm Access Is a Risk Factor for Suicide." Means Matter. Harvard University School of Public Health, 11 Sept. 2012. Web. 14 July 2015.)

Guns are more lethal than other suicide means. They’re quick. And they’re irreversible. About 85% of attempts with a firearm are fatal: that’s a much higher case fatality rate than for nearly every other method. Many of the most widely used suicide attempt methods have case fatality rates below 5%. (See Case Fatality Ratio by Method of Self-Harm.) Attempters who take pills or inhale car exhaust or use razors have some time to reconsider mid-attempt and summon help or be rescued. The method itself often fails, even in the absence of a rescue. Even many of those who use hanging can stop mid-attempt as about half of hanging suicides are partial-suspension (meaning the person can release the pressure if they change their mind) (Bennewith 2005).With a firearm, once the trigger is pulled, there’s no turning back.

#### History of Gun Control

Harcourt, 2001 (Bernard E. [Associate professor of law and director of the Rogers Program on Law, Philosophy and Social Inquiry, University of Arizona..] "Gun Control and the Regulation of Fundamental Rights. "Criminal Justice Ethics (2006): 28-33. LexisNexis Academic. Web. 13 July 2015.)

Guns, violent crime, and punishment: these are pressing issues in the United States. They reflect a certain kind of American exceptionalism. The relationship between these three issues is especially controversial, and has triggered a reexamination of the proper role of guns, particularly handguns, in American society. Despite falling crime rates in the 1990s, Fox Butterfield reports for the New York Times, "the police, mayors and criminologists are turning their sights as never before on handguns as a way to further reduce violent crime." Today, a record number of firearm-related policies are under review. The Bureau of Alcohol, Tobacco and Firearms (ATF) has promoted gun tracing as a way to learn more about illicit gun markets and trafficking, and to address the gun issue [\*262] from the "supply side.' Gun control advocates and legislators have proposed, and in some states passed, legislation extending Brady-type background checks to secondary markets such as gun shows. Federal law enforcement officials are encouraging federal prosecutions of state and local gun offenders on the model of "Project Exile" in Richmond, Virginia. Urban police departments are pursuing gun-oriented policing strategies focused on increased stop-and-frisk encounters and misdemeanor arrests as a way to get guns off the streets. A number of counties, as well as cities such as Chicago, Boston, Newark, Atlanta, St. Louis, and San Francisco, have filed civil suits against gun manufacturers challenging their marketing and distribution practices. Numerous other gun control and safety measures are being debated or implemented, including bans on particular weapons, licensing, gun registries, limits on handgun purchases, straw purchaser laws, safe or negligent storage laws, nondiscretionary concealed weapons laws, and smart gun technology.

#### Definition and types of handguns

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

Handgun" refers to a firearm designed to be operated with one or both hands, but otherwise unsupported. They vary in size. At one extreme are match-box size handguns that weigh but a few ounces. On the other extreme are handguns that weigh over four pounds and have considerable bulk. This paper focuses on handguns that are not only useful for personal defense but also convenient to carry routinely. The selection of a handgun involves tradeoffs. Very small ones are convenient to carry. They enable projection of lethal force, but their toy-like appearance reduces their value for intimidation. Larger, big-bore handguns have greater intimidation value, but are difficult to conceal and less convenient to carry.

#### Gun ownership statistics

Harcourt, 2001 (Bernard E. [Associate professor of law and director of the Rogers Program on Law, Philosophy and Social Inquiry, University of Arizona..] "Gun Control and the Regulation of Fundamental Rights. "Criminal Justice Ethics (2006): 28-33. LexisNexis Academic. Web. 13 July 2015.)

Let's start with guns. The total number of privately owned firearms in the United States stands roughly at 200 to 250 million, with about 65 million, or one third, being handguns. [n3](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n3) Approximately eighty percent of these privately owned [\*264] firearms were acquired since 1974. [n4](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n4) A large number of new firearms, [with] approximately 4.5 to 5 million, are purchased every year. [n5](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n5) Y2K fears helped make 1999 a banner year for gun sales: Smith & Wesson, the world's biggest manufacturer of handguns, saw its U.S. sales increase by about 15 percent in 1999. [n6](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n6) Estimates for the percentage of households that have at least one firearm range from about 35 to 50 percent. [n7](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n7) The personal gun ownership rate is around 25 percent. [n8](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n8) Of particular concern, gun possession among adjudicated male youths is extremely high. Criminologists Joseph Sheley and James Wright conducted a study in 1991 of 835 confined juvenile inmates in six correctional facilities in four different states and found that 86 percent of the inmates had owned at least one firearm at some time in their lives. [and]Seventy-three percent had owned three or more types of guns. [n9](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n9) Another recent study, involving 63 interviews of incarcerated juvenile offenders at five detention facilities in metropolitan Atlanta in 1995 found that 53 (approximately 84 percent) of the youths had owned handguns. Eighty-four percent of these 53 youths who had carried guns had done so before they were fifteen years old. [n10](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n10) One result is that juveniles represent an increasing proportion of arrests for weapon offenses: whereas youths accounted for 16 [\*265] percent of such arrests in 1974, they represented 23 percent of arrests for weapons offenses in 1993. [n11](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n11)

#### Gun ownership is often correlated with masculinity

Harcourt, 2001 (Bernard E. [Associate professor of law and director of the Rogers Program on Law, Philosophy and Social Inquiry, University of Arizona..] "Gun Control and the Regulation of Fundamental Rights. "Criminal Justice Ethics (2006): 28-33. LexisNexis Academic. Web. 13 July 2015.)

These statistics, however, are just part of the story. Behind the numbers, there is in the United States a unique and remarkable gun culture. It is a culture that reveres the gun as a liberator, a guarantor of freedom, and, as Richard Slotkin observes, an "equalizer." At its heart lies a uniquely American belief. "I call it [is] the "Cowboy Corollary' to the Declaration of Independence," Slotkin writes. "It's a folk-saying, dating from before the Civil War, which has many variations, all of which add up to this: "God may have made men, but Samuel Colt made them equal.'" [n12](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n12) For many Americans, guns are an integral and essential part of their identity. Among many young men, the gun is a symbol of masculinity, status, aggressiveness, danger and arousal. "Guns can perpetuate and refine the aesthetic of toughness, create an imminent threat of harm, help their users claim the identity of being amongst the "toughest,' and act as an ultimate source of power in resolving disputes," Jeffrey Fagan explains. [n13](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n13) There is in this country a "Cult of the Colt" [n14](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n14) that has important implications for the gundebates

#### America has more lethal killing rates due to gun rates

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

America's crime rate and its assault rate are roughly comparable to that of the G7 countries. However, America's homicide rate is much higher. How to explain the difference? Professor Franklin Zimring has claimed that a single FBI statistic tells the tale. [n67](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.710964.7799217439&target=results_DocumentContent&returnToKey=20_T22324978320&parent=docview&rand=1436826549921&reloadEntirePage=true" \l "n67) In America, guns are used in approximately 70% of all criminal killings. He claims, "This tells us immediately what the special problem of gun use is in violent crime -- an increase in the death rate." Zimring subscribes to (and can fairly claim to be have originated) the "instrumentality hypothesis," according to which the (supposed) greater inherent lethality of guns makes assaults committed with them 5-7 times more deadly, independent of perpetrator-factors. Therefore, not only should we anticipate that supply-side restrictions on handguns hold promise for a large reduction in the homicide rate, we should not expect such any significant reduction without it. [n68](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.710964.7799217439&target=results_DocumentContent&returnToKey=20_T22324978320&parent=docview&rand=1436826549921&reloadEntirePage=true" \l "n68) In 1989, Zimring and his co-author [\*290] Gordon Hawkins claimed that "The circumstantial indications that implicate gun use as a contributing cause to American lethal violence are overwhelming." [n69](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.710964.7799217439&target=results_DocumentContent&returnToKey=20_T22324978320&parent=docview&rand=1436826549921&reloadEntirePage=true" \l "n69) And they made a very dark prediction. "The most marked reduction in firearms violence cannot be expected until well past the introduction of legislation designed to achieve handgun scarcity."

#### Having access to a gun escalates violent thoughts

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

A more commonly encountered theory of mental causation avoids abnormal psychology and makes lethal violence the straightforward upshot of desire strength. On this account, handgun possession may (1) seed the agent's motivational structure with a new desire to inflict lethal injury by gunshot, (2) strengthen an already-present desire to inflict injury sufficiently to overcome the agent's formerly-effective inhibitory desires or it may weaken his otherwise effective inhibitory desires or both or some further combination. [n90](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.710964.7799217439&target=results_DocumentContent&returnToKey=20_T22324978320&parent=docview&rand=1436826549921&reloadEntirePage=true" \l "n90) Many of life's provocations stimulate an impulsive, transitory desire to inflict bodily harm. Because these desires are short-lived albeit intense, most-often they abate before causing an agent to inflict injury. However, when common provocation and gun access coincide, the results will tend to be dramatically deadly. Causation might proceed as follows. For some reason, Joe acquires a handgun. Merely holding the gun (intentionally) may render a provoked Joe unable to weaken his already-existing (or new-onset) lethal desire sufficiently to prevent his acting on it. The resulting motivational state may be such that Joe is unable to divert his attention from violence, say, by intentionally thinking of something else, e.g. by vividly representing to himself the revolting physiological effects of gunshot on flesh, or the irreversible loss of his current way of life that reasonably would result from his pulling the trigger, etc. Instead, he focuses exclusively on the favorable aspects of [\*305] destroying what angers him. His will is overwhelmed. Without deliberation, he fires the gun.

