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***Reversing the Trend: How Innovative Changes in Legislation
Can Reduce the Incidents of Gun Violence***

The growing problem of gun violence in the United States is a complex and multi-faceted issue. While opinions on gun-ownership vary greatly from person to person, the increasing number of gun violence incidents and mass shootings represent a problem in our country that can no longer be ignored or pushed aside. The underlying question that must be answered for any improvement in these numbers is how the US might change the laws around gun ownership in a way that will reduce this trend. The most effective measures that can be made to turn this growing trend around are based on better ways of determining whether a person actually has the ability to be a responsible gun-owner *before* they are issued a gun, and a careful analysis of what kinds of guns should be made available to the general public. There are some who fear that any change in gun legislation would infringe on their rights as outlined in the Constitution, but this is not the case. Looking at mental health status and criminal backgrounds, as well as thinking about what kinds of guns should be made available are two reasonable ways to begin this process. Positive changes in these areas and new laws reflecting those changes are the best ways to reverse this deadly trend.

As an 18-year old, born only a few months before the World Trade Center disasters, my generation and I have grown up with an understanding that violence is an everyday part of life in the US. As a new college student in this course, I have learned that academic research and findings can often shed light and present new perspectives on persistent problems like this one.

Prior to 1996 and the passage of the Dickey Amendment, for example, the US Centers for Disease Control and Prevention (CDC) received government funding for “firearms and gun violence research.” (Behrman, et al 958) Recognizing that gun violence is a public health issue, it seems logical that funding be returned to the CDC so they can resume research on the “correlates and predictors of gun violence, and the policies and practices that can prevent them.” (Behrman, et al 958) This kind of research is a logical and sensible first step in consideration of any changes in how and when a person can purchase a firearm. With the passing of the Dickey Amendment, the implication to the CDC was that if you fund research that angers the gun lobby, you risk substantial cuts to your budget. This was not a course of action the CDC was willing to take. Without data and funding, it is difficult to prove or support any argument, but especially one as divisive as gun control.

Gun violence is more than simply a public health burden. There are many in the scientific community who believe it is something called a biopsychosocial disease. The biopsychosocial model is broad in scope, representing the interaction of biological, psychological, and social factors in a development or issue. Stephen W. Hartgarten, a physician at the Medical College of Wisconsin writes that annually, “over 36,000 Americans die from firearm-related events.” (Hargarten, et al 1024) In addition, the CDC’s average of gun-related injury data from 2010 through 2014 concluded that 78,815 individuals are injured annually in the US by gun violence. (Behrman, et al 958) Until we view gun violence as a biopsychosocial disease, one that follows a kind of pattern, it will continue to grow, unobstructed by research designed to effectively reduce that growth. (Hargarten, et al 1024) As a society, and as a first step, we should support peer-reviewed firearms studies; the results will help guide us in putting in place improved policies for

gun sales and ownership. Studies of this kind, that are evidence-based, should be considered in future recommendations surrounding gun ownership laws and in writing new legislation.

The increase in gun violence in the US has forced a need for stricter firearm laws nationwide. A study published in the *Journal of Injury and Violence* performed a scientific analysis of patients with firearm-related injuries in ten states. States were categorized two ways: those with strict firearm laws (SFL) and those with non-strict firearm laws (Non-SFL). The trauma surgeons who published the study concluded that “states without SFL had higher firearm related injury rates, higher firearm related mortality rates, and significant potential years of life lost compared to SFL states.” (Jehan, et al 11) Studies like this one support the importance and need for policy-makers to address the growing problem of gun violence with changes to laws that are presently in place with the goal of reducing firearm-related injuries and deaths.

As recently as 1994, more than 40% of gun owners had been able to acquire a firearm without a background check. (Miller, et al 233) A study conducted in 2017 and published in the peer-reviewed *Annals of Internal Medicine*, collected data to provide an up-to-date estimate of the percent of current gun owners who had acquired their firearms without a background check. Results showed that more than 22% of gun owners who had obtained their most recent firearm within the previous two years had done so without a background check. (Miller, et al 233) While this number is smaller than it was in 1994, it still means that millions of adults were able to acquire guns without background checks, a dangerous situation at best. This data is also alarming given the fact that “more than 90% of all Americans favor universal background checks. Despite this support, most states do not require background checks for firearm sales between private parties.” (Barry, et al 880) To reduce the chance of guns getting into the hands of people who

are not stable enough to be responsible, and the fact that most Americans favor it, universal background checks should be an easy first step in the changing of gun laws.

