

# Carrying Concealed Weapons: Dead Wrong for Wisconsin.

## URGENT NOTICE:

WISCONSIN ANTI-VIOLENCE EFFORT STRONGLY OPPOSES LEGALIZING CONCEALED GUNS.

THE PRO-GUN LOBBY AND THE GUN INDUSTRY HAVE CLAIMED THAT THE LEGALIZATION OF CARRYING CONCEALED WEAPONS WILL MEAN A DECREASE IN VIOLENT CRIME AND AN INCREASE IN PERSONAL SAFETY.

THESE CLAIMS AREN'T BASED ON COMMON SENSE!

CREATING A LAW BASED ON FAULTY LOGIC AND UNSUBSTANTIATED CLAIMS IS DANGEROUS AND DEAD WRONG FOR WISCONSIN.

The State Assembly has just passed a bill (AB 675) **LEGALIZING THE CARRYING OF CONCEALED WEAPONS.**

Concealed weapons are dead wrong for Wisconsin. Gun violence already takes the lives of more than 400 Wisconsinites every year.

Common sense tells us that more hidden, loaded guns carried by more people will mean more deaths and injuries.

And sending a message to our children that carrying a gun is a good idea is just plain dangerous.

The bill is now in the hands of the State Senate.

Please call your State Senator **TODAY** to let them know how you feel about gun violence. Ask your Senator to vote **AGAINST** legalizing concealed weapons.

To Contact Your State Senator Call the Toll-Free Legislative Hotline

**1 (800) 362-9472**

This notice prepared by Wisconsin Anti-Violence Effort. Call (414) 351-9283 for more information about ending gun violence.

Hi,

3/9/02

Jim John Stenandone From Milwaukee, WI.

I am against carry a concealed weapon, My Little Cousin Rita Martinez was killed in March 2000, by a shot to the back of her little head, That does not mean we have the right to carry a gun ourselves. It was deadly wrong what happened to her, So innocent and young. A woman has the right and the ~~mentally~~ ~~to work~~ ~~to work~~ or who to work <sup>with</sup>, We have the smart mind to protect ourselves & our children without carrying a gun. My son is 12 yrs. old he loves to shoot his BB gun by his gramma, which lives in Hartford, <sup>WI</sup> We keep it there because I'm a woman with sense and protection for my children. Everyone talks of carrying a gun but what about yet a innocent victim that pretends to have a gun just to look like he is protecting himself. "I SAY NO TO CCW"

MR. CHAIR SENATORS, MEMBERS OF  
CONGRESS,

THANK YOU FOR THIS OPPORTUNITY  
TO SPEAK TODAY REGARDING THE RAL  
LEGISLATION. THIS BILL IS NOT ABOUT  
PROMOTING VIOLENCE... IT'S ABOUT  
EFFECTIVE SELF DEFENSE.

~~WHY AM I HERE~~  
REPRESENTING MYSELF AND  
EVERYONE OF THE FOLKS YOU  
KNOW FOR THE PAST 47 YEARS.  
THEY'VE MADE A CHOICE...  
TO BE INVOLVED WITH GUNS,  
OR NOT. THIS MAJORITY CHOSE  
NOT TO, FOR THEIR OWN REASONS.  
HOWEVER THEY WERE THE FREE  
CHOICES AT THE TIME.

UNLIKE MANY GOVERNMENT  
DUTY, PPV DOES NOT AUTHORIZE  
DISPLAY OR WITHDRAWAL OF FORCE.  
PASS OVER - not should

PRM IS SELF PROTECTION. NOT  
- TO BE STORT

THE SPY WOULD NOT FAIL WITH  
PASSAGES AS OR WITH THIS  
STORY. WHAT IT WILL SHOW  
IS FREEDOM FROM THE FEAR  
AND BENEFIT OF ARREST FOR  
ENGAGING IN EFFECTIVE SELF  
DEFENSE.

THE DATA FROM DR LOTT'S

STUDY SHOWS ONLY A FRACTION  
OF THE POPULATION APPLIES FOR  
OBTAIN'S CC PERMITS. THEY ARE  
THE ONES WHO ARE FAMILIAR AND  
RESPONSIBLE WITH ARMS BUYING.

DR LOTT, BEING A PERMIT COSS  
MEAN FORKS WILL FROM THEMSELVES.  
AS WITH ANY CHOICE THE SITUATION IS  
MEASURED.

JOEL STEWELL

24006 EASTERN HOLLOW RD

BOCA RATON FL 33485

Thank You Joel Stevell

My name is Cassandra Dunahue and I have been stalked going on 3 years now. I have been living in fear for the past years. I am followed when away from home and watched when I am at home. But there is nothing I can do. For a pretty sad reason. Since this person has never physically touched me, there is nothing that the local police can do. I am afraid to go places alone. I am strongly in favor of the personal protection act. Everyday I wonder when it will go beyond just being followed and watched and to being attacked by this man. However, if I knew I were able to protect myself. I would not be afraid. I would have the best friend of all to protect me. A gun. If someday I am the victim because I was unable to protect myself, that would truly be a terrible day. I can save myself from being hurt, raped or even killed if I only have the chance and the right to.

Thank you

Cassandra Dunahue

Menomonie, WI

I would like to speak to you from the perspective of someone who has held a concealed carry permit. People who oppose this bill say that it will create a "wild west environment". Nothing could be further from the truth. As you go through your training and after you've received your permit, you are struck with what an incredible responsibility you have. You're very concerned about proper concealment of the weapon so that the public isn't alarmed. You worry that the gun is secure on your person so it doesn't fall out at an embarrassing moment. Everytime you get out of your car to enter a building you must think "Is it okay to carry in there or should I leave it in the car?" You think about scenarios where you might have to use the firearm and review in you mind "is this a real bad guy and am I within my rights to use lethal force. What about innocent bystanders? During your training it is emphasized about the legal aftermath of a justified shooting. How you may be tied up in lawsuits and legal bills for years. In short it is impressed upon you that using your weapon is an absolute last resort and to NOT SCREW UP!

Are these laws effective? I refer you to Miami years ago when foreign tourists were being mugged shortly after getting off the plane. For a while there was significant damage being done to the Florida tourist industry. It was widely reported on the national news that no one understood why this was happening. The NRA took it a step further and interviewed criminals who had been apprehended and their response was interesting. They targeted foreign tourists because that was the only group of people that the criminals knew ~~that~~ were not carrying guns.

Please vote for the people and common sense. Thank you.

John Hosking  
Fountain City 54629

I cannot overpower a man. As much as I like to think that I might get a kick or punch at an attacker, I also know my limits. Being able to have the right to carry a gun in my bag or on my person is my choice. I can choose not to carry one but I want to feel safe when I travel, whether I'm hiking, camping, biking or shopping. I will not become a victim.

I am a law-abiding citizen and wish to remain so. I believe in defending myself and my family with whatever means necessary. Too many crimes are being committed on unarmed persons. If an attacker has the slightest idea that I may be carrying a weapon and will use it, with the law condoning this means, that person will suspend his activity. After the fact is not in my vocabulary. I'll be damned if I'll wait until I'm raped, robbed or victimized before I defend myself. A gun-a vote for the Personal Protection Act- is the solution!

*Karen Spuehl*

Martin Luther King Once Said  
{The time is always right to do what is right}

Isn't that right million March moms.  
if this law is passed I pray God opens  
The eyes of the state assembly each senator and any one for  
concealed to carry.  
I rebuke the concealed to carry law in JESUS name. I do  
not know what it will take  
Or why you cannot see the wrong in trying to pass this law.  
as it is now no one cares if having a gun is illegal or not we  
have shoot outs at the ok corral occasionally. And what the  
heck give them all the right to carry a gun who cares. If  
your not rich and don't have the money the nra has. then  
your not famous. big or small young or old if you live in a  
high crime area or not here's a gun kill it's legal now it's  
called self defense another one bites the dust . Is that what  
you really want ? is this called united we stand alone we  
fall ? tell me because I am confused here. it's wrong that  
my Rita is dead and others parents lost there children I  
know concealed to carry is dead wrong for Wi

GOD BLESS YOU ALL I LOVE YOU  
I PRAY YOU DO THE RIGHT THING  
VOTE NO

A handwritten signature in black ink, appearing to read "Charles W. Smith", located in the bottom right corner of the page.