#### Relaxed gun regulations in the United States lead to more guns in other countries

Eby, 2014, (Jessica A. Eby, UCLA/RAND Empirical Legal Studies program, Fast and Furious, or Slow and Steady? The Flow of Guns From the United States to Mexico, 61 UCLA L. Rev. 1082, May 24, 2014, Issue #1, Pg # 1085)

In Mexico, strict gun control laws make it difficult for anyone but the police or the military to legally obtain most firearms, particularly the high-powered [\*1085] long guns that are popular with drug trafficking organizations. n5 In contrast, **in the United States, not only are firearms available for legal sale in every state, but three out of four of the states that border Mexico have some of the most lax gun regulations in the country. In Arizona, New Mexico, and Texas, there is no limit to the number of guns that a single buyer can purchase at a time from a dealer; there is no requirement for background checks to be conducted at gun shows**; there are no restrictions on the sale of assault weapons; **and straw purchasers** (those who buy a gun with the intention of transferring it to a person who is prohibited from legally owning a gun) **cannot be prosecuted as such. n6 California, which has three out of four of these gun control measures in place, n7 sources significantly fewer crime guns to Mexico per capita.**

Harms of handguns are due to bad laws

Wheeler III, 1997 (Samuel, Professor of Philosophy of Department of Philosophy at University of Connecticut, “Self-Defense: Rights and Coerced Risk-Acceptance.” Public Affairs Quarterly 11.4 (October, 1997): 441).

The answer depends, as I have argued, on the details. **If we imagine a situation such as Florida, where anyone with the proper training and a clean record can get a permit to carry a concealed firearm, we get one kind of answer [to the question of if someone has the right to carry a concealed firearm]. Based on Florida’s experience, the answer seems to be “Yes”. If we imagine a situation where, because concealed carry-permits are nearly unobtainable, most of those otherwise law-abiding citizens are carrying guns they do not know how and when to use, the answer might be “No,” since such gun- carriers are dangerous to themselves and others. But a more plausible answer is that the laws imposing risks or movement restrictions on people by restricting their right to prepare for assaults are unjust. The high risks and accident-rates that unlicensed concealed carriers expose us to are the result of bad laws, not a natural incapacity of law-abiding normal citizens to handle firearms responsibly.**

#### Owning handguns causes terror among citizens

Kahan, Braman, 2003 (Dan [Professor of Law at Yale Law School], Donald [Associate Professor of Law at George Washington School], “More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions.” University of Pennsylvania Law Review 151 U. Pa. L. Rev. 1291 (April, 2003): 1301-1302).

But inverting these meanings, other **individuals find guns repugnant. Just as they signify traditionally masculine virtues to some citizens, so too guns signify patriarchy and homophobia to others. While some see the decision to own a gun as expressing an attitude of self-reliance, others see it as expressing distrust of and indifference toward others: "Every handgun owned in America is an implicit declaration of war on one's neighbor.” For those who fear guns, the historical reference points are not the American Revolution or the settling of the frontier, but the post-bellum period, in which the privilege of owning guns in the South was reserved to whites, and the 1960s, when gun-wielding assassins killed Medgar Evans, John and Robert Kennedy, and Martin Luther King, Jr. To these citizens, guns are emblems not of legitimate state authority, but of racism and reaction.**

#### Women are more afraid of being injured by a handgun then being without a weapon

Kahan, Braman, 2003 (Dan [Professor of Law at Yale Law School], Donald [Associate Professor of Law at George Washington School], “More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions.” University of Pennsylvania Law Review 151 U. Pa. L. Rev. 1291 (April, 2003): 1309-1310).

Our results complicate this account. **In the case of the gun control debate, the issue is not whether to accept a particular risk but rather which of two risks - that of firearm casualties in a world with insufficient gun control or that of personal defenselessness in a world with excessive control - should be deemed more alarming. It is thus inaccurate to characterize women as "more concerned with risk" in the gun control setting than are men; rather, they are more concerned than are men with the risk of being victimized by a violent or careless gun wielder, but less concerned with the risk of being deprived of the power to repel a violent attack.**

#### Handguns are too dangerous to be handled by the public, specifically because of children.

Popp, 2015 (Gary Popp, Public Safety and Courts Reporter, “Jeffersonville toddler shoots himself in leg, mom's boyfriend jailed.” Tribune Content Agency (June 12, 2015 Friday):

A Jeffersonville toddler was hospitalized this week after shooting himself in the leg with a handgun belonging to a man charged earlier in the year with two felony handgun-related charges. Dimitri Miles, 22, the owner of the handgun and the boyfriend of the 2-year-old child's mother appeared in a Clark County circuit court Friday afternoon, but he has only been preliminarily charged with child neglect. Miles is now in the Clark County jail under a $15,000 cash-only bond. The Jeffersonville Police Department was dispatched to Clark Memorial Hospital about 8:15 p.m. Tuesday and made contact with the child, his mother and Miles. Miles was taken from the hospital to the Jeffersonville Police Department for questioning. He confirmed to police that he resided in a Middle Road home with the mom and child. Miles reported during the interview that, "Among his belongings on the floor next to the bed, he keeps a 9-millimeter handgun usually stored in a gym bag or a shoe box. He normally keeps the gun fully loaded without a gun lock or any other safety device," according the probable-cause affidavit. He told police that he and the child and the child's mother had been together in the home earlier and discovered [the toddler] crying and his handgun was close to the child." Miles further told police that upon realizing the toddler had been shot, the couple took the boy to a relative's home before going to the hospital. He was placed under arrest following the questioning and later booked in the Clark County jail.

#### A ban on handguns. They tried it and they liked it.

Christoffel, 1986 (Tom, lawyer, educator, twenty years on the faculty of the University of Illinois at Chicago School of Public Health. “A Ban on Handguns, They tried it and They Liked it” Journal of Public Health Policy Vol. 7, No. 3 (Autumn, 1986), pp. 296-299

HE case for handgun control is compelling. i) In I982 b the firearm death toll in the United States was close to 3 3, 000, with older boys and young men disproportionately involved (i). FBI statistics indicate that 74 percent of all firearm homicides involve handguns (2), and there is good evidence that recent increases in suicide rates have largely involved handguns (3). This U. S. epidemic of handgun violence contrasts sharply with the experience in most other Western countries (4). 2) Handgun death rates correlate with availability. In those parts of the U.S. with the most handguns per capita, the handgun death rate is highest (5). As Susan Baker has noted: "People without guns injure people; guns kill them" (i). 3) Handguns aren't needed. Rather than providing protection, handguns endanger those who own them. Studies have shown that a handgun is much more likely to harm its owner or his family and friends than to be used in fending off a criminal attack (6). 4) The public supports controls on handgun availability. Poll data consistently show strong support for handgun controls more effective than those currently in existence (7). 5) Handgun control is legally feasible. Numerous federal and state court decisions have laid to rest the recurrent claim that the Second Amendment guarantees a "'right" to handgun possession (8). So why isn't more done to control the epidemic of handgun violence? The standard wisdom is that public support for stronger handgun controls has been stymied by the political power of pro-gun groups, most notably the National Rifle Association. With a sizable membership and support from the firearm industry, the NRA has been adept at influencing Congress. It recently succeeded in getting the Congress to vote to weaken current minimal federal gun control laws and it has successfully blocked attempts to ban armor-piercing, "cop killer" bullets. The bad news is that the pro-gun lobby has been powerful and effective. The good news is that, despite their Examples of it being enacted same source And in recent years three Illinois communities Morton Grove, Evanston, and Oak Park -have passed ordinances which ban the private possession of handguns. These bans have been upheld by both state and federal courts (io). In themselves these ordinances would have a trivial impact on handgun violence; their significance lies in the possibility that they represent the beginnings of a national trend

#### Handguns, Philosophers, and the Right to Self-Defense

[Dixon, Nicholas](http://search.proquest.com/philosophersindex/indexinglinkhandler/sng/au/Dixon,+Nicholas/$N?accountid=14677)(Ph.D., Philosophy, Michigan State UniversityM.A., Philosophy, Michigan State University B.A., Philosophy, University of Leeds [25.2](http://search.proquest.com/philosophersindex/indexingvolumeissuelinkhandler/23487/International+Journal+of+Applied+Philosophy/02011Y09Y01$23Fall+2011$3b++Vol.+25+$282$29/25/2?accountid=14677)0[International Journal of Applied Philosophy](http://search.proquest.com/philosophersindex/pubidlinkhandler/sng/pubtitle/International+Journal+of+Applied+Philosophy/$N?accountid=14677). (Fall 2011): 151-17

Within the last decade or so several philosophers have argued against handgun prohibition on the ground that it violates the right to self-defense. However, even these philosophers grant that the right to own handguns is not absolute and could be over-ridden if doing so would bring about an enormous social good. Analysis of intra-United States empirical data cited by gun rights advocates indicates that guns do not make us safer, while international data lends powerful support to the thesis that guns do indeed increase homicide. If handguns do not make us safer, then appealing to the right to self-defense as an objection to prohibition is moot. Prohibition neither violates theright to self-defense nor sacrifices anyone's interests for the common good, since it makes each person less likely to be murdered than the current permissive handgun laws. Moreover, we also must take into account the right to life of victims of handgun crimes made possible by liberal handgun laws. Consequently, invoking the right to self-defense does not provide any sound reason against handgun prohibition over and above familiar utilitarian objections, which are themselves refuted by the empirical evidence.

#### Gun Are not Banned Completely, there are still some Restrictions.

S h u p a k , 2 0 1 5 ( B r i a n , [ J . D ] . A N N U A L N E W Y O R K S T A T E C O N S T I T U T I O N A L I S S U E : S E C O N D AMENDMENT: Supreme Court of New York Appellate Division, Third Department, N ew York: Touro Law Review, Issue 26, pp. 787­802)

**On August 17, 2007, a jury convicted Shawn Perkins "of criminal possession of a weapon in the second ... and ... third degrees."** He received concurrent sentences of eight and one-half years in prison with three and one-half years post-release supervision on the second-degree charge, and six and one-half years in prison with three years of post-release supervision on the third degree charge. **Perkins appealed this decision, but the Appellate Division, Third Department, unanimously affirmed** . In September 2006, Perkins "was involved in a verbal confrontation" that intensified into gunfire. Perkins pulled a handgun and fired twice at the victim. He then fled the scene, leaving the victim uninjured. Perkins was subsequently indicted on various charges, including "possession of a weapon in the second ... and ... third degrees." **A** **fter a jury trial** , Perkins was convicted on the two criminal possession charges. On the third appeal, **Perkins argued that this conviction pursuant to article 265 of the New York Penal Law** ( "Article 265") **v** **iolated his rights under the United States Constitution, and section four of the New York Civil Rights L a w** ( " C R L " ) . M o r e s p e c i f i c a l l y , **P** **e r k i n s a r g u e d** t h a t i n l i g h t o f t h e U n i t e d S t a t e s S u p r e m e Court's decision in District of Columbia v. Heller he had a constitutionally protected right to bear arms in his home for self-defense purposes, and **t** **hat Article 265 created a total ban on handgun possession**; therefore, **h** **e argued** **h** **is conviction violated his constitutional rights**. **T** **he court disagreed and acknowledged** that although the Heller Court concluded **t** **hat the Second Amendment protects an individual's right to bear arms in the home for self-defense**, it is **not an absolute right, but one that may be limited by reasonable governmental restrictions."** **The Appellate Division, Third Department, distinguished the challenged statutes in Heller** from Article 265, which, the court said, **i** **s not a total ban on the right to possess handguns, and therefore does not constitute a "severe restriction" on Perkins' Second Amendment right.** The court also reaffirmed New York's firearm licensing requirement as an acceptable regulation of handgun possession and stated that it "will not contravene Heller so long as it is not enforced in an arbitrary and capricious manner."