Why, then, are changes to the current gun laws not happening swiftly? An article published in the *American Journal of Public Health* explains that the idea that society is significantly divided by gun ownership status has been put forward by the media and social organizations as a hurdle negatively affecting the passing of legislation designed to reduce gun violence. (Barry, et al 878) The results of a national survey conducted in 2017, however, showed the opposite to be true. In the study, 24 different gun policies were presented to gun owners and non-gun owners through a national public opinion survey. “For 23 of the 24 policies examined, most respondents supported restricting or regulating gun ownership.” (Barry, et al 879) The so-called divide on gun policy written about in the news might just be something created to increase news ratings. “Gun policies with the strongest support were universal background checks (87.8%) and improved reporting of people disqualified from owning a gun on the basis of mental health criteria to the firearm background check system (83.6%).” (Barry, et al 879) It is clear that background checks and mental health analyses for potential gun owners are areas supported by most US citizens. In an article for the *Journal of Law, Medicine, & Ethics* by John S. Vernick, he concluded that more than $\frac{3}{4}$ of those people incarcerated for crimes involving handguns obtained their firearms from a person not required to conduct a background check under federal law. In addition, Vernick states, only 18 states “go beyond federal law and require a background check for all handgun sales.” (Vernick, et al 99) Vernick and his associates conclude, most importantly, that keeping guns away from high-risk people is a proven violence reduction and prevention strategy.

In concluding that conducting background checks on potential gun buyers is an effective way to decrease the potential for gun violence, two areas were studied intensely: criminal background and mental health. These two areas are ones where changes could be made to federal and state gun laws because they are areas that gun owners and non-gun owners agree need evaluation and improvement. US Courts, including the Supreme Court, agree that while the Second Amendment is reasonable, it should not stand in the way of sensible laws to reduce gun violence. (Behrman, et al 1959) A background check that might disqualify a person from purchasing and owning a firearm is a reasonable measure toward reducing gun violence. In an article for the *Journal of Law and Policy*, James Silver explains, “current federal law mandates that federally licensed firearms dealers conduct a background check of prospective purchasers for disqualifying mental health adjudications.” (Silver, et al 2018) This is a way for federally licensed firearms dealers to conduct background checks with the goal of ensuring a gun sale doesn’t violate federal laws. The problem is that federal law does not require states to make “information relevant to background checks (whether that person is considered among the classes of those prohibited from purchasing a firearm) including mental health records” a part of the gun-issuing transaction. This is disturbing, especially after reviewing the results of Silver’s study which concluded that “five recent public mass murderers would have had gun-disqualifying mental health records prior to their attacks.” (Silver, et al 2018) Changing and expanding existing laws governing criminal and medical background checks might capture more violent offenders and potentially reduce the frequency of gun violence, while highlighting the effectiveness of existing laws. The goal should be to keep guns “out of the hands of those perceived to be the greatest threat to public safety.” (Silver, et al 2018) The evidence available, based on academic research and publications, supports the fact that background checks reduce

firearm homicides and violent crime rates. In an article for the *American Journal of Criminal Justice*, Jaclyn Schildkraut explains that, at the same time, there is an understanding that the lack of data on gun ownership and availability and on “guns in legal and illegal markets severely limits the quality of existing research. There is no way to accurately account for the number of firearms stolen, which are either never reported to authorities or never recovered.” (Schildkraut, et al 374) The overwhelming data available, however, concludes that changes to current gun laws that include stricter background checks before being allowed to purchase a gun will reduce the number of gun violence incidents in the US, and would not take away from the rights US citizens have through the Second Amendment.