JOHN G. MATTSON  
3370 CYPRESS ST.  
EAU CLAIRE, WI. 54701

PEOPLE

832-2259

I won't address you as Senators, Representatives, Ladies & Gentlemen, but PEOPLE, for that's what we are --- PEOPLE. WE THE PEOPLE, --- all inclusive.

My name is John G. Mattson. I am a native resident of this beautiful Chippewa Valley.

We have heard, and will hear, many reasons for supporting the Personal Protection Act, Right to Concealed Carry, AB 675 & SB 357. Many of these things we will hear repeated over and over again. I support most of AB 675 & SB 357, but have my reservations on the governmental registration. I fully support Freedom, and I understand that we must repeat and repeat the virtues of this bill in hopes that deaf ears FINALLY wake up, hear, and understand. Instead of me repeating these reasons in entirety though, I would like to go a little different direction. Let me tell you a story:

A few weeks ago I was out for my morning jog. There was a nip in the air, but the weather had been nice and it looked like Mother Nature was once again going to provide us with a nice spring-like day. I ran along enjoying the peace and beauty of this morning. Then I heard it ----- a child's screams followed by barking, snarling, and growling. I sped around a corner to come upon the scene. Two fairly large dogs had a child on the ground and were tearing at him. A small blue backpack lay to the side. A young boy on his way to school that morning to laugh, play, and learn for the future. What could I do? I HAD no choice! I ran at the closest dog and delivered a kick. He saw it coming, sidestepped the force of the blow, and turned his attack on me, grabbing me by the leg. As I fought with this animal, two homeowners came rushing out of their homes to help, one armed ----- with a rolled up newspaper. The dogs now seeing that they were outnumbered broke off the attack and disappeared into the neighborhood. I stood there, pants torn, leg bloodied, and blood dripping from my fingertips. Through tears streaming across my cheeks I looked down at the torn lifeless body of the child. Why God, why doesn't society and my government trust me to carry a firearm?

This story is fiction ---- or is it? A search through archives of community newspapers nationwide may come up with this exact story. Certainly it will come up with many that are close, similar, and parallel. Just recently there were two such stories that captured the media's attention. One here in Wisconsin cost a young girl her life. You see, as much as we promote the PPA for protection from the predators of our society, we must realize that the threat is not necessarily always from the two-legged kind, but from our 4-legged friends that have gone bad as well. You may have heard of the jogger attacked by a mountain lion in a western state, and of Mothers afraid to leave their children alone in the back yard for fear of bold marauding coyotes. We don't have to worry too much about that in Wisconsin, but a few days ago we still buried a young girl.

We are at war. Did you know that? We are at WAR! President Bush has declared war on terrorism, *just like we are doing here*, and Democrats and Republicans alike have come

together to support this war on FOREIGN terrorism. Let's come together and do the same for DOMESTIC terrorism, and give the law-abiding citizen the tools to legally fight back with.

Our war on foreign terrorism is unlike any war we have ever been in before. Only those having served in Vietnam can probably relate to the quick strike of combat without a defined front line, guerrilla tactics, covert operations, secrecy, stealth, targets of opportunity, the uncertainty of friend or foe, and the unknown as the enemy may walk among us. But even to these veterans this war is different. This war is on OUR soil and in OUR backyards. OUR families are now in harms way. Not since the Civil War when we fought among ourselves has an attack the magnitude of that that occurred on 911 happened on American soil. Not since the Civil War have so many people lost their lives on American soil in one place, and never in a greater number as fast. Our enemy hates us for who we are. They hate us for the Freedoms we still have. They have vowed to kill Americans, and as many as they can without discrimination to age, sex, or color of skin. This was witnessed when the Twin Towers came down, and men, women, and children of all ages and colors lost their lives. Citizens of many other foreign countries also lost their lives that day just because they were in the way of the terrorist mission against the American people. So how do we fight this war, and where is the front line? The front line is where you stand --- where I stand --- and where YOU stand. It might be at the Mall, a School or College Campus, a Church, Hoover Dam, State Capitol, just outside this door, or on your Street. The list is endless, and if you happen to be there when the ugly head of terrorism shows its face in ANY form, you ARE on the front line, and you ARE our first line of defense. I hope the wisdom of the Senate will now provide the people of this great freedom loving country, the right to defend it, our freedom, and the people we love.

Years ago I became a boy scout. First a Cub Scout, then a Boy Scout, and finally an Explorer Scout. I hold an Eagle rank with bronze and silver palms. Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent. That is the scout law. Do a good turn daily, the scout slogan. At the young age of a Cub Scout I learned the scout Motto ----- BE PREPARED. BE PREPARED! Out of the mouth of babes -- and I hope we are.

When Florida showed its trust in their law abiding citizens and passed concealed carry laws, an interesting thing happened. Florida did not return to the "Wild West". Heck, the only time Florida was ever "west" was when Columbus came looking for it! Florida has remained a southeastern state and the residents no matter how unskilled at the ballot box have not taken to shooting each other for sport. Crime however went down as unlawful predators learned the price of their trade could be too high if confronted by a legally armed citizen. Suddenly the chance of looking down the business end of a 9mm and hearing the words "go ahead make my day", or seeing a potential rape victim reach into her purse, gave these thugs cause to think. And think they did. They moved on to easier targets in the form of unarmed tourists from other States, identified by the rental cars they drove. Wisconsin is much like those tourists visiting Florida --- an unarmed target in a sea of 44 States that have some sort of Personal Protection Act in place. Of the six States, Wisconsin included, that do not have any provisions for their citizens to protect themselves, an Ohio judge recently ruled unconstitutional the carry ban on Ohio citizens. Without a Personal Protection Act,

Wisconsin is setting itself up as an easy target for any undesirables to ply their trade in reasonable safety. Want to make a few bucks by knocking over a 7-11, a gas station, a bank? How about mugging a little old lady, or that guy just coming away from the ATM? Maybe a kidnapping, or steal a few cars? How about raping a few women while we're at it just to prove our manhood, and slit their throats if they scream? Let's go to Wisconsin, land of opportunity!

I don't consider myself a "gun nut", but I do understand Freedom, the price of Freedom, and the tools of Freedom. I grew up with guns. We played cops and robbers throughout the neighborhood and our parents weren't concerned about us when daylight turned to darkness. We left windows open, doors unlocked, cars unlocked, bikes unchained. On Halloween we trick & treated unchaperoned wherever our legs would take us, and our parents only looked through the bags of candy we brought home to find a choice morsel for themselves. It was a different time, a safer time. As a youngster I was sent to a firearm training school held on the top floor of the long gone Auditorium in down town Eau Claire. Under a strict no nonsense watchful eye we learned, and shot .22 shorts downrange at targets. Boy Scouts continued this training. In the field I hunted with my Uncles who taught me safety, respect, and sportsmanship. My government put all sorts of weapons in my hands, trained and trusted me to use them to defend our freedoms. I've worn Sergeants stripes in Infantry, Engineers, and Military Police. I think I can be trusted with a gun, and I also think the law-abiding firearms trained people of Wisconsin can be trusted. I also think Wisconsinites are just a little bit better quality than Floridians, after all we have beer, brats, cheese, and the Packers!

Support and pass the PPA for the Wisconsin people.

LET'S ROLL!

Thank You.

Mr. Dana B. Auer  
2507 W. Burr Oak St.  
LaCrosse, Wi 54601  
608-788-2698

DNR Customer # 018258459      Patrons License Holder  
Current member of The Holmen Rod and Gun Club  
Current member of The N.R.A      #55064517  
Former Regional Director for Ted Nugent World Bow Hunters

I wish to share my view, in regards to the upcoming Wisconsin Senate vote on the issue of our Second Amendment right to carry a licensed handgun.