#### Handguns play a major role in crime and death.

S h u p a k , 2 0 1 5 ( B r i a n , [ J . D ] . A N N U A L N E W Y O R K S T A T E C O N S T I T U T I O N A L I S S U E : S E C O N D AMENDMENT: Supreme Court of New York Appellate Division, Third Department, N ew York: Touro Law Review, Issue 26, pp. 787­802)

**The life-threatening problem referred to by the dissent is well documented. A discussion of handgun violence statistics reveals that handguns play a major role in crime and death. "From 1993 to 1997, there were 180,533 firearm-related deaths in the United States." Approximately 50% were suicides, while "44% were homicides." More troubling is that one out of every eight firearm related deaths were persons "under the age of [twenty;]" further "firearm-related deaths account for 22.5% of all injury deaths" of individuals nineteen years old or younger. The Court recognized that these statistics represent a disturbing problem in America, which requires reasonable restrictions on the possession of handguns in order to curtail the unfortunate number of handgun related deaths.**

## Negative

### Contention One: Access to Guns prevents crime.

Concealed carry laws prevent crime.

St. Louis Post-Dispactch, 1997 ("WOULD CONCEALED GUNS MAKE MISSOURI SAFER?." St. Louis Post-Dispatch (Missouri). (February 22, 1997 , Saturday, FIVE STAR LIFT EDITION ) LexisNexis Academic. Web. Date Accessed: 2015/07/13.)

Last summer I read the study Crime, Deterrence, and Right-To-Carry Concealed Handguns, written by John R. Lott Jr. and David B. Mustard, both of the University of Chicago. These researchers examined the issue of concealed carry by comparing crime rates and other data between states and counties that had concealed-carry statutes with states and counties that did not. They found: "Using cross-sectional time-series data for U.S. counties from 1977 to 1992, . . . that allowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental deaths." In addition, they discovered that if every state had had concealed-carry laws since 1992, that from 1992 to 1996 there would have been 1,570 fewer murders, 4,177 fewer rapes and more than 60,000 fewer aggravated assaults. The total economic effect would be an annual gain of $ 6.2 billion for the entire nation.

Using guns for self defense leads to fewer injuries.

CDC, 2013 Leshner, Alan I., Bruce M. Altevogt, Arlene F. Lee, Margaret A. McCoy, and Patrick W. Kelley. Priorities for Research to Reduce the Threat of Firearm-related Violence.

Studies that directly assessed the effect of actual defensive uses of guns (i.e., incidents in which a gun was ‘used’ by the crime victim in the sense of attacking or threatening an offender) have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies, Gun laws will slowly decrease the number of weapons in the system. Phelan, 2014 (John J. IV, Executive Editor for Notes & Comments, Albany Law Review; J.D. Candidate, Albany Law School, “THE ASSAULT WEAPONS BAN - POLITICS, THE SECOND AMENDMENT, AND THE COUNTRY'S CONTINUED WILLINGNESS TO SACRIFICE INNOCENT LIVES FOR FREEDOM,” Albany Law Review, 5 May, Vol. 77.2 Pg. 579-614 L/N) Critics claim that gun regulations only keep firearms out of the hands of law abiding citizens and that criminals who want to commit a terrible act will always get their hands on firearms. This line of thinking is ignorant to the fact that most gun crimes are committed with weapons that, at one time or another, were legally purchased. An assault weapons ban will not suddenly make the colossal amount of mass killing machines that are in lawful circulation disappear. But slowly, a consistent stance by this country that high capacity, highly accurate rapid-fire weapons will not be tolerated in civilian hands will get these weapons off of our streets. Such a ban does not overstep the rights secured by the Second Amendment, and such a ban does not keep those in need of self-protection from getting it with a more than capable firearm.

### Contention Two: Gun laws won’t solve all of our problems

Phelan, 2014 (John J. IV, Executive Editor for Notes & Comments, Albany Law Review; J.D. Candidate, Albany Law School, “THE ASSAULT WEAPONS BAN - POLITICS, THE SECOND AMENDMENT, AND THE COUNTRY'S CONTINUED WILLINGNESS TO SACRIFICE INNOCENT LIVES FOR FREEDOM,” Albany Law Review, 5 May, Vol. 77.2 Pg. 579-614 L/N)

No law or set of laws will eliminate every criminal act and certainly reenacting and strengthening the federal Assault Weapons Ban would not prevent every mass shooting. It would be shortsighted to even suggest such a black and white solution to such a complex problem. But in the end, criminal laws do more than just attempt to prevent crime: [T]hey also send a message: This is where we draw the line. We do not permit this in our society. We think it is excessive. In this case, there is absolutely no rational or sporting reason for an individual to have a semiautomatic [assault] weapon or a gun [magazine] that can fire 50 to 100 rounds at a time. It becomes exceedingly more difficult for a mass killer to take the lives of so many in such little time without the weapon capacity to do so. If the law saves one more life that would not have otherwise been saved, that law would be worth it.

### Negative Extensions

Concealed handguns reduce murder and other forms of assault

LOTT 1997 (JOHN R. JR. professor at the University of Chicago Law School. “Crime, Deterrence, and Right-to-Carry Concealed Handguns”, JOHN M. OLIN LAW & ECONOMICS WORKING PAPER NO. 41)

Our findings are dramatic. Our most conservative estimates show that by adopting shall-issue laws, states reduced murders by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%. If those states that did not permit concealed handgun in 1992 had permitted them back then, citizens would have been spared approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and 12,000 robberies. To put it even more simply: Criminals, we found, respond rationally to deterrence threats.

Handguns have a deterrent effect.

LOTT 1997 (JOHN R. JR. professor at the University of Chicago Law School. “Crime, Deterrence, and Right-to-Carry Concealed Handguns”, JOHN M. OLIN LAW & ECONOMICS WORKING PAPER NO. 41)

The benefits of concealed handguns are not limited to just those who carry them or use them in self-defense. The very fact that these weapons are concealed keeps criminals uncertain as to whether a potential victim will be able to defend himself with lethal force. The possibility that anyone might be carrying a gun makes attacking everyone less attractive; unarmed citizens in effect "free-ride" on their pistol-packing fellows.

Using handguns One is less likely to be harmed

Kates 1991(Don B. Jr., Yale University (1966). Member of the California, District of Columbia, Missouri, and United States Supreme Court Bars. The Value of Civilian Handgun Possession as a Deterrent to Crime or a Defense Against Crime, American Journal Of Criminal Law 1999)

In fact, earlier versions of the national victim surveys were cited by the one specifically anti-gun presentation which has tried to empirically validate the dangers of resistance argument. However, the survey questions in those early versions of the surveys lumped all resistance together without differentiating the injury and success rates of gun-armed resisters from those of resisters who were unarmed or armed only with less effective weapons. The more recent national victim surveys which do so differentiate have already been cited as showing that victims who resisted with [hand]guns were much less likely to lose their possessions to robbers than those who resisted with any other kind of weapon. As the Table below shows, this recent [Other] data finds gun armed resisters [are] approximately fifty percent less likely to be injured than victims who submitted to the criminal. In contrast, knife-armed (p.149)resisters were more likely to suffer injury than non-resisters and much more likely to be injured than gun armed resisters. Comparisons to other forms of resistance are also favorable to the effectiveness of gun armed self-defense.

Evidence of deterrence

Kates 1991(Don B. Jr., Yale University (1966). Member of the California, District of Columbia, Missouri, and United States Supreme Court Bars. The Value of Civilian Handgun Possession as a Deterrent to Crime or a Defense Against Crime, American Journal Of Criminal Law 1999)

In March of 1982, the Kennesaw city council [a suburb of Atlanta GA] passed a city ordinance requiring householders to keep a firearm in the home, with the exception of households with physically or mentally infirm persons, criminals or persons who conscientiously objected to gun possession. The ordinance was nationally publicized and widely perceived as a reaction to the passage in Morton Grove, Illinois, of an ordinance effectively prohibiting handgun ownership within the city limits. In the seven months immediately following passage of the Kennesaw law (March 15, 1982 to October 31, 1982) there were just five residential burglaries reported, compared to 45 in the same period of the previous year. An 89% decrease in burglaries in so short a period is hard to explain away; something was clearly happening in Kennesaw that was not happening in the rest of the country.

Kleck, 1994, Gary. "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun." Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun. N.p., 1994.

Web. 15 July 2015. There are approximately two million defensive gun uses (DGU's) per year by law abiding citizens. That was one of the findings in a national survey conducted by Gary Kleck, a Florida State University criminologist in 1993. Prior to Dr. Kleck's survey, thirteen other surveys indicated a range of between 800,000 to 2.5 million DGU's annually. Defensive Gun Use includes instances where a firearm was simply brandished and no violence ensued.

Gun Ownership Stops Crime

Cato Institute, 2014."Guns and Self Defense." <http://www.cato.org/guns-and-self-defense>

Two additional points are worth noting. First, the map is not comprehensive. Criminals will often flee the scene when they discover that their intended target has a gun. With no shots fired, no injuries, and no suspect in custody, news organizations may report nothing at all. Thus, it is important to remember that news reports can only provide us with an imperfect picture of defensive gun use in America. Second, when a citizen is able to shoot an attacker or hold a rapist or robber until the police arrive, it is very likely that more than one crime has been prevented because if the culprit had not been stopped, he could have targeted other citizens as well. The bottom line is that gun owners stop a lot of criminal mayhem every year.