The US is a geographically enormous country with cultures and societies that vary considerably from place to place in terms of values and social “norms.” Nearly all the studies reviewed for the writing of this paper shared one common conclusion: Upbringing influences views on gun control, both directly and indirectly. Rural areas, in particular, tend to have citizens and police forces that are consistently more averse to gun regulations than those who reside in urban and suburban areas. Professor of Sociology Racheal A. Woldoff, in a study focused on gun control views among rural police officers, concluded that gun ownership is part of rural identity. (Woldoff, et al 445) Woldoff also brings to light the “celebration of guns in rural life” that causes a kind of conflicting identity with those citizens who do not live in rural areas. In this case, “identity” refers to the roles, memberships, personal characteristics, or knowledge and experiences people view as “self-defining.” (Woldoff, et al 445) This is important as Woldoff also points out that most of the research on the “power of place in shaping life outcomes and public opinion in the US focuses on urban areas. Some have even argued that scholars have systematically devalued rural places as a source of identity.” (Woldoff, et al 447)

This misdirection is especially notable given Woldoff's claim that 59% of rural households report gun ownership compared to 36% of suburban and 28% of urban households. (Woldoff, et al 447) This seems reasonable and makes sense, as attitudes about gun ownership are at least partially driven by cultural concerns, such as adhering to the symbolic value of early US history.

Rural citizens often purchase guns for hunting or sport and are less likely to use a gun in the committing of a crime. (Woldoff, et al 448) According to a study completed in 2004 by Oliver and Meier, "rural residents' orientation toward individualism, self-protection, privacy, informal control, and distrust of the government and perceived outsiders is consistent with a desire for individual ownership of firearms." (Woldoff, et al 448) In reviewing the results of this study, Woldoff summarizes the importance of guns to rural Americans by explaining, "guns play a part in everything from food acquisition to property protection to outdoor sport, and are seen as a rite of passage into adulthood. Guns are signifiers of multiple dimensions of rural identity including self-sufficiency, intergenerational unity, and individualistic values." (Woldoff, et al 449) What is most interesting about this study and Woldoff's study is the fact that in each, it is concluded that rural police officers and law enforcement officers are against unlimited access to guns and, in fact, strongly recommend additional gun control legislation be implemented in their areas. The majority of the rural officers participating in the study admitted that they support specific gun control measures, including some that they believed were inconsistent with the views of guns present in those who shared their "rural identity."

This is interesting given the fact that the study described the importance of gun ownership to rural identity and that exposure to guns was considered an important part of a rural upbringing. Rural officers claimed that rural children receive a "superior socialization to urban and suburban children because they learn about guns in a holistic, honest way, free of scare

tactics. Rural residents learn to identify as progun because the act of publicly demonstrating gun knowledge is a way of demonstrating one's honorable and authentic rural upbringing." (Woldoff, et al 455) This standpoint, however, seems impractical as the majority of US citizens do not live in rural areas. The assumption that urban or suburban dwellers are somehow less aware or uninformed about guns is not accurate. There is not data available to support this perspective. Most importantly, it does not distract from the fact that there are certain individuals who, because of their backgrounds or mental states, should not be permitted to own guns. A knowledge of how to handle a gun does not equate to safety if and when a dangerous situation arises. The US has certainly suffered enough meaningless mass shootings to know this is true. Gun knowledge may be an important part of rural pride and identity, but it in no way can protect an individual in most life or death situations where firearms are involved. Stricter background checks will prevent felons, domestic violence offenders, and the mentally ill from purchasing firearms. Laws and applications for firearms must change, however, for background checks to be effective. Woldoff points out that a mentally ill person only must check the "No" box on a form in order to purchase a large caliber automatic weapon. (Woldoff, et al 462) Gun laws should be changed to ensure that those who should not have access to guns, regardless of where you live, are not able to get them. It is not "gun rights" versus "gun control." It is both: those deemed safe enough to own a gun should be able to own one, and not every firearm or gun manufactured should be made available to all US citizens, regardless of address.