Statistics are clear that in every state that has authorized the citizens right to legally carry handguns has shown significant drops in the levels of crime in those states. Florida and Texas are prime examples. Which by the way, Texas happens to be the state our great President Bush is from.

As an American citizen, I have the right to protect myself and my family from any act of aggression. Be they acts of terrorism, or threats of danger presented spontaneously in my daily living. It is just wrong, for any Government Official to attempt in any way, to underscore our constitutional rights.

History is filled with examples of regular working class people defending themselves and the rights of others. These people have fought every early American war, farmers, businessmen, and storeowner. Recall the famous Minutemen; did the Federal government assign them all weapons to fight with? No, they were self-armed individuals who understood what it meant to protect themselves and others.

Great Britain and Australia are both prime examples of countries where their Governments dictated Gun laws and basically disarmed their citizens. Once again it is proven statistically that both countries crime rates have increased dramatically.

Please do not misunderstand me when I say that our police departments are not able to do the entire job of protecting us out there. They would be more capable, if you allow good, moral, honest, caring, law abiding, licensed handgun owners to join in the deterrent process. The Government puts limits on the types of weapons our trusted servants can carry. I say arm them with state of the art weapons that most criminals use.

Only a vote of yes for this law to pass in Wisconsin will be acceptable. Do not infringe on the peoples right to bear arms under The Constitution of the United States of America. To many have fought and died to conserve our great nation and the freedoms we hold so dear. Allow us the freedom to choose!

Thank You  
Dana B. Auer

# Wisconsin Chiefs of Police Association, Inc.

116 Humphrey Circle So., Shawano, Wisconsin 54166 • Telephone (715) 524-8283 • Fax (715) 524-8280

**Richard W. Myers**  
President  
Appleton

**Steven C. Rinzel**  
1st Vice President  
Brown Deer

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**Randy A. Williams**  
3rd Vice President  
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**Donald L. Thaves**  
Executive Director  
Shawano

**Edward A. Rudolph, Jr.**  
Treasurer  
Port Washington



March 7, 2002

Dear Senator:

As President of the Wisconsin Chiefs of Police Association, it is my honor and privilege to speak on behalf of the more than 500 police leaders across Wisconsin. WCPA members are YOUR neighborhood experts on policing, not an out-of-town consultant or organization that falsely purports to represent mainstream law enforcement. As a chief of police for over seventeen years, I have rarely seen a time when police leadership is more united than in our opposition to attempts to enable carrying of concealed weapons. It is incumbent on our Wisconsin Senators to prevent this proposed legislation from becoming law.

Elected officials who are in touch with the majority of their constituents will know that the general public is scared to death of passage of concealed weapons legislation. It is unscrupulous to promote this agenda at a time when our country is still reeling from the effects of violence targeted against our society, knowing full well that the job of law enforcement radically changes if anyone on the street can carry a weapon. "Concealed carry" completely changes the relationship police have with the public, and jeopardizes the partnership and trust that years of Community Oriented Policing has sought to build.

The Midwest has the lowest level of the use of deadly force both *by* and *against* law enforcement, according to FBI statistics. Why? Because we hire and train highly professional police officers, who consistently show great restraint in the use of deadly force. The result is fewer occasions of deadly force assaults *against* police. Arming the general public throws this all out the window.

Crime does not decline with an armed public; in fact, criminal acts with weapons increase. Additionally, "exempted" locations as proposed in the Wisconsin versions of this legislation are pragmatically unenforceable. As one elementary school mother posed to me this week, when the armed person chooses to go into a school, do they just leave that gun in the glovebox out in the parking lot? Believe me, we can't keep youth from stealing CD's out of cars, there will be a field day stealing handguns from cars if this passes!

Currently, only law enforcement officers can carry concealed weapons in Wisconsin, and that is only after stringent hiring processes, extensive background and psychological

testing, and rigorous training with required demonstration of proficiencies that continues throughout their employment. How could anything less than this be acceptable for the general public to carry deadly force? Yet, the proposed legislation would enable anyone without a serious criminal record to simply ask for his or her permit to carry. Understand this: absence of a criminal record is no assurance of the psychological, emotional, and ethical requirements to make an immediate "shoot-don't shoot" decision. There are sufficient people serving life terms for their first offense to provide proof of this.

Year after year, cities like my own are listed among the top "safest in America" listings that periodical publications love to write about, based upon FBI crime statistics compiled annually. If Wisconsin as a state is one of the top places to live based upon low violent crime rates, WHY are we jeopardizing our quality of life? I don't hear many residents of Wisconsin jealously longing to become a high crime area like those states who have long had concealed carry laws.

At a time when local government has been tasked with an overwhelming burden to help with the nation's homeland security effort, and when state government is asking local government to do with less to help with the state budget problem, now we're being asked to make it simpler for under-trained, untested, and uncertain individuals to take up arms on the streets.

YOUR police chiefs, who have thoughtfully analyzed this issue for several years with police chiefs across the nation, strongly urge you to keep this bad proposal from becoming bad law. The choice to maintain an exceptional quality of life is a clear choice in our minds, and we hope that you will do the right thing in opposing any attempts to enable concealed carry in Wisconsin.

Sincerely,



Chief Richard W. Myers  
W.C.P.A. President

Andrew J. Ravn  
1207 Home Park Ave.  
Janesville, WI 53545

## Testimony for Senate Judiciary Committee

Thank you Mr. Chairman and committee members for scheduling a public hearing on these bills.

The second amendment of the U.S. Constitution states "A well regulated Militia, being necessary to the security of a free State, the right of the people to **keep and bear Arms**, shall not be infringed." The State of Wisconsin Constitution confirms this in Article 1, Section 25 by stating "The **people have the right to keep and bear arms for security, defense, hunting, recreation, or any other lawful purpose.**" An overwhelming majority approved the Wisconsin amendment in a 1998 referendum. Both of these amendments state that we have the right to keep and BEAR arms. Currently we are not allowed to bear arms for the expressed purpose of self-defense. The Wisconsin amendment specifically addresses the defense and security concerns in relation to our rights. Again this was approved by almost the 3 out of 4 Wisconsinites.

Politicians commonly use the platform of defending the rights of American citizens. In an editorial dated September 24, 2001, a well known Wisconsin Senator stated "We have to be concerned about our security, but we can't do it at the cost of our individual liberties." and "If we lose (constitutional safeguards), then we're losing the core of our democracy. And I, and others, are going to fight against that." I couldn't agree more with these statements (I have attached a copy of these to the back of this testimony). That is what these bills are about. They're about the security and protection of our families against thugs. They're about our individual liberties to bear arms. They're about law-abiding citizens' rights.

The arguments against these bills are starting to fall short. Law enforcement, as a whole, backs these bills. The two largest law enforcement organizations in the nation have endorsed the Personal Protection Act. They understand that law-abiding citizens are not the ones to fear. They know they cannot be everywhere at once, and unfortunately, in

most cases, they arrive after the crime has already been committed. The “wild-west shootout” theory has been disproved by 44 states that currently recognize their citizens’ right of self-defense. There has not been the fender-bender turned into a murder investigation. Are Wisconsinites that much more irresponsible than the people of other states? Comments like these are knee-jerk reactions to an emotional issue.

I think that Rep. Jennifer Shilling made the best case for having this bill passed. Rep. Shilling lost her parents and friends in a shooting. There were a total of seven people killed by a madman in a restaurant in Illinois (Illinois also infringes the right to carry). The aggressor has never been caught. The theory behind the Personal Protection Act is to deter this madman from even performing this action. The madman will not know if there are restaurant patrons that have the capability to neutralize him. In the event that this madman still performed this atrocity, the intent would be that a law-abiding citizen would be able to apprehend, or as a last resort, dispatch the aggressor. I firmly believe that had there been a carrier in that restaurant, there would not be seven innocent people dead today. Furthermore, this crazed maniac killer would not be somewhere on the streets of America. I don’t think anyone can say that stricter gun laws could have prevented this event. This man has an utter disregard for law and life. A weapons violation is the least of his concerns. Please think about this event the next time you’re at a restaurant. What if this happened while you were there? What would you do? Maybe the person sitting next to you will save your life and that of your family.