#### Gun Bans create an socio-economic alienation

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

Blanket handgun possession/carrying disabilities take an interest whose monetary value can be estimated -- the price of one's next-best option. [\*280] In jurisdictions that permit regulated concealed handgun carrying, citizens who can afford the "time-tax," the fees and mandatory instruction, have the option of paying for the regulated privilege. Wealthier, politically well-connected individuals may gain a discretionary exemption from the disability altogether. Chicago's aldermen, for example, exempt themselves from the blanket handgun possession/carrying disability they impose on the city's general population. Those who can afford it have the option of living in gated communities which typically feature private security services. Because felons are under life-time firearm possession disability, by federal law, blanket handgun carrying disabilities burden the law-abiding, despite their law-abidingness. Such disabilities also have distributional wealth effects among the law-abiding, shifting the risks of victimization even more to poorer citizens who cannot afford the security options wealthier citizens buy. D.C.'s Firearms Control Regulations Act (FCRA) of 1975 imposed disarmament on its law-abiding citizens. By making civilian handgun possession illegal, the law dramatically emphasized that the city's residents must depend on the police for armed protection against criminal attack. FCRA not only disabled virtually all civilians from possessing handguns, it prohibited the sale of handguns within the District and further required anyone who owned guns legally to maintain them in their residence unloaded and disassembled. [n44](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.710964.7799217439&target=results_DocumentContent&returnToKey=20_T22324978320&parent=docview&rand=1436826549921&reloadEntirePage=true" \l "n44) Having assured the City's criminals that they need not fear [of] an armed response when assaulting law-abiding civilians, it would have seemed ethically imperative that those placed under legal disability from effective self-help should enjoy a special relationship with the guardian of all persons under disability (parens patriae) to provide minimally-adequate protection from attack.

#### Alternatives do not carry the same intimidation factor

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

Guns are useful for preemptive intimidation because people perceive a gun-armed person as having the power to inflict crippling injury or death. An alternative weapon might be equally or even more lethal, but not useful for preemptive intimidation because its lethality is unapparent. Its usefulness would be limited to preemptive attack -- the actual infliction of disabling injury or death. Because preemptive intimidation depends on aggressor-belief, a gun-facsimile or an empty gun may be useful for preemption despite its non-lethality. By contrast, technologically innovative weapons, whether more or less lethal than firearms, may promote more preemptive attacks if their intimidation value is low. The relation between self-defense and gun rights is central to arguments about gun control. Pro-controllers argue that a civilian has no right to carry a handgun for self-defense. On prudential grounds, they argue that armed resistance to criminal attack increases one's chances of being injured or killed, and that a civilized person has a privilege to summon armed officials who will exercise one's self-defense rights on one's behalf. The question how officials' gun carrying privileges are derived is not explained. A romantic appeal to social contract theory might run as follows: In civil society, citizens should be understood as having voluntarily surrendered to the government the primary exercise of their self-defense rights, although a vestigial, but non-arms-bearing privilege remains. Thus officials' handgun carrying privileges derive from pre-political, individual gun rights being transferred to the state by (hypothetical) consent. Good citizens rely on armed officials more effectively to exercise their self-defense rights. This theory makes the state into a fiduciary, holding in trust, rights (including self-defense rights) belonging to its citizens. The state, as the citizens' servant, is accountable for how it manages these rights. The accountability-corollary of this theory implies that the state must adhere to a reasonable standard of care in exercising the rights of its citizens. [\*277] Police must timely show up when summoned, or be liable when it is shown that they failed to adhere to reasonable standards. [n37](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true" \l "n37)

#### Gun ownership is negatively correlated violent crime

Harcourt, 2001 (Bernard E. [Associate professor of law and director of the Rogers Program on Law, Philosophy and Social Inquiry, University of Arizona..] "Gun Control and the Regulation of Fundamental Rights. "Criminal Justice Ethics (2006): 28-33. LexisNexis Academic. Web. 13 July 2015.)

Next, let's turn to guns and violent crime. The increase in gun possession has been accompanied, during the past eight years, by sharp and steady declines in crime at the national level. Across practically all categories, we experienced in the 1990s, one of the most remarkable and consistent drops in crime in the twentieth century - made possible, of course, by an equally remarkable rise in crime during the 1960s, with several peaks during the 1970s, 80s and early 90s. [n15](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n15) Nevertheless, the amount of gun violence remains staggering. In 1993, it was estimated that 1.3 million victims of serious violent crime in the United States (rape, sexual assault, robbery, and aggravated assault), or 29 percent, faced an offender with a firearm. [n16](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n16) Handguns alone accounted for over 900,000 non-fatal violent crimes in 1992. [n17](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n17) In [\*266]  1999, over 560,000 victims of serious violent crimes faced a perpetrator with a gun. [n18](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n18) A string of multiple-victim shootings in schools and workplaces have devastated communities across the United States. [n19](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n19) Moreover, although overall crime has been dropping, the proportion of gun homicides to total homicides has continued to increase with every recent peak. As Franklin Zimring and Jeffrey Fagan have demonstrated in their work on homicide rates in New York City, with each of the three homicide peaks since 1968, the ratio of gun to non-gun homicides increased from 1.23 in 1972, to 1.76 in 1981, to 3.16 in 1991. [n20](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n20) The increase is due, in part, to the steady long-term decline in the number of non-firearm homicides; in fact, non-firearm homicides during the period 1985 to 1991 - the last wave of increased homicides - actually dropped consistently.

#### Handguns are the best personal defense devise

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

Handguns are force-multipliers. They create disparity of force. They also equalize it A handgun is the only practical means to enable smaller, weaker defenders to nullify the advantage that larger, stronger, or more numerous assaulters would otherwise enjoy in close encounters of the lethal kind. [n33](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true" \l "n33) And indeed, the data show that citizens who put up gun-armed resistance [\*276] to criminal assault suffer injury less often than non-gun resisters or than non-resisters. [n34](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true" \l "n34) Even more important from an overall injury-reduction standpoint, handguns are widely-perceived as force-multipliers. For purposes of intimidation, no conveniently portable weapon beats a handgun.

#### Concealed weapons allowed for protection against crime

Harcourt, 2001 (Bernard E. [Associate professor of law and director of the Rogers Program on Law, Philosophy and Social Inquiry, University of Arizona..] "Gun Control and the Regulation of Fundamental Rights. "Criminal Justice Ethics (2006): 28-33. LexisNexis Academic. Web. 13 July 2015.)

Another important element in the violent crime equation is the defensive use of guns. Gary Kleck estimates from his research that guns are used defensively about 2.5 million times per year. [n22](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n22) Although the National Crime Victimization Survey offers a far more conservative estimate of about 65,000 per year in the late 1980s, [n23](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n23) the NSPOF survey conducted for the Police Foundation indicated that in 1994 about 1.5 million adults used a gun defensively. [n24](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n24) Philip Cook and Jens Ludwig contend that the NSPOF results are too high, but ultimately remain uncertain about the number of defensive gun uses per year. [n25](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n25) On a related topic, John Lott argues, in More Guns, Less Crime, that nondiscretionary laws regarding the right to carry concealed weapons have significantly reduced the incidence of violent crime in this country. Using county-level data for the period 1977 through 1996, Lott found that the adoption of nondiscretionary laws coincided with fewer murders, rapes, robberies, and aggravated assaults, as well as fewer property crimes, burglaries, larcenies and auto theft. [n26](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n26) These findings have been criticized  [\*267]  on a number of empirical and theoretical grounds, [n27](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n27) but, according to Lott, withstand the challenges. [n28](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.325133.8076475687&target=results_DocumentContent&returnToKey=20_T22324313111&parent=docview&rand=1436815213600&reloadEntirePage=true" \l "n28)

#### Guns are very frequently used for self defense.

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

Threat-recognition is diagnostic. "Menacing" and "innocent" are in the differential. Making the correct diagnosis presupposes sufficient worldly experience and imagination to read the signs correctly and proper motivation that avoids two obvious errors: dismissing signs of impending danger by wishful thinking and too-quick-on-the trigger impulsiveness. Ordinary moralizing probably overemphasizes the risk of the latter error with the result that much evil that might have been preempted actually materializes. The resulting costs of repelling or stopping the attack increase many-fold. Most acts of self-defense involve preemptive intimidation, not preemptive attack. In the largest national survey ever done on defensive gun use, Kleck found that instances of gun-armed preemption probably occur as many as 2.5 million times a year and perhaps more often. [n7](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true#n7) Only a small percentage (probably 2-3%) of armed self-defense involves preemptive attack, much less wounding or killing.

#### Guns actually create a safer environment for victims and criminals

Stell, 2006 (Lance K [Professor and Director of Medical Humanities at Davidson College], “Self-Defense and Handgun Rights” 2 J.L. Econ. & Pol'y 265. (Fall, 2006 ): LexisNexis Academic. Web. Date Accessed: 2015/07/1e3.)

There are bilateral implications. Gun display, or even the insinuation of gun possession, enables a criminal to extract victim submission by intimidation. And indeed, available evidence finds that gun-armed criminals injure their victims less often in assaults. [n35](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true#n35) Similarly, a defender's gun display may preempt criminal attack by intimidation rather than by gunshot. There is credible evidence to support this conjecture. [n36](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.353498.90590463753&target=results_DocumentContent&returnToKey=20_T22324792418&parent=docview&rand=1436822771597&reloadEntirePage=true#n36) When bodily attacks are preempted by intimidation, total injury tends to decline. Guns are useful for preemptive intimidation because people perceive a gun-armed person as having the power to inflict crippling injury or death. An alternative weapon might be equally or even more lethal, but not useful for preemptive intimidation because its lethality is unapparent. Its usefulness would be limited to preemptive attack -- the actual infliction of disabling injury or death. Because preemptive intimidation depends on aggressor-belief, a gun-facsimile or an empty gun may be useful for preemption despite its non-lethality. By contrast, technologically innovative weapons, whether more or less lethal than firearms, may promote more preemptive attacks if their intimidation value is low.

#### Even though heinous crimes are committed with handguns and other lethal firearms, restricting rights of the individual is not the correct way to solve this problem.