This brings us to our next point. Another important change to firearm laws, and one that would significantly reduce the incidents of gun-related violence in the US, is to reduce the types of firearms available to the general public. At the time of the passing of the Second Amendment, guns and other firearms were not as advanced as they are today. US gun laws should be updated

to reflect the types of firearms that are available today, and not hundreds of years ago. A ban on the purchase of military-style assault weapons is a reasonable first step. In 1994, the US Federal Assault Weapons Ban made a specific set of automatic and semiautomatic weapons and large capacity magazines illegal for civilian use. It stated that it was “unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon, and it prohibited large-capacity ammunition feeding devices. In addition, it prohibited juveniles from possessing a handgun or ammunition for a handgun.” (Schildkraut, et al 361) Unfortunately, the ban expired in 2004 due to a change in political climate and was not renewed by Congress. Dr. Charles DiMaggio, in a study conducted for the *Journal of Trauma and Acute Care Surgery*, reviewed the ten-year period from 1994-2004 compared to non-ban periods to study the effectiveness of the ban. He explains that, “mass shooting fatalities were 70% less likely to occur during the federal ban period.” DiMaggio also concluded that, “assault rifles accounted for 85.8% of the total fatalities reported in 44 mass-shooting incidents.” (DiMaggio, et al 11) These are significant statistics and should be considered in any change to firearm legislation. DiMaggio’s conclusion, based on the data from this important study, was that mass-shooting homicides were reduced during the years of the federal assault weapons ban. It was also concluded that mass shooters who used an assault-style military weapon killed more people on average. Our overall conclusion should therefore be that access to certain weapons may predict the intentions of a potential shooter.

Restrictions on assault weapons is a controversial issue. Assault weapons are defined as “semiautomatic firearms with large ammunition capacities and other military-style features that appear useful in military and criminal applications but unnecessary in shooting sports or self-defense. Many also use large-capacity magazines, which are defined as ammunition feeding

devices holding more than ten rounds of ammunition.” (Koper, et al 314) It is impossible to defend the need for these kinds of weapons in the hands of civilians. In a study conducted by Dale Abrams for the *Yale Law & Policy Review Journal*, an analysis of law enforcement officials’ perspectives on assault weapons concluded that, “virtually every major law enforcement organization in the country including the Fraternal Order of Police, the International Association of Chiefs of Police, the National Troopers Coalition, the National Sheriffs Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, and the Federal Law Enforcement Officers Association has endorsed a ban on certain assault weapons.” (Abrams 493) These organizations fear that the growing number of assault weapons among drug dealers particularly represents the likelihood that they are becoming the “weapons of choice” for those with notable criminal backgrounds. While gun supporters point to the low number of assault weapons that are confiscated in urban crimes as a defense to keeping assault weapons in circulation, the increase in the number of assault guns in general is enough evidence to conclude that their possession is a problem that needs national attention and new legislation.

Changes in laws that would result in a decrease in assault weapon violence should include implementing a mandatory waiting period before the issuing of an assault weapon, providing time for a background check on the applicant to be completed, requiring weapon registration which may help link a suspect to a crime involving an assault weapon, licensing that would restrict assault weapon possession only to certain individuals (as assault weapons are not needed for self-defense when other firearms are available), and shifting the burden to gun advocates to prove that an assault weapon’s usefulness outweighs its danger. Abrams states, “Only after a gun’s advocates demonstrate that the weapon should be legal would the sale or

possession of that weapon be permitted. In this way, possession of certain semiautomatic weapons would be treated as a 'privilege,' not as a 'right.'" (Abrams 500) Licenses would only be granted for weapons that are especially suited for hunting and only to those people who have passed a background check.

There has been a multitude of studies conducted reviewing the most effective ways to reduce the number of gun-violence incidents in the US. Changes in existing gun laws and a ban on military assault weapons consistently top the results of these studies, in both impact and citizen support. In a 2011 Gallup Poll, respondents concluded that "stricter gun control laws and better mental health screening were the two most important measures that could prevent mass shootings." (Schildkraut, et al 368) In "The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States," results concluded "background checks reduce firearm suicides and homicides and that laws prohibiting the purchase or possession of guns by individuals with some form of mental illness will reduce violent crime rates." (Morrall 979) There can be no doubt that changes in gun control laws will positively reduce the number of gun-violence incidents in the US. Even studies such as one conducted in Connecticut last year concluding that "most gun control policies have no significant effect on school shootings," also concluded that "assault weapons bans may reduce the overall number of school shooting victims." (Gius 320) Gun-violence and mass shootings in the US have reached unacceptable levels that require sweeping changes in our laws, sooner rather than later. Our collective history as a nation has changed significantly over the past decades to a point where only a change in US gun legislation can turn the number of gun violence incidents around.

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* Highlighting denotes a peer-reviewed journal.