These bills are not about killing. These bills are about deterring criminals. The carrier has the responsibility to make every attempt to flee the situation. The carrier is to draw his/her weapon only if there is no way to flee. Studies show that in excess of 90 percent of the time, the situation dissolves upon brandishing the weapon. The carrier is to fire ONLY in the gravest extreme. At that point, don’t you think it would be just for the innocent people to finally be able to say they will no longer be victimized?

Thank you.

**Pass SB 357 and AB 675 now!!!**



March 9, 2002

Dear Committee:

This letter is written in support of the PPA. Being a Wisconsin citizen and desiring a reduction in crime, I urge you to vote "YES" to this program. I am a sole proprietor of two companies. Many times I work late and travel due to business. 44 other states have proven a self-protection program reduces criminal activities. There are people all over Wisconsin with similar positions and desire for a program, which reduces crime and is in the people's best interest.

Sincerely,

~~Dean Schaal~~

*I agree*  
*Ron Kujala*

Dear Gentlemen:

I am a citizen of Wisconsin and a small business owner. I support the PPA. This program, as like in 44 other states, will reduce criminal activities. Without any doubt, there is not a reason available which should deny this privilege to the law-abiding citizens, like myself. I urge you to pass this program and support the Wisconsin people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Lee', with a long, sweeping horizontal stroke extending to the right.

Nick Lee

3/9/02

March 9, 2002

To: Committee Members

From: Henry and Jeanne Rahr

My wife and I have lived in Wisconsin for our entire lives. Our ancestors, in the 1850s, came to America and settled in Wisconsin. Jeanne is the controller and an officer at her company. I am a self-employed financial advisor. We have seen crime increase around us, as well as experienced the affects personally. The PPA can decrease crime for the people of Wisconsin. With this proven system, as in forty-four other states, my wife and I will feel safer in Wisconsin. As tax paying, registered voting Wisconsin Citizens, we support the PPA and require you to do the same.

Sincerely,

Handwritten signatures of Henry and Jeanne Rahr. The signature for Henry is on the left and for Jeanne is on the right.

Henry and Jeanne Rahr, Green Bay, WI.

March 7, 2002

Dear Senator George:

I am writing to encourage your support of the Personal Protection Act and Right to Carry Bill that is being proposed for the State of Wisconsin.

Please allow me to propose an educated woman's slant on this issue. I am a 42-year-old woman. For eleven years I taught high school physics at Menomonie High School in Menomonie, Wisconsin. I currently am vice president of an internet company, Purvis Group International. I received my masters degree from the University of Wisconsin River Falls in physics education, and I am the mother of one grown son. I mention all of these things, because I believe there is a perception that people like me are against this legislation. Personally I am very much in favor of it.

Currently those of us who are female, disabled, or elderly have only one choice when we leave our homes, and that is the choice to be a victim. Legally we are not allowed to defend ourselves. Self-preservation is a human right, and that right is denied us within the state of Wisconsin.

Have you ever personally known the fear of having your car break down on a dark Wisconsin road or highway? Perhaps it is a single woman on her way home from work. Perhaps it is a mom with a couple of small children in the car. It could be an older couple coming home from a dinner party, or it could be you. A car stops near you. Your stomach does a flip-flop because you do not know who this is or what their intentions are. Fortunately a majority of the time it is a benevolent good samaritan who only wants to help, but it is possible that it could be a bad person with bad intentions. Rape, murder, kidnapping, robbery, these words are in our vocabulary because these things do happen. There are over 13,000 violent crimes in the state of Wisconsin annually. Ten percent of those are rapes, and eighty percent of the violent crimes occur outside of the home.

The Personal Protection Act as it is written is designed to allow trained, honest, citizens the right to carry a concealed weapon. This is a very carefully written bill. Individuals must have certified training before they can apply for a permit. These are law abiding citizens who are willing to fill out forms, take training, and pay a fee for the right to defend themselves and their families. Legislation like this is already established in 33 other states. In every state where this legislation has passed the crime rate has dropped. There is a halo effect that occurs. Less than 2% of the population typically applies for a right to carry permit, but 100% of the population is protected by the question mark that arises in a criminal's mind. Does this potential victim have a gun or not? You see criminals also have an in born desire for self-preservation. Not once has there been an incident of a permit holder shooting a police officer. There are millions of people in other states who already have this right without it being a problem. We in Wisconsin currently do not have this right.

My son manages an auto parts warehouse. Nightly he transports from \$5000 to \$10,000 to the bank on his way home from work. He is a strong young man in his twenties, and yet he is vulnerable. It is totally possible for someone to follow his movements and rob him or worse. Because of this risk he has applied for and received a permit to carry a concealed weapon. My son is fortunate enough to live right next door in the state of Michigan, where it is legal to protect yourself. If he lived in Wisconsin, he would not be allowed to do so. A mother always wants her children close, but I also want mine safe. I am grateful he is somewhere open minded enough to allow him as a trained honest citizen a fighting chance against the bad guys.

This Personal Protection Act will reduce the number of violent crimes within the state. This law will save lives. Please have the courage to look at the facts, and not just look at the emotional knee jerk reaction of people who do not know any thing about guns or this legislation. You are elected to protect our freedoms and our lives. The bad people will always have guns. It is foolish and naive to believe that taking guns out of the hands of the honest citizens will have any effect on deterring the people who choose to break the law.

My personal story is that I married a man who used to be a police officer in the Chicago area. He put some bad people in jail. Some of them are now free and hold a very strong grudge against him. We have bullet holes in our home. Legally I am not allowed to defend myself outside of my home. I must choose to either hide within my home living in fear or boldly go on with my life. I choose to live. I have great respect for the law. I am then faced with the choice of defend myself or breaking the law. Please do not make me make that choice. By passing this legislation, you are defending the good citizens of Wisconsin.

Wisconsin is the greatest place to live in the world. We love it here. Please allow us to defend ourselves. Please pass the Personal Protection Act. Perhaps some night it may be you or I or someone we love whose life is spared the trauma of a violent crime. A good citizen crosses a dark parking lot with a hand in a pocket. The bad guy who is watching doesn't know for sure if this person is armed or not, so he chooses not to attack. Let's put fear and doubt into the lives of the criminals for a change. If only one life is saved by this legislation it is worth it.

I wish you God's Speed and Good Judgement. Thanks for your time.

Mary Purvis, 715-665-2431

N8340 County Rd. O, Knapp, Wisconsin 54749

# Carrying Concealed Weapons

## Statement to Senate Judiciary Committee

Eagles Club, Chippewa Falls

March 9, 2002

I am here today to testify in strong opposition to AB675 and its companion bill SB357. The notion that legalizing the carrying of concealed weapons is an effective way to increase personal safety and decrease violent crime is not only counter-intuitive to most people, it's dead wrong.

There is, in fact, no credible research indicating that a law allowing people to carry concealed guns makes them or their communities safer. I realize that to support the "more guns, less crime" view, supporters of shall issue CCW laws cite the "research" of economist John Lott. Lott has claimed that CCW laws are an effective method of reducing crime. However, after carefully reviewing Lott's study, eminent scholars have found serious flaws in his methods and, therefore, in the validity of his findings. For example, in a *Valparaiso University Law Review* article, the author (Albert Alschuler) points out that the deterrent effect of concealed carry should be far greater for stranger homicides than for intra-family homicides, because with or without a concealed carry law, gun possession in the home is legal. Yet Lott's study showed that the proportion of stranger killings increases and the proportion of intra-family killings decreases following the passage of a concealed carry law.