Collier, 2015 (Charles W., former senior philanthropic adviser at Harvard University, where he served for 25 years, “The Death of Gun Control: An American Tragedy.” Chicago Journal Vol. 41, No. 1 (Mon, 13 Jul 2015): p.104-105):

There is a well-known presumption at the common law that goes something like this: “A person is presumed to intend the natural and probable consequences of his voluntary acts.” If you point a loaded gun at me and pull the trigger, you are presumed to intend me harm. Likewise at the societal level, if a nation, say the United States (with less than 5 percent of the world’s population and nearly half of the world’s ﬁrearms), maintains a regime of essentially unlimited access to dangerous ﬁrearms, it is presumed to intend the resulting awful, terrible, but eminently predictable consequences. If the American people did not truly intend those consequences, they would presumably rise up en masse and demand state and federal laws requiring gun owners to take out liability insurance or imposing steep taxes on ﬁrearms and ammunition or making the manufacturers liable for the death and destruction these products (when used properly) are supposed to cause. But changes of this magnitude are hardly to be expected—not in a land where a one-gun-per-month purchase limit counts as bold—even “pioneering”—legislation. (The debate over assault weapons and high-capacity magazines, after all, is not about whether people will be killed; it is about *how many* will be killed and how quickly.) Numerous eminent ofﬁcials—including, for example, the governors of Minnesota, Indiana, and Arizona—have emphasized that guns are simply not part of the problem of gun violence: “My reading of the constitution is that it provides a complete permission for any law abiding citizen to possess ﬁrearms, whichever ones he or she chooses, and the ammunition to go with that....There’s a limit on what society can do to protect people from their own follies.” “All of us were heartbroken after every parent’s worst nightmare unfolded in Newtown, Conn....While others have rushed to the well-worn arguments over gun control, Hoosiers know this is not about access to ﬁrearms. It is about access to schools. Hoosiers have responsibilities to protect our kids, and Hoosiers have rights. We will protect our kids, and we will protect our rights.” “The massacre at Sandy Hook Elementary was unimaginable . . . [but] Arizonans have reduced crime by punishing criminals, and not by infringing on the rights of law-abiding gun owners.”

#### Restriction of handgun ownership would be an infringement on the first amendment.

Lambert, 2014 (Michael J., President of both the Society for Psychotherapy Research and the Utah Psychological Association, “A Gunman's Paradise: How Louisiana Shields Concealed Handgun Permit Holders While Targeting Free Speech and Why Other States Should Avoid the Same Misfire.” Louisiana Law Review 75 La. L. Rev. 543 (Winter, 2014): p.564-566).

Infringement of First Amendment By criminalizing speech involving the identity or information of a concealed handgun permit holder, Louisiana's Ban on Gun Permit Speech infringes upon an individual's freedom of speech and freedom of press protected by the Louisiana Constitution and the First Amendment to the United States Constitution. Accordingly, a court should strike down Louisiana's Ban on Gun Permit Speech because it forbids dissemination of truthful speech that implicates a matter of public concern. First Amendment Origins and Development From a historic perspective, Louisiana's Ban on Gun Permit Speech is the kind of limit on speech that the founding fathers intended to prohibit under the First Amendment. Most scholars agree that the founders wrote the Free Speech and Free Press Clauses into the First Amendment with the intention of preventing the system of censorship used in England where approval or licenses from the government were required before publication. Potter Stewart, a former Associate Justice of the United States Supreme Court, believed that the founders saw America as a nation where the government did not control speech and the press provided a check on the government. There are only certain narrow classes of speech, such as false statements of fact, obscenity, and true threats that are not protected by the First Amendment.

#### The technicalities as to why handguns are safe if treated with care

Godbold IV, 2014 (William F., University of Arkansas at Little Rock William H. Bowen School of Law, “CONSTITUTIONAL LAW--SHOOTING BLANKS: SMART GUN MANDATES AND THEIR CONCOMITANT CONSTITUTIONAL, REGULATORY, PUBLIC POLICY, AND PRACTICAL ISSUES.” University of Arkansas at Little Rock Law Review 37 U. Ark. Little Rock L. Rev. 167 (Fall, 2014): p.171-173).

Handgun Technology Handguns have progressed slowly in the nearly one-hundred eighty years since Samuel Colt's received a patent for his revolver, from the iconic revolvers of the 19th Century to John M. Browning's Model 1911 U.S. Army pistol to modern polymer-framed handgun designs like Gaston Glock's line of Glock pistols. Mechanically, revolvers and semi-automatic pistols operate quite differently. Revolvers are handguns that feature a revolving cylinder that usually holds five or six rounds. Pulling the trigger of a double-action revolver turns the cylinder, cocks the hammer, and fires the round. After shooting the five or six rounds loaded into the cylinder, it must be swiveled to the side so that new cartridges may be loaded. Semi-automatic pistols are more complex mechanically than revolvers--each time a round is fired, the spring in the magazine (usually a detachable box into which cartridges are loaded) pushes the next round into the chamber after the empty shell is ejected. Reloading a semi-automatic handgun is much easier than reloading a handheld revolver--not only do the magazines generally hold many more rounds than the revolver's cylinder, but the shooter must merely eject the spent magazine and insert a fresh one. Despite their starkly different design aesthetics, Browning's 1911 and Glock's Glock 17 both function by the same semi-automatic principles. This is all the more remarkable given the nearly three-quarters of a century that separated their development. That said, even the modern Glock is a complicated piece of machinery. Despite the complexity of the design, the very nature of a semi-automatic firearm requires it to withstand repeated explosions--one of the requirements the Austrian Army had for its service pistol in the early 1980s was that it have no more than one failure per thousand rounds fired, and that it have a service life of 40,000 rounds. Biometric Technology Despite the proposed earlier use of fingerprint identification in criminal investigation, only recently has technology enabled its real-time use as an authentication device. Several different methods exist by which fingerprints may be scanned, including optical, capacitive, and thermal. Optical sensors take an image of the fingerprint. Capacitive sensors build an image of the fingerprint based on the difference in electrical capacitance between the friction ridges on the finger and the air between those ridges. Thermal scanners measure the difference in temperature over time as a finger is swept across the sensor in order to generate the image. These methods--as well as other similar security methods, such as radio-frequency identification RFID) chips and watches require power sources. Until recent developments, many fingerprint scanners were bulkier; now, they are incorporated into smart phones. Other non-fingerprint or palm-print-based biometric security approaches would be inconvenient if used in the firearm context, given current technology: retina scanners are self-evidently impractical; voiceprint matching would require the user to speak in order to use the firearm, and could fail if stress or other environmental factors prevent the user's voice from matching the reference sample; and even the modern "fast" DNA biometrics can take up to ninety minutes to provide results--far too long to wait in an emergency. For firearm security, fingerprinting, or palm-print scanning is the only conceivable practical biometric security approach based on current technology.

#### Defensive Gun use save lives

Gary Kleck, 2007 (Gary Kleck is a criminologist and is Professor of Criminology at Florida State University., "Degrading Scientific Standards to Get the Defensive Gun Use Estimate Down" Second Amendment Foundation, SAF Journal 11 (Kleck, 2007))

It has now been confirmed by at least 16 surveys, including the 1993 National Self-Defense Survey (NSDS) of Kleck and Gertz (1995), 12 other national surveys, and 3 state-wide surveys, that defensive use of firearms by crime victims is common in the United States, probably substantially more common than criminal uses of guns by offenders. The estimates of the annual number of defensive uses of guns in the United States range from 760,000 to 3.6 million, with the best estimate, derived from the NSDS, being 2.5 million, compared to about a half a million incidents in which offenders used guns to commit a crime (Kleck 1997, pp. 149-160, 187-189; see also the more recent Centers for Disease Control and Prevention study of Ikeda, Dahlberg, Sacks, Mercy, and Powell 1997, which estimated 1.0 million defensive gun uses linked with burglaries in which the intruder was seen, compared to 0.9 million such incidents derived from the Kleck-Gertz survey, 1995, pp. 184-185, estimates within sampling error of each other). It has also been consistently and repeatedly confirmed that defensive gun use (DGU) is effective: crime victims who use guns for self-protection are less likely to be injured or lose property than otherwise similar victims in otherwise similar crime situations who either do not resist at all or who use other self-protection strategies (the body of evidence is reviewed in Kleck 1997, pp. 170-175). In recent years, it has become increasingly rare that critics dispute the claim that DGU is effective.

**A2 Critics of DGU**

#### Critics have bad evidence, disregard cause they rely only on one damn survey

Gary Kleck, 2007 (Gary Kleck is a criminologist and is Professor of Criminology at Florida State University., "Degrading Scientific Standards to Get the Defensive Gun Use Estimate Down" Second Amendment Foundation, SAF Journal 11 (Kleck, 2007))

Instead, pro-control critics have focussed their efforts on their claim that, despite the enormous body of evidence indicating otherwise, DGU is actually rare. Thus, they argue, it is of little consequence for gun control policy that DGU is effective, since it is so infrequent. The critics’ discussion of the topic of the frequency of DGU is strident, polemical, and extreme. For example, Philip Cook and his colleagues baldly describe large estimates of DGU frequency as a “mythical number” (1997, p. 463). Likewise, an article by David Hemenway (1997a) was brazenly titled “The Myth of Millions of Annual Self-Defense Gun Uses.” In another article by Hemenway (1997b), his title implicitly took it as given that DGUs are rare, and that surveys indicating the opposite grossly overstate DGU frequency. For Hemenway, the only scholarly task that remained was to explain why surveys did this: “Survey Research and Self-Defense Gun Use: An Explanation of Extreme Overestimation.” Finally, McDowall and Wiersema (1994), although well aware of the large number of surveys yielding large DGU estimates, nevertheless flatly concluded, in extremely strong terms, that “armed self-defense is extremely rare” (p. 1884). This conclusion was based entirely on a single survey, the National Crime Victimization Survey (NCVS), which did not even directly ask respondents about defensive gun use.

#### Critics have bad evidence, disregard cause their evidence sucks

Gary Kleck, 2007 (Gary Kleck is a criminologist and is Professor of Criminology at Florida State University., "Degrading Scientific Standards to Get the Defensive Gun Use Estimate Down" Second Amendment Foundation, SAF Journal 11 (Kleck, 2007))

These critics do not support the low-DGU thesis primarily by affirmatively presenting relevant empirical evidence indicating few DGUs. The only empirical evidence affirmatively cited in support of the low-DGU thesis is the uniquely low estimates derived from the NCVS. The critics appear in no way embarrassed by the fact that the only national estimate they can cite in support of their theory is a survey that does not even ask respondents the key question––whether they have used a gun for self-protection. Instead, the critics get around the large volume of contrary survey evidence by pronouncing all of it invalid and insisting that all surveys (excepting the NCVS?) grossly overstate the frequency of DGU.

#### Gun law promoters are dishonest, disregard them because of their honesty and that it is not their field of study

Gary Kleck, 2007 (Gary Kleck is a criminologist and is Professor of Criminology at Florida State University., "Degrading Scientific Standards to Get the Defensive Gun Use Estimate Down" Second Amendment Foundation, SAF Journal 11 (Kleck, 2007))

There has probably been more outright dishonesty in addressing the issue of the frequency of DGU than any other issue in the gun control debate. Faced with a huge body of evidence contradicting their rare-DGU position, hard-core gun control supporters have had little choice but to simply promote the unsuitable NCVS estimate and to ignore, attack, or discount everything else. Authors writing in medical and public health journals are typically the most crudely dishonest––they simply withhold from their readers the very existence of a huge volume of contradictory evidence. For example, Kellermann and his colleagues discussed the issue of DGU in a recent paper, but omitted any mention of any of the surveys indicating large numbers of DGUs. Instead they cited only the NCVS estimate (1995, p. 1761). Even if Kellermann and his colleagues did not know of all 15 of the other surveys that had been conducted by the time their article was written, they clearly knew of the existence of at least six contradictory surveys, since these early surveys were reviewed in a source that Kellermann et al. cited and presumably had read (see their note 24, citing Kleck 1988). Thus it is fair to say that Kellermann and his colleagues knowingly withheld from their readers information from at least six surveys contradicting their low-DGU claims. Since the readers, referees and editors of medical journals ordinarily know little about violence outside of the misleading bits of information they obtain from other medical/public health outlets, authors writing for these journals can ordinarily freely suppress contrary information in this way without fear of exposure or censure.

#### These authors are sly, they censor out unwanted data and rely only on the NVCS survey for information

Gary Kleck, 2007 (Gary Kleck is a criminologist and is Professor of Criminology at Florida State University., "Degrading Scientific Standards to Get the Defensive Gun Use Estimate Down" Second Amendment Foundation, SAF Journal 11 (Kleck, 2007))

Further, editors have insured near-total censorship of contrary information through their own publication decisions (see Kates, Schaffer, Lattimer, Murray, and Cassem 1995 for a review of how medical and public health journals suppress information hostile to a pro-control position). And although these journals sometimes provide for expression of contrary views in letters to the editor, editors of the journals have refused to publish even brief letters challenging the rare-DGU thesis.1 Pro-control writers publishing in criminological and social science outlets are marginally more sophisticated, “fuzzing over” the extent of contrary evidence through the vagueness of their references to the magnitude of the evidence, and through one-sided and selective critiques of the sources of the contradictory evidence. For example, Reiss and Roth (1993) concealed the extent of the contradictory evidence by vaguely referring to “a number of surveys” that implied larger estimates (p. 265) and then dropping the matter, with no detailed further discussion of any of these surveys. Then, later in their essay, they uncritically accepted the unreliable NCVS estimates at face value (p. 266), effectively ignoring all the contrary sources. At the time they wrote, there were a least eight other surveys yielding DGU estimates, all radically higher than the NCVS estimate, surveys that they knew about because they had been reviewed in sources they cited. Likewise Cook (1991) blandly referred to “a number of surveys” yielding large DGU estimates, but without mentioning how numerous these surveys were, and giving detailed attention to only one of them. McDowall and Wiersema (1994) censored even more severely; they gave their readers the false impression that conclusions in an earlier article (Kleck 1988) were based on results of a single survey. It is clear that McDowall and Wiersema were aware of at least seven of these other surveys, since they were reviewed in one of the sources they cited (Kleck 1991, p. 146, cited in their note 11). Once large estimates of DGU frequency became too numerous and widespread to simply ignore, adherents of the rare-DGU thesis shifted to another tactic, which will be discussed at length herein. On those rare occasions when they briefly and very partially address some of the contrary evidence, they counter evidence with one-sided speculation rather than better empirical information. Cook (1991, pp. 54-55) set the pattern, speculating that surveys yield high DGU estimates because respondents telescope incidents into the recall period. “Telescoping” refers to respondents reporting events as having happened during the recall period (e.g. in the year prior to the interview), though they actually occurred earlier. This error contributes to overestimates of the number of times the experience occurred during the recall period. While some respondents undoubtedly do telescope DGUs into the recall period, this error would not lead to an overestimate of DGU incidence unless the effects of telescoping exceeded the effects of recall failure, i.e. respondents forgetting or intentionally failing to report genuine DGUs. Cook offered no evidence that any DGU surveys or indeed any crime-related surveys, are afflicted by more telescoping than recall failure. The relevant technical literature indicates that the relative size of recall failure effects (mostly forgetting) compared to telescoping effects grows with increasingly long recall periods, moving estimates in the direction of a net undercount (Sudman and Bradburn 1973; Woltman, Bushery and Carstensen 1984). Since recall failure and telescoping effects appear to be about equal in surveys of crime victimization with a one year recall period (Dodge 1970), this means that for recall periods of five years (used in the Hart, Mauser, and Kleck-Gertz surveys discussed in Kleck 1997), there should be a net undercount of crime-related events such as DGUs, not the overcount Cook hinted at. Cook labeled the alleged shortcomings of a survey by the Peter Hart organization as “severe” (p. 55) without offering any evidence whatsoever concerning how much effect any alleged flaw would have on DGU estimates. He did not explain how technical problems can be rated as “severe” if one does not even know if they are even minimally consequential. Reiss and Roth (1993) later picked up on Cook’s theme, essentially repeating his unsupported and one-sided speculations about telescoping, adding in another equally unsupported and one-sided speculation that significant numbers of respondents might have erroneously characterized incidents as DGUs that did not involve any actual use of a gun. Reiss and Roth speculated that many respondents so radically misunderstood the question pertaining to defensive uses of guns that they reported incidents in which they merely “brought the gun nearby in anticipation of an encounter that never occurred” (p. 265). Similarly, McDowall speculated that respondents might have thought that merely carrying a gun for protection constituted actually using it for self-defense (1995, p. 137). Kleck and Gertz (1995) tested these speculations and found little support for them––respondents claiming a DGU nearly all directly confronted their adversaries and, at minimum, pointed their guns at them or referred to the guns verbally in a threatening manner. No more than 13 of 222 cases (6%) initially reported as DGUs were “no-encounter” cases of the sort imagined by Reiss and Roth or by McDowall. Although there is little empirical basis for these critics’ speculations about the gun use surveys, even if there had been, this would not constitute a sound basis for concluding that the far lower NCVS estimates of DGU frequency are either approximately valid or that they are closer to the correct number than estimates derived from the many other surveys yielding high figures. The speculations about the latter surveys simply do not concern flaws that are serious or common enough to account for such an enormous difference as exists between the NCVS estimates and all other estimates. For example, Kleck and Gertz (1995) cited direct evidence from Census Bureau research on the NCVS that surveys of crime victimization experiences result in about a 21% telescoping rate––is, estimates will be about 21% too high due to people remembering events as having occurred in the recall period that actually occurred earlier (pp. 171-172). It is absurd to suggest that this rate of telescoping could account for more than a negligible share of, for example, the 30-to-1 difference between the NSDS and NCVS estimates. On the other hand, it is a simple matter to attribute the enormous discrepancy to radical underreporting in the NCVS, since there is already ample evidence of similarly radical underreporting of other violence-related events in this survey, including domestic violence, rapes, and gunshot woundings linked with criminal assaults (Cook 1986; Loftin and MacKenzie 1990). Survey expert Tom Smith rejected the 21% estimate of telescoping, claiming that the telescoping rate “is more likely to be around 50%” (1997, p. 1468), and even computed adjusted estimates of DGU frequency based on this fanciful rate of error. As support for his 50% figure, he cited three sources of research on telescoping (see his footnote 42). Two of these sources did not even concern surveys of crime victimization experiences, or indeed anything related, or even similar, to crime. One study pertained to health surveys (Anderson et al. 1979), and another concerned surveys about consumer expenditures on household repairs (Neter and Waksberg 1964). The degree of telescoping obviously is heavily dependent on the subject matter being asked about, so estimates of telescoping linked with one topic can reveal nothing about the frequency of telescoping in connection with another topic, unless the topics are very similar. Smith did not offer any explanation for why he thought research on surveys on health matters and consumer household repair expenditures was more relevant than the Census Bureau research directly bearing on surveys of crime experiences that had already been cited by Kleck and Gertz. Smith’s third source (Cantor 1989) did briefly address telescoping in surveys of crime victimization experiences, specifically the NCVS, but did not support a claim of a 50% telescoping rate. Smith apparently simply misread this source, since its author directly stated that it was not possible to separately estimate telescoping from the data he examined, since telescoping was but one component in a set of survey errors. In sum, there was no foundation whatsoever for Smith’s claims that there is likely to be a 50% rate of telescoping concerning survey reports of DGUs, and no reason to believe that telescoping is any higher than the 21% rate cited by Kleck and Gertz. In any case, even if some of the critics’ speculations about flaws in DGU surveys had been correct and consequential, it is not helpful or honest to speculate only in one direction, such as speculating only about flaws that might artificially push DGU estimates up. If one is not willing to seriously consider errors in both directions, one is simply engaging in “adversary scholarship” or “sagecraft” (Tonso 1983), an enterprise aimed not at discovering the truth, but rather at buttressing predetermined positions. Speculation about the flaws in surveys indicating large numbers of DGUs resemble UFO buffs’ beliefs that the federal government captured aliens from other worlds at Roswell, N.M., in 1947. The reason most people do not share these beliefs about UFOs is not that the beliefs can be proven false; they cannot, since it is impossible to prove a negative. Rather, most people reject them because there is no credible evidence that they are true. It is the same with speculations about DGU surveys’ supposed flaws. Since it is impossible to prove a negative, one cannot prove that massive misreporting of nonexistent DGU incidents does not occur in surveys. There is, however, no evidence whatsoever that such massive misreporting does occur. There is an unlimited number of things that humans are capable of imagining existing, but almost all of these things do not in fact exist. It is the main business of science to separate what really exists in the world from that which is merely a logical possibility. Faced with overwhelming survey support for the idea that DGUs are common, some pro-control scholars belatedly adopted the view that surveys simply cannot yield any useful information about how often DGUs occur. A cynic might conclude that, faced with defeat on the field of empirical evidence, they suddenly developed a radical skepticism toward all survey estimates. For example, prior to 1995, Philip Cook uncritically cited the very low NCVS survey estimates of DGUs (Cook 1991, p. 56; Cook and Moore 1994, p. 272) as solid evidence that DGUs were in fact rare. As late as 1994 he stated, based solely on survey research, that “self-defense with a gun is a rare event in crimes like burglary and robbery” (Cook and Moore 1994, p. 275). Then, preliminary frequencies on the DGU questions in the 1994 Police Foundation survey (Cook and Ludwig 1997) became available in early 1995 and the results of the Kleck-Gertz survey were published in December of 1995. Thus, in 1995 it became evident that good quality national surveys, including the 1994 Police Foundation survey that Cook helped design and analyze (eventually published as Cook and Ludwig 1997), were likely to continue indicating the DGUs occurred quite often. By no later than May of 1996 Cook had radically altered his position to the view that “surveys are a decidedly flawed method for learning about the frequency with which innocent victims of crime use a gun to defend themselves” (Cook and Ludwig 1996). Not only did Cook thereby dismiss all previous survey evidence, but also any evidence that might be generated by surveys in the future. Further, he went beyond stating this position on the accuracy of the scientific evidence––he also forestalled policy use of any future evidence on the prevalence of DGU by asserting that “even if we could develop a reliable estimate of [DGU] frequency, it would only be of marginal relevance to the ongoing debate over” gun control (Cook and Ludwig 1996). Since surveys are the only way we have of measuring the frequency of DGUs, Cook had thereby transformed the claim that DGUs are rare into a nonfalsifiable proposition, i.e. an assertion that, even if it were false, could not, under Cook’s standards, be shown to be false. Note, however, that this radical turnabout in views came about only after the National Self-Defense Survey (NSDS) (Kleck and Gertz 1995) and his own Police Foundation survey (Cook and Ludwig 1996; 1997) had both yielded estimates of annual DGUs, based on large-scale, high-quality national surveys specifically designed to estimate DGU frequency, in the millions . The Police Foundation survey, while based on a sample only half that of the NSDS, was modeled after, and otherwise comparable to, the NSDS, and included even more questions getting at details of alleged DGUs. It strongly confirmed the results of the Kleck-Gertz NSDS, yielding estimates, where comparable, of annual DGU frequency that were within sampling error of those obtained by Kleck and Gertz (Cook and Ludwig 1997, esp. pp. 62-63). Faced with estimates that he himself had helped develop, but which radically contradicted his earlier acceptance of the very low NCVS estimates, Cook flatly refused to accept the verdict of the evidence. Instead, he and his coauthor indulged in numerous evidence-free pages of one-sided speculation about how suspected flaws in their and other surveys might have led to errors in DGU estimates. They noted a few inconsistencies in responses of their respondents but failed to establish how or why these would lead to a net overestimate of DGU frequency. Equally important, by almost exclusively focussing (by their own admission––see Cook and Ludwig 1996, p. 118) on possible sources of false positives, they failed to make any case for why false positives should outnumber false negatives, such as respondents concealing or forgetting DGUs. Cook and Ludwig claimed to have established inconsistencies between their results and other statistics, concluding that their large DGU results were therefore implausible. In all cases, their reasoning was fallacious. For example, they cited data on the number of people treated in emergency rooms for nonfatal gunshot wounds and asserted that their own survey’s estimates of criminals wounded during DGUs were implausibly high in comparison. In fact, the two sets of numbers are perfectly consistent once one acknowledges that criminals wounded by victims are unlikely to seek medical treatment, since medical personnel are required to report gunshot wounds to police, and most such wounds are survivable without professional medical treatment (Kleck 1997, Chapter 1). Cook and Ludwig dealt with the possibility that most criminals wounded by gun-wielding victims do not receive emergency room treatment by simply announcing that “we find that possibility rather unlikely” (1996). They did not even bother to provide their readers with a rationale for this arbitrary pronouncement, never mind any supporting evidence. Their assessment might have been based on either of two unsupported premises: (1) a typical GSW is so serious that people suffering such a wound could not substitute self-treatment for professional treatment without placing their lives in peril, or (2) criminals are ignorant of, or indifferent to, the fact that medical personnel treating their wounds would report GSW patients to the police. Unless one accepts these dubious premises, it hard to see how one could reasonably assume that all, nearly all, or even most criminals wounded during DGUs would seek treatment at an emergency room. Cook and Ludwig likewise claimed that the estimated number of DGUs connected with particular types of crimes were inconsistent with NCVS estimates of the total number of crimes of a given type, with or without DGUs. For example, they claimed to have shown that the estimated number of DGUs linked with rapes exceeded the total number of rapes, as estimated by the NCVS. One fatal flaw in their reasoning had already been anticipated in a passage in the original article reporting the NSDS estimates (Kleck and Gertz 1995, pp. 167-168), a passage that Cook and Ludwig evidently chose to ignore. That passage noted that the reasoning later applied by Cook and Ludwig relied on the assumption that the universe of events covered by the NSDS (and thus Cook and Ludwig’s survey) was a subset of the universe of events covered by the NCVS. This assumption is implausible. As noted in that passage, “a large share of the incidents covered by our survey are probably outside the scope of incidents that realistically are likely to be reported to either the NCVS or police” (p. 167). It is likely that only a minority of all crime incidents get reported to the NCVS. Therefore, no matter how large the estimated number of DGUs is in a gun survey, the number could still be a plausibly small share of all crime incidents, including both those effectively covered by the NCVS and those not covered. Consequently, comparing DGU estimates with NCVS crime estimates can tell us nothing about whether the former are plausible. Ignoring Cook and Ludwig’s one-sided speculations and fallacious reasoning, and paying close attention to their empirical results, leads to the conclusion that their survey strongly supported the assertion that DGUs are very common. Among pro-gun control scholars, the most active in pushing the rare-DGU thesis has been public health scholar David Hemenway, who has presented a critique of DGU survey estimates in a series of overlapping articles (Cook, Ludwig and Hemenway 1997; Hemenway 1997a; Hemenway 1997b). The most extensive of these papers (Hemenway 1997b) encompassed all of the significant criticisms made of DGU survey estimates, both by Hemenway and by Cook, McDowall, Reiss and Roth, and others. Therefore, the rest of this paper is devoted to a point-by-point refutation of Hemenway’s criticisms of the DGU estimates generated by the 1993 National Self-Defense Survey (Kleck and Gertz 1995), as presented in Hemenway’s article in the Summer 1997 issue of the Journal of Criminal