In another example, authors of an article published in *The Journal of Legal Studies* challenge Lott's conclusion that there is great social benefit to shall issue CCW laws. In a reanalysis of Lott's data, these authors found that if just one state, Florida, is removed from the sample, there is no longer any detectable impact on the rates of murder and rape. These are the two crimes that Lott used to account for 80% of the alleged social benefit. After their careful analysis, these authors concluded that "inference based on the Lott and Mustard model is inappropriate, and their results cannot be used responsibly to formulate public policy."

Even Gary Kleck, a researcher often aligned with the pro-gun lobby, found, "...there is no evidence that carrying a concealed weapon has a deterrent effect." He further stated it is "more likely [that] the declines in crime, coinciding with relaxation of carry laws, were largely attributable to other factors not controlled for in the Lott and Mustard analysis."

Clearly, these laws are not effective in decreasing crime, but worse yet, they may actually lead to increases, particularly of firearm deaths. In an article appearing in *Journal of Criminal*

*Law and Criminology*, researchers McDowall, Loftin and Wiersema summarized, "Advocates of shall issue laws argue that they will prevent crime, and suggest that they have reduced homicides in areas that adopted them. [Our] analysis provides no support for the idea that the laws reduced homicides; instead, it finds evidence of an increase in firearm murders." Many other researchers have come to the same conclusion.

For example, a new study done by Harvard found that in the five states with the highest levels of gun ownership, children aged 5-14 were three times more likely to die from firearm homicide, seven times more likely to die from firearm suicide and 16 times more likely to die from unintentional firearm injury than children in the five lowest gun-ownership states. The five states with the highest level of gun ownership (Louisiana, Alabama, Mississippi, Arkansas, and West Virginia) all have permissive CCW laws, while the five states with the lowest level of gun ownership (Hawaii, Massachusetts, Rhode Island, New Jersey, and Delaware) all restrict the carrying of concealed weapons.

Further, the conclusions of all of these researchers are supported by an analysis of FBI and CDC data. Specifically, the data show that generally the states that restrict or prohibit CCW have lower firearm death rates than those that allow it. Wisconsin, for example, has a firearm death rate of 8.4 per 100,000 (1999). Wisconsin currently has a lower firearm death rate than all but two of the shall-issue CCW states. In fact, eleven of the twelve states with the highest firearm death rates are shall-issue CCW states, whereas ten of the twelve states with the lowest firearm death rates restrict the carrying of concealed weapons.

Truly concealed carry laws do not have a benefit at the societal level, but what about the personal level? Will these guns increase personal safety? Researchers and other experts across the country have unequivocally said, "no!" For example, in the *American Journal of Public Health*, H. Morgenstern wrote, "the net impact of owning a handgun or having a family member own a handgun is to increase appreciably—not decrease—the risk of violent death."

Even though research shows that handguns do not have a net positive effect on safety, according to the National Sports Shooting Foundation, 63% of handgun owners possess their handgun primarily for personal protection. Yet even the gun experts conclude this may not be a wise decision. In the January 2002 issue of *Guns and Ammo*, Jeff Cooper, also known as the Gunner's Guru, writes, "...we see people rushing out to buy personal defense weapons, which may or may not be a good idea, since the possession of a weapon is of no value without the skill to use it well." Cooper's opinion is mirrored by another gun expert Massad Ayoob, a regular columnist for the premier gun industry magazine, *Shooting Industry*. Ayoob expresses his concerns by saying, "The uninitiated tend to make two kinds of mistakes with firearms: they

either use guns when they shouldn't, or do not use them properly in the rare circumstances when they should."

But are these gun experts simply underestimating the abilities of the average gun owner? According to handgun defense expert Duane Thomas "Most cops and civilian gun carriers are lousy handgun shots. The level of ineptitude of many people who carry guns on a daily basis is nothing short of appalling." But what if you are the exception? Then would a concealed handgun make good sense?

Chris Bird, another gun expert, suggests that it wouldn't. He writes, "A handgun is the hardest firearm to shoot accurately, and, even when you hit what you are shooting at, your target doesn't vaporize in a red mist like on television." He also says, "Like many things in life, a handgun is a compromise. It is the least-effective firearm for self defense."

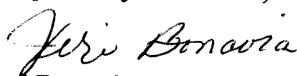
To summarize all of these experts, handguns are rarely, if ever, the best method of self-defense. Clearly, hidden handguns are not the be-all, end-all of personal protection. And, as I pointed out earlier, concealed weapons laws do not decrease violent crime.

Given the quantity, and, more importantly, the quality of the evidence suggesting that lax CCW laws are terrible public policy, I was truly disturbed to see Senator Zien quoted in a recent issue of *Gun Week* as saying, "We are pushing concealed carry to beat heck." He goes on to say, "If it doesn't pass, we want to make it a top election issue this fall." This second statement is extremely surprising since the majority of the people of Wisconsin are opposed and have been constantly opposed to CCW.

In statewide polling, less than 20% of the population is in favor of CCW. And not even a third of gun owners are in favor of this law. These numbers are consistent with polls conducted nationwide, in other states, and even in your own districts.

All of these people in Wisconsin aren't wrong. They know, and, of course, you know, creating a law based on nothing more than anecdotes and faulty logic is wrong. And it's dangerous. We ask you to join us in opposition to AB675 and SB357.

Respectfully Submitted,



Jeri Bonavia  
Executive Director, WAVE



March 9, 2002

Dear Senator George,

My name is Bob Huybers and I'm from Green Bay. I am an armed forces Veteran. As a law-abiding citizen I would like the freedom that the founding fathers of the United States and Wisconsin had in mind when they wrote the Second Amendment to the United States Constitution:

“A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

And the Wisconsin Constitution Article I, Section 25:

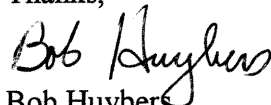
“The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.”

If the Personal Protection Act is passed, Wisconsin will join the 33 other states where law-abiding citizens can help prevent violent crimes as they are happening. Wisconsin will be a safer place to live when criminals don't know who may be capable of protecting innocent lives and property. The great men and women of our police force can only do so much. All too often they are called after crimes are committed or when they are in progress. They arrive after the criminals have left the scene and have to chase after them. Armed, trained, licensed and law-abiding citizens who are on the scene can often stop or prevent these crimes from ever being committed.

Please give us back our rights that we have had for so many years by voting for the Personal Protection Act.

Wisconsin will be safer for our children.

Thanks,



Bob Huybers  
885 Southern Cross Rd  
Green Bay, WI 54303  
920-434-8198

1310 Sheri Court #4  
Tomah, WI 54660-1722  
608-374-2238  
[justdave@tomah.com](mailto:justdave@tomah.com)  
8 March 2002

Dear Senator:

State Senator Zien and Representative Gunderson have introduced legislation to allow licensed and trained Wisconsin citizens to carry concealed weapons. I have been in many of the states that have similar laws, and can tell you that they work. What I cannot understand is why our legislators here in Wisconsin are so stubborn when it comes to treating our citizens the same way other states treat theirs.

This issue is important to me, and I urge you to vote for the concealed carry bill.

As a law-abiding citizen of this state, I feel that it is an insult to me to be told by certain legislators that I cannot be trusted to carry a weapon for self defense.

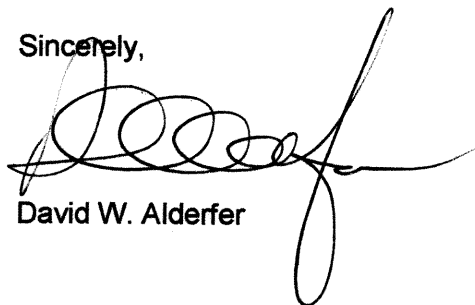
The criminals are already carrying guns; why can't I carry one to defend myself against them? If I lived in most other states, it would be legal for me to do so. As hard as our police officers try, they can't always arrive at the scene of a crime in time to stop it.

From the research I have found on this issue and the experiences of the 44 states that allow legal concealed carry prove that such systems work.

What I have not been able to find is proof for the arguments made against concealed carry. None of the states have turned into the Wild West. There haven't been shootings at every fender-bender. None of the "doom and gloom" hyperbole is true.