#### A person has a right to defend them-self with deadly force

Wheeler III, 1997 (Samuel, Professor of Philosophy of Department of Philosophy at University of Connecticut, “Self-Defense: Rights and Coerced Risk-Acceptance.” Public Affairs Quarterly 11.4 (October, 1997): 433-434).

**The case is an actual occurrence, one of innumerable parking-garage abductions which have the following pattern: A woman is approaching her car in a deserted parking garage when she is approached and over-powered by a larger and stronger male assailant. The assailant takes the car keys, locks the woman in the trunk of the car, turns the radio up full-blast, exits the garage, drives to a deserted spot, and, more often than not, eliminates the only witness to a rape by murdering the woman. In the case at hand, however, the woman happened to be carrying a small .38 handgun, and when the abductor opened the trunk, he took four slugs in the torso. It is difficult not to feel that this is an outcome preferable to likely alternatives.** If the reader is not quite persuaded, perhaps we can distinguish the actual case, where the woman was prepared for such eventualities, from

the possible case where she discovered a loaded gun in the trunk. Surely in that case, the woman has the right to shoot. I discuss possible objection to her right in these circumstances below. There are several points which I need to review about this scenario: 1) **The primary effect of the handgun is to render insignificant differences in physical ability, strength, and agility. In a world where men are on the average significantly larger and more powerful than women, a woman with a gun is almost as dangerous as a man with a gun. If there is any conditional right to self-defense, there is equally a conditional right to use appropriate technology.** 2) **Shooting someone in self-defense is not punishment, as Locke points out. The woman is not legislating that attempted rape and murder is a capital crime. Self-defense prevents an unjust deadly harm. If there is, by chance, a police officer in the trunk of the woman’s car who arrests the potential abductor, the potential victim does not then have the right to shoot.** That it is not punishment, and therefore not a violation of any social contract, can be seen by reflecting on the following scenarios. It could turn out that the abductor was having a psychotic reaction to Prozac, and would normally have never done any such act. Such an assailant

is, to my mind, innocent. **But the right to self-defense, since it is not punishment, persists even in situations where the assailant is in fact innocent. It is important that, given even the minimal concession that the woman has a right to defend herself with a found hand-gun, there can be no “social contract” to leave defense to the commonwealth. II.**That is, unless one is willing to say that it is the woman’s duty to hope that the police will show up at the deserted spot in a timely manner, one has to limit the social contract to a surrender of rights to determine what the law is and administer justice. So, the woman’s action cannot sensibly be described as “taking the law into her own hands.” Self-defense is not in general a case of enforcement of laws against rape and murder. The woman may in fact be against capital punishment for such crimes as a re about to be committed upon her and still be resolved to shoot to kill. 3) **Self-defense is a right even when there is a more optimal solution available.** Let me discuss two rather different cases: a) **In another innocent- assailant situation, the woman’s evil stalker has in fact hypnotized the assailant. The code-word for breaking the hypnotic trance is”hocus pocus”. So, there was a much more optimal solution to the woman’s difficulty, namely saying “hocus pocus” when the trunk was raised in the deserted spot. In fact, during the ride, the woman might speculate that there is some possible world in which precisely that scenario has occurred. If this is that possible world, she reasons, then she does not have to take the chance of killing this man. Now, this would strike most of us as a very risky strategy, although not one with a zero chance of success. What action ought to be taken in a situation is generally epistemological, not ontological. The fact that there is a better action available and within her power does not make that action either reasonable or obligatory.**

#### Handguns benefit people

Wheeler III, 1997 (Samuel, Professor of Philosophy of Department of Philosophy at University of Connecticut, “Self-Defense: Rights and Coerced Risk-Acceptance.” Public Affairs Quarterly 11.4 (October, 1997): 435-436).