This is an important issue to me as well as to thousands of your other constituents. Rest assured that we all will be watching your vote carefully.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Alderfer", with a long horizontal flourish extending to the right.

David W. Alderfer

March 9, 2002

Dear Wisconsin Lawmaker,

My name is Avelin S. Yost. I am 28 years of age. I am 5'6" in height and weigh 116 pounds. I am a graduate of the University of Wisconsin – Stout in Business Administration. I graduated Magna Cum Laude and I am a member of my professional honorary society, Sigma Beta Delta. My address is 803 21<sup>st</sup> St. N., Menomonie, WI 54751. I have had several jobs in industry. My husband and I now operate a small enterprise and I hold a position with Northwest Airlines. I am making this statement intending to support current proposed legislation restoring the right of law-abiding citizens of the State of Wisconsin to carry weapons on their persons with which to defend themselves.

December 23, 1989 was a day I will never forget. On my way home from a school activity at night I was attacked by a stranger. He followed me for a few blocks, I heard the footsteps behind me, I was too frightened to look back. I knew there was something wrong and soon his footsteps got faster and he grabbed my hands from behind, pulled my hands behind my back and gave a push behind my knees, I fell down. I struggled with him and I was able to push him off and run, just able to reach the front of my home and he grabbed me again. This time he flashed a knife in front of my face and hissed that he was going to cut my eyes out because I had looked at him. He thrust the knife to stab my left eye. I was able to move my left hand in front of my eye, the knife sliced my fingers, my ring finger was cut to the bone. Everything went very fast at that point. Failing to stab my eye with the first attempt he drove the knife from above my head again and because I was able to bend rearward to avoid my face being stabbed I took a stab wound into my upper left chest, the knife lodged in my upper ribs. He had difficulty withdrawing the knife. He had to struggle with me and twist the knife to dislodge it. Then he forced me, in spite of my violent struggle for life, onto the pavement. The next stab thrust came powerfully, forcing the blade between my ribs into my left lung from the back. I knew the knife had gone between the ribs and I felt a "bubbly" feeling starting in my chest. I will always remember with horror the raspy sound of the knife being withdrawn from my back. My breath was shortened and my lung was filling with blood. He thought that he had hit my heart and he hissed that this last blow would be fatal. He walked calmly away ... I was prone in the snow on the street in front of my home. I knew if I stayed on the ground I would die. I forced myself up and walked eleven steps to get to my door, rang the bell and kick the door in a state of semiconsciousness. My father opened the door to find me bleeding, I fell on him...

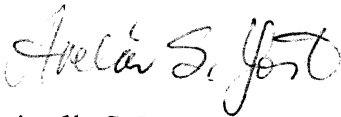
I had screamed on the street when I was being attacked and fighting for my life. There were people across the street standing and watching, too frightened to intervene. I had defended myself as best I could without a weapon. No one had a weapon except the attacker.

My wounds were very nearly fatal. I had a very extensive recovery and rehabilitation period. My wounds precluded normal exercise activities for several years.

I would not have believed that this could happen to me, surely not again. It did. May 28, 1993 I was attacked by the same man in broad daylight. He threatened that this time he will finish his job. I had seen him come up behind me. I knew he was the attacker. He used the same method of pulling my hands behind. This time I threw my head back forcefully and smashed his nose. He covered his bleeding nose with his hands in surprise, releasing my arms. I ran for my life. I was able to get to a nearby store where 4 young men responded to my cry for help. They blocked the attacker on the street and pushed him back as he tried to come after me. I was able to escape and return home safely but knowing I will never be safe again!

I have moved to a new location. I am aware of my surroundings at all times, I know how quickly things can go wrong. I am proud to be an American citizen and grateful for our rights and freedoms. I now own a proper handgun and am competent in its use. In the past I had the will and the opportunity to defend myself, but did not have the means. Now I am armed. I will not be a victim again.

Please encourage your legislators to pass the carry bill.



Avelin S. Yost

# Carrying Concealed Weapons

## Statement to Senate Judiciary Committee

Eagles Club, Chippewa Falls

March 9, 2002

I am here today to testify in strong opposition to AB675 and its companion bill SB357. The notion that legalizing the carrying of concealed weapons is an effective way to increase personal safety and decrease violent crime is not only counter-intuitive to most people, it's dead wrong.

There is, in fact, no credible research indicating that a law allowing people to carry concealed guns makes them or their communities safer. I realize that to support the "more guns, less crime" view, supporters of shall issue CCW laws cite the "research" of economist John Lott. Lott has claimed that CCW laws are an effective method of reducing crime. However, after carefully reviewing Lott's study, eminent scholars have found serious flaws in his methods and, therefore, in the validity of his findings. For example, in a *Valparaiso University Law Review* article, the author (Albert Alschuler) points out that the deterrent effect of concealed carry should be far greater for stranger homicides than for intra-family homicides, because with or without a concealed carry law, gun possession in the home is legal. Yet Lott's study showed that the proportion of stranger killings increases and the proportion of intra-family killings decreases following the passage of a concealed carry law.

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Respectfully Submitted,



Jeri Bonavia  
Executive Director, WAVE



# Gary George



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[What They Say About Gary](#)   [Travels With Gary](#)

## Editorial: Gary George defends rights

An editorial

September 24, 2001

As Attorney General John Ashcroft and some in Congress cynically seek to take advantage of the current crisis to curtail individual liberties, a growing number of voices are being raised in defense of the constitutional safeguards that distinguish America.

Former New York Gov. Mario Cuomo, U.S. Sen. Russ Feingold, D-Wis., and U.S. Rep. Paul Ryan, R-Janesville, are among those who have argued that Americans do not need to sacrifice their rights in order to be safe. But few defenders of the Constitution have done so more ably and consistently in recent days than state Sen. Gary George, D-Milwaukee.

**"We have to be concerned about our security, but we can't do it at the cost of our individual liberties," the Senate Judiciary Committee chair declared on Wisconsin Public Radio last week. George did not hesitate to warn that some calls for severe restrictions on rights had the ring of "fascist approaches."**

George is right in his passionate defense of freedom. And all Wisconsinites should be proud to have a leader who says, **"If we lose (constitutional safeguards), then we're losing the core of our democracy. And I, and others, are going to fight against that."**

Published: 6:16 AM 9/24/01





# The **Armed-M**

## October 1997

- [A DIALOGUE](#)
- [DR. LAURA SAYS GUN DEFENSE IS MORAL](#)
- [GUN-FREE ZONES INCLUDE HOME SCHOOLS](#)
- [FIREARMS FACT-SHEET](#)

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### **A DIALOGUE** by Bob Smith

Ring, Ring, "Hello Sunshineville Police."

"Help!, someone is trying to break down my door, and they say 'They're going to kill me!'

"What is your name and address?"

"I am Mary Pacifist, local head of Hand Gun Control, and I live at 18 Head\_In\_Sand Rd."

"I am transferring your call."

"Hello, Sunshineville Non-Violent Police."

"Help, Someone is trying to break down my door, and they say 'They're going to kill me!'

"I'll take care of your problem. When they break in, put them on the phone and I'll give them a tongue lashing that they will never forget."

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Neil Codrea wrote:

### **DR. LAURA SAYS GUN DEFENSE IS MORAL**

From the Dr. Laura Schlessinger radio program, Fri. Sept. 19, 1997: quotes are my best attempt to write down what she was saying as fast as I could- I may have gotten a word off here and there, but quotes are 95% accurate)

In response to a woman caller who was thinking of carrying a gun for protection, but was discouraged by

her minister and fearful that if she carried one she might actually use it if threatened with violence:

I certainly hope you would use it that is what you are supposed to use a gun for, not target practice. Use the means you have to stand between the evil and the innocent period. Ask that minister if he would like to have you use your gun to save his wife from getting stabbed to death. The ministers position is just absurd!

Acknowledging that for some, it is a struggle: To me, that is a slam junk.

People who maintain that to defend yourself with deadly force is immoral: On what planet?

She then went on to explain how the Scriptural commandment Thou shall not kill is actually Thou shall not murder.

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## **GUN-FREE ZONES INCLUDE HOME SCHOOLS**

by Jim Jeffries (fwd by Johnny Johnson)

BATF Director John Magaw in a letter to Congressman Dan Coates has formally asserted the position that home schools operated under state law are "schools" as defined by the amended Gun-Free School Zones Act and that therefore possession of any firearm within 1000 ft of such schools is a felony (yes, including those of the home schooler). For those of you who thought United States v. Lopez put a spear through the heart of the act.

Following the Supreme's opinion in Lopez Congressrat Schumer and his pack promptly enacted after-the-fact "legislative findings" about the terrible effects on interstate commerce of guns in school zones and reenacted the prohibition against guns in school zones (which 43 states have always prohibited anyway).

The Home School Legal Defense Ass'n (about which I know nothing) has begun a declaratory judgment action in the Western District of Texas to declare the act unconstitutional.

---

## **FIREARMS FACT-SHEET**

**1997 - Part 1**

by:  
Gun Owners Foundation  
8001 Forbes Place, Suite 102  
Springfield, VA 22151

[footnotes are in the November Armed-M]

### **Self-defense**

#### **A. Guns save more lives than they take; prevent more injuries than they inflict**

Law-abiding citizens use guns to defend themselves against criminals as many as 2.5 million times every year -- or about 6,850 times a day. (1)

This means that each year, firearms are used more than 60 times more often to protect the lives of honest citizens than to take lives. (2)

Of the 2.5 million self-defense cases, more than 200,000 are by women defending themselves against sexual abuse. (3)

Citizens shoot and kill at least twice as many criminals as police do every year (1,527 to 606). (4) And readers of Newsweek learned in 1993 that "only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high." (5)

Of the 2.5 million times citizens use their guns to defend themselves every year, the overwhelming majority merely brandish their gun or fire a warning shot to scare off their attackers. Less than 8% of the time, a citizen will kill or wound his/her attacker. (6)

Handguns are the weapon of choice for self-defense. Citizens use handguns to protect themselves over 1.9 million times a year. (7) Many of these self-defense handguns could be labeled as "Saturday Night Specials."

## **B. Police cannot protect -- and are not required to protect -- every individual**

The courts have consistently ruled that the police do not have an obligation to protect individuals, only the public in general. For example, in *Warren v. D.C.* the court stated "courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community." (8)

Former Florida Attorney General Jim Smith told Florida legislators that police responded to only about 200,000 of 700,000 calls for help to Dade County authorities. Smith was asked why so many citizens in Dade County were buying guns and he said, "They damn well better, they've got to protect themselves." (9)

The Department of Justice found that in 1989, there were 168,881 crimes of violence which were not responded to by police within 1 hour. (10) Currently, there are about 150,000 police officers on duty at any one time to protect a population of more than 250 million Americans -- or almost 1,700 citizens per officer. (11)

## **Private guns deter crime**

### **A. Concealed carry laws help reduce crime**

One-half million self-defense uses. Every year, as many as one-half million citizens defend themselves with a firearm away from home. (12) Florida. Since the passage of Florida's CCW (Carry Concealed Weapon) law in 1987, over 383,400 people have received permits to carry firearms. The FBI reports show that the homicide rate in Florida has actually fallen 36% in the several years following the law's passage, while the national rate has only fallen 1% during the same period. (13)

Furthermore, of the 383,400 citizens who have received permits to carry their guns concealed, only 72 people have used their gun to commit a crime according to the Florida Department of State. (14) This means that a citizen in Florida is almost twice as likely to be attacked by an alligator than to be assaulted by a Florida CCW holder. (15)

**Nationwide.** A comprehensive national study determined in 1996 that violent crime fell after states made it legal to carry concealed firearms. The results of the study showed:

States which passed concealed carry laws reduced their murder rate by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%; (16) and If those states not having concealed carry laws had adopted such laws in 1992, then approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and 12,000 robberies would have been avoided yearly. (17)

**Concealed Carry v. Waiting Period Laws.** In 1976, both Georgia and Wisconsin tried two different approaches to fighting crime. Georgia enacted legislation making it easier for citizens to carry guns for self-defense, while Wisconsin passed a law requiring a 48 hour waiting period before the purchase of a handgun. What resulted during the ensuing years? Georgia's law served as a deterrent to criminals and helped drop its homicide rate by 21 percent. Wisconsin's murder rate, however, rose 33 percent during the same period. (18)

## **B. Criminals avoid armed citizens**

\* **Kennesaw, GA.** In 1982, this suburb of Atlanta passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate subsequently dropped 89% in Kennesaw, compared to the modest 10.4% drop in Georgia as a whole. (19) Ten years later (1991), the residential burglary rate in Kennesaw was still 72% lower than it had been in 1981, before the law was passed. (20)

**Orlando, FL.** In 1966-67, the media highly publicized a safety course which taught Orlando women how to use guns. The result: Orlando's rape rate dropped 88% in 1967, whereas the rape rate remained constant in the rest of Florida and the nation. (21)

**Nationwide.** Statistical comparisons with other countries show that burglars in the United States are far less apt to enter an occupied home than their foreign counterparts who live in countries where fewer civilians own firearms. Consider the following rates showing how often a homeowner is present when a burglar strikes:

Homeowner occupancy rate in the gun control countries of Great Britain, Canada and Netherlands: 45% (average of the three countries); and, Homeowner occupancy rate in the United States: 12.7%. (22)

### **Justice Department studies:**

1. In 1979, the Carter Justice Department found that of more than 32,000 attempted rapes, 32% were actually committed. But when a woman was armed with a gun or knife, only 3% of the attempted rapes were actually successful. (23)

2. In 1985, the National Institute for Justice reported that: 3/5 of felons polled agreed that "a criminal is not going to mess around with a victim he knows is armed with a gun." (24) 74% of felons polled agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime." (25) 57% of felons polled agreed that "criminals are more worried about meeting an armed victim than they are about running into the police." (26)

## **Failure of Gun Control**

### **A. Poor track record**

**Washington, D.C.** has the most restrictive gun control laws in the country, and yet it has one of the highest murder rates in the nation.

**Objection:** Critics claim criminals merely get their guns in Virginia where the laws are more relaxed. This, they argue, is why the D.C. gun ban is not working.

**Answer:** Perhaps criminals do get their guns in Virginia, but this overlooks one point: If the availability of guns in Virginia is the root of D.C.'s problems, why does Virginia not have the same murder and crime rate as the District? Virginia is awash in guns and yet the murder rate is much, much lower. This holds true even for Virginia's urban areas. The murder rates are:

<b>City</b>	<b>1995 Murder rate</b>
Washington, DC	65.0 per 100,000 (27)
Arlington, VA (Arlington is just across the river from D.C.)	5.9 per 100,000 (28)
Total VA metropolitan area	8.2 per 100,000 (29)

\* Guns are not the problem. On the contrary, lax criminal penalties and laws that disarm the law-abiding are responsible for giving criminals a safer working environment.