Certainly accidents will happen if a substantial portion of women are carrying guns. One would expect, however, that **the knowledge that women tend to be armed would reduce behavior which could be interpreted as part of an assault. It will become more dangerous to pretend to stalk, or to amuse oneself by frightening women.** 2) The existence of more handguns among the general outdoor population imposes some risks on the whole population. If someone gets very angry at me, the chances that I will be injured increase dramatically if the person has a gun. Do such risks outweigh the risks imposed on the woman by preventing her from protecting herself effectively? Much depends on details. Consider automobile operation, and in particular auto operation by unlicensed drivers who have only seen driving on television. If many people on the road were driving for the first time, with no training whatsoever, the roads would be a dangerous place indeed. In many of the unfortunate accidents with guns, the person is firing a gun for the first time. Furthermore, the elementary precautions one learns to take in pistol class, such as not having a round in the chamber under the firing pin, which prevents accidental discharge, are not taken. It is certainly unwarranted speculation to predict that accidents and ill-judged uses of firearms would increase because of an increase in properly-licensed concealed handgun-carrying. We can only conjecture what the effect of treating gun-licensing the way we treat automobile-licensing would be: That is, what would happen if a person had to take a course to get a pistol permit, but the issuance of such a permit was a prima facie entitlement, so that the government would have to have a special reason not to issue a permit rather than the citizen being required to have a special reason to have a permit. one countervailing benefit often overlooked is the wider effect on unarmed women. **If a third of women are packing concealed S&W .38 Specials, those who choose not to arm themselves are beneficiaries, as long as the weapons are small enough to be concealed. Many of them are. Concealed weapons, far from being especially dangerous, have positive free-rider effects.**

#### Failure of gun­control legislation could be a bad omen for immigration, deficit reduction, and tax reform.

Berman and Becker, 2013 ( Russell and Bernie, professor of German Studies and Comparative Literature @ Stanford University, Washington D.C.:The Hill, p. 10)

**Some lawmakers fear the failure of gun control legislation in the Senate could be a bad** **omen for immigration, deficit reduction and tax reform.** **B** **ackers of an expansion of background checks for gun purchases** had hoped that the support of a key conservative, Sen. Pat Toomey (R-Pa.), would win over Republicans and **lead to more bipartisan deal-making .** I n s t e a d , t h a t a g r e e m e n t w a s d e f e a t e d , **leading to a round of bitter recriminations and vows of political retribution.** The outcome has left many questioning whether the coalitions behind immigration and tax reform are strong enough to overcome the ideological divide in Washington. "While the issues are [different like] tomatoes and asparagus, the point of the matter is it sets the tone. It sustains an atmosphere of not working together," said Rep. B ill Pascrell ( D-N.J.), a member of the tax-writing House Ways and Means Committee. "We have not moved closer in any respect in the past four years." **T** **he push for immigration reform is moving ahead** after the unveiling last week of the Gang of Eight proposal in the Senate. The plan earned early praise from lawmakers and organizations across the political spectrum. Republican and D e m o c r a t i c s e n a t o r s **behind the immigration legislation insisted that the failure of gun control legislation would not sap their momentum.** "I think they're different," said Sen. Charles Schumer (D-N.Y.), a senior Democrat deeply involved in both issues. **"** **There are many in the conservative movement who want to see an immigration bill done. There are very few in the conservative movement who want to see a gun bill done.** That's, I think, one of the differences." In a similar vein, House Minority Leader Nancy Pelosi (D-Calif.) suggested last week that **i** **mmigration reform made more political sense** f or R e p u b l i c a n s **than any restrictions on guns**. " T h e H i s p a n i c c o m m u n i t y v o t e d 7 0 p e r c e n t for the Democrats," Pelosi told reporters, referencing last year's election. "That opens the space in people's minds on the Republican side that perhaps immigration reform was an issue whose time had come." The bigger threat to the immigration bill might be political fallout from the Boston Marathon bombings, in which the two suspects identified by law enforcement were immigrants. Sen. Chuck Grassley (R-Iowa) mentioned the bombing Friday in the first hearing on the immigration bill in the Senate Judiciary Committee. In the case of tax reform, Democrats had already grown more pessimistic about the prospects for an agreement, despite the commitment of House Republican leaders to advancing legislation this year. The Republican chairman of the Ways and Means Committee, Rep. Dave Camp (Mich.), and the Democratic chairman of the Senate Finance Committee, Sen. Max Baucus (Mont.), have worked closely together on the issue, but the two parties remain at loggerheads over whether tax reform should bring in more revenue to the government. Democrats said the failure of the Senate to approve what supporters acknowledged was a **modest g** **un-control** **bill did not bode well for tax reform**. "The Senate is blocking the gun bill, for heaven's sake," Rep. Jim McDermott (D-Wash.), another Ways and Means member, told The Hill. "Now, how can you get through a tax bill? Talk about something big. **The gun bill's a little tiny thing.** Background checks. And you can't get it through." Liberal Democrats have also grown wary of Baucus, who has been distancing himself from the national party as he gears up for a reelection bid next year. He voted against the Senate D e m o c r a t i c b u d g e t r e s o l u t i o n a n d t h e **g** **u n - c o n t r o l** b i l l . S o m e t o p D e m o c r a t s a r e c o n c e r n e d that lawmakers might believe they could only support changes on so many hot-button issues, with immigration reform and same-sex marriage also moving to the forefront. The co-author of the background check proposal, Sen. Joe Manchin (D-W. Va.) said last week that it would be "reasonable" to conclude that some conservative Democrats were stretched too thin, and lacked the "energy" to sell rapid changes in their positions on gay marriage, immigration and guns at the same time. "You have so many different three-dimensional chess games going on here that you wonder if it's all about the chess, the moves ̄ instead of the outcomes, who are the winners and losers in the process," said Rep. John Larson (Conn.), a Ways and Means member, who formerly held a House Democratic leadership position.

#### What the Second Amendment really means.

Kates & Michel, 2007 (Don B. & C.D., lawyers, “Local Gun Bans in California: A Futile Exercise.” University of San Francisco of Law Review 41 U.S.F. L. Rev. 333 (Winter, 2007))

The Second Amendment to the United States Constitution enunciates the "right of the people to keep and bear Arms." [n28](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true#n28) Gun control advocates have offered two theories in arguing that the Second Amendment has no impact on firearms prohibitions: (1) that what the Second Amendment actually protects is the right of the states to have armed militias; [n29](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n29) and (2) that the Amendment guarantees only a "collective right," by which is meant a "right" that does not guarantee individuals anything and cannot be vindicated by litigants suing either on their own behalf or even on behalf of the collectivity. [n30](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n30)

#### State Constitutional Protection of a Right to Arms

Kates & Michel, 2007 (Don B. & C.D., lawyers, “Local Gun Bans in California: A Futile Exercise.” University of San Francisco of Law Review 41 U.S.F. L. Rev. 333 (Winter, 2007))

California is one of a handful of states that lacks an explicit guarantee of the right to arms in its constitution. Article I, section 1 of the state constitution does guarantee the right to self-defense. [n36](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true#n36) However, the California Supreme Court has declared, in dictum, that this constitutional provision does not encompass any right to arms. [n37](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true#n37) This was dictum because the meaning and scope of the California constitutional right to self-defense was not before the court, it not having been raised or argued by the parties. Had supporters of the right to bear arms been afforded an opportunity to brief the issue, the court may have been informed that eighteenth and nineteenth-century Americans followed the view of "natural law philosophers [who] saw self-defense as the premier natural right. From it they adduced ... the right to arms," [n38](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n38) and that modern philosophers who have considered the question agree that a right to arms is implicit in the philosophical right to self-defense. [n39](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n39) The court also may have realized that a United States Supreme Court opinion by Justice Holmes intimates that the Federal Constitution embraces a right to self-defense that includes a constitutional right to arms. [n40](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true#n40)

#### Banning guns will increase violence and decrease security.

Kates & Michel, 2007 (Don B. & C.D., lawyers, “Local Gun Bans in California: A Futile Exercise.” University of San Francisco of Law Review 41 U.S.F. L. Rev. 333 (Winter, 2007))

The dangers of guns in the hands of violent criminals or the deranged are self-evident and attested by tragic experience. But California and federal law already prohibit juveniles, the insane, convicted felons, and violent misdemeanants from owning guns. [n126](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n126) In contrast, England, Canada, Australia, Jamaica, and Ireland have banned and confiscated all handguns or large numbers of handguns and other guns. [n127](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n127) The experience with such laws demonstrates that they do not  [\*356]  disarm violent criminals, who instead just disobey these laws.[n128](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n128) For instance, when England banned handguns in 1997, law-abiding owners turned in over 166,000 of them. "Yet that left untold numbers in criminal hands" and did not stop the "illegal importation of millions more guns." [n129](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n129) Five years later, "England's National Crime Intelligence Service lamented 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.'" [n130](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n130)  A recent comprehensive study summarizes England's gun law and gun experience as follows: The peacefulness England used to enjoy was not the result of strict gun laws. When it had no firearms restrictions [during the nineteenth and early twentieth centuries] England had little violent crime, while the present extraordinarily stringent gun controls have not stopped the increase in violence or even the increase in armed violence ... . [n131](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n131) This same study goes on to note that armed crime, never before a problem in England, has now become one. Handguns are banned but the kingdom has millions of illegal firearms. Criminals have no trouble finding them and exhibit a new willingness to use them. In the decade after 1957 the use of guns in serious crime increased one hundredfold. [n132](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n132) In short, the actual effect of banning guns to the general populace is that only those who are of no danger comply, while those who are violent do not comply and cannot be disarmed. Banning guns just deprives victims of what is the most effective - and often the only - weapon that allows them to resist the violent. [n133](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n133) "Only a gun can allow  [\*357]  a 110-pound woman to defend herself easily against a 200-pound man." [n134](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.318371.76082277385&target=results_DocumentContent&returnToKey=20_T22324399693&parent=docview&rand=1436816565695&reloadEntirePage=true" \l "n134)