## **B. Criminologists turning from anti-gun position**

**Dr. Gary Kleck.** A criminologist at Florida State University, Kleck began his research as a firm believer in gun control. But in a speech delivered to the National Research Council, he said while he was once "a believer in the 'anti-gun' thesis," he has now moved "beyond even the skeptic position." Dr. Kleck now says the evidence "indicates that general gun availability does not measurably increase rates of homicide, suicide, robbery, assault, rape, or burglary in the U.S." (30)

**James Wright.** Formerly a gun control advocate, Wright received a grant from President Carter's Justice Department to study the effectiveness of gun control laws. To his surprise, he found that waiting periods, background checks, and all other gun control laws were not effective in reducing violent crime. (31) Wright says at one time, "It seemed evident to me, we needed to mount a campaign to resolve the crisis of handgun proliferation." But he says, "I am now of the opinion that a compelling case for 'stricter gun control' cannot be made." (32)

Every scholar who has "switched" has moved away from the anti-gun position. **Dave Kopel**, an expert in constitutional issues and firearms research, categorically states that, "Every scholar who has 'switched' has 'switched' to the side that is skeptical of controls. Indeed, most of the prominent academic voices who are gun control skeptics -- including law professor Sanford Levinson and criminologists Gary Kleck and James Wright -- are people who, when they began studying guns, were supporters of the gun control agenda." (33)

Kopel continues: "I do not know of a single scholar who has published a pro-control article who started out as a skeptic of gun control. This suggests how heavily the weight of the evidence is distributed, once people begin studying the evidence." (34)

## **Problems with waiting periods and background checks**

### **A. Waiting periods threaten the safety of people in imminent danger**

**Bonnie Elmasri** -- She inquired about getting a gun to protect herself from a husband who had repeatedly threatened to kill her. She was told there was a 48 hour waiting period to buy a handgun. But unfortunately, Bonnie was never able to pick up a gun. She and her two sons were killed the next day by an abusive husband of whom the police were well aware. (35)

**Marine Cpl. Rayna Ross** -- she bought a gun (in a non-waiting period state) and used it to kill an attacker in self-defense two days later. (36) Had a 5-day waiting period been in effect, Ms. Ross would have been defenseless against the man who was stalking her.

**Los Angeles riots** -- USA Today reported that many of the people rushing to gun stores during the 1992 riots were "lifelong gun-control advocates, running to buy an item they thought they'd never need." Ironically, they were outraged to discover they had to wait 15 days to buy a gun for self-defense. (37)

## **B. Background checks do not disarm the violent criminal population**

\* A Justice Department survey of felons showed that 93% of handgun predators had obtained their most recent guns "off-the-record." (38) Press reports show that the few criminals who get their guns from retail outlets can easily get fake IDs or use surrogate buyers, known as "straw purchasers," to buy their guns. (39)

## **C. Prior restraints on rights are unconstitutional**

### **1. Second Amendment protects an individual right**

Report by the U.S. Senate Subcommittee on the Constitution (1982)-- "The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner." (40)

Supreme Court admits "the people" in the Second Amendment are the same "people" as in the rest of the Bill of Rights -- In *U.S. v. Verdugo-Urquidez* the Court stated that "'the people' seems to have been a term of art employed in select parts of the Constitution. . . . [and] it suggests that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." (41)

### **2. Courts agree that rights should be free from prior restraints**

**Near v. Minnesota** -- In this case, the Supreme Court stated that government officials should punish the abuse of a right and not place prior restraints on the exercise of the right. (42)

**What about yelling "Fire" in a crowded theater?** -- The courts have stated that one cannot use his "freedom of speech" to yell "Fire" in a crowded theater. And yet, no one argues that officials should gag everyone who goes into the theater, thus placing a prior restraint on movie-goers. The proper response is to punish the person who does yell "Fire." Likewise, citizens should not be "gagged" before exercising their Second Amendment rights, rather they should be punished if they abuse that right.

## **D. Background checks can (and do) lead to gun registration**

**Justice Department report (1989)** -- "Any system that requires a criminal history record check prior to purchase of a firearm creates the potential for the automated tracking of individuals who seek to purchase firearms." (43)

**Justice Department initiates registration (1994).** The Justice Department gave a grant to the city of Pittsburgh and Carnegie Mellon University to create a sophisticated national gun registry using data compiled from states' background check programs. (44)

**More gun owner registration (1996)** -- A new computer software distributed by the Justice Department allows police officials to easily (and unlawfully) register the names and addresses of gun buyers. This software -- known as FIST -- also keeps information such as the type of gun purchased, the make, model and caliber, the date of purchase, etc.<sup>45</sup> The instant background check will be a key component in registering this information in the computer software. (46)

**California** -- State officials have used the state background check -- required during the waiting period -- to compile an illegal registry of handgun owners. These lists have been compiled without any statutory authority to do so. (47)

**Nationwide.** Highly acclaimed civil rights attorney, researcher and author, David Kopel, has noted several states where either registration lists have been illegally compiled from background checks or where such registration lists have been abused by officials. (48)

\* **BATF** -- During the late 1980's and early 1990's, there were reports that the BATF (Bureau of Alcohol, Tobacco and Firearms) was compiling an illegal gun owner list by going to dealers' stores and copying the 4473 forms which are kept there.<sup>(49)</sup> It would appear that the BATF violated federal law by copying these forms, which contain the name and addresses of gun buyers.

### **Problems with gun registration and licensing**

#### **A. Licensing or registration can lead to confiscation of firearms**

**Step One: Registration** -- In the mid-1960's officials in New York City began registering long guns. They promised they would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very guns. (50)

**Step Two: Confiscation** -- In 1992, a New York city paper reported that, "Police raided the home of a Staten Island man who refused to comply with the city's tough ban on assault weapons, and seized an arsenal of firearms. . . Spot checks are planned [for other homes]." (51)

**Foreign Countries** -- Gun registration has led to confiscation in several countries, including Greece, Ireland, Jamaica and Bermuda. (52) And in an exhaustive study on this subject, Jews for the Preservation of Firearms Ownership has researched and translated several gun control laws from foreign countries. Their publication, *Lethal Laws: "Gun Control" is the Key to Genocide* documents how gun control (and confiscation) has preceded the slaughter and genocide of millions of people in Turkey, the Soviet Union, Germany, China, Cambodia and others. (53)

#### **B. People in imminent danger can die waiting for a firearms license**

In 1983, Igor Hutorsky was murdered by two burglars who broke into his Brooklyn furniture store. The tragedy is that some time before the murder his business partner had applied for permission to keep a

handgun at the store. Even four months after the murder, the former partner had still not heard from the police about the status of his gun permit. (54)

### **C. The power to license a right is the power to destroy a right**

**Arbitrary Delays** -- While New Jersey law requires applications to be responded to within thirty days, delays of ninety days are routine; sometimes, applications are delayed for several years for no readily apparent reason. (55)

**Arbitrary Denials** -- Officials in New York City routinely deny gun permits for ordinary citizens and store owners because -- as the courts have ruled -- they have no greater need for protection than anyone else in the city. In fact, the authorities have even refused to issue permits when the courts have ordered them to do so. (56)

**Arbitrary Fee Increases** -- In 1994, the Clinton administration pushed for a license fee increase of almost 1,000 percent on gun dealers. According to U.S. News & World Report, the administration was seeking the license fee increase "in hopes of driving many of America's 258,000 licensed gun dealers out of business." (57)

### **D. Officials cannot license or register a constitutional right**

The Supreme Court held in *Lamont v. Postmaster General* (1965) that the First Amendment prevents the government from registering purchasers of magazines and newspapers -- even if such material is "communist political propaganda." (58)

### **E. The Brady registration law is NOT working**

#### **General Accounting Office Study:**

1. The Brady Law has failed to result in the incarceration of dangerous criminals. After the first year and a half, there were only seven successful prosecutions for making false statements on Brady handgun purchase forms -- and only three of them were actually incarcerated. (59) With only three criminals sent to jail, one can hardly argue that the law is working to keep violent criminals from getting handguns on the street.
2. The Brady Law has ERRONEOUSLY denied firearms to thousands of applicants. Over fifty percent of denials under the Brady Law are for administrative snafus, traffic violations, or reasons other than felony convictions. (60)
3. Gun control advocates admit the Brady Law is not a panacea. According to a January, 1996 report by the General Accounting Office, "Proponents [of gun control] acknowledge that criminal records checks alone will not prevent felons from obtaining firearms." (61)
4. Criminals can easily evade the background checks by using straw purchasers: "Opponents of gun control note that criminals can easily circumvent the law by purchasing handguns on the secondary market or by having friends or spouses without a criminal record make the purchases from dealers." (62)

### **Assault weapons: fact or fiction?**

#### **A. Definition of real "assault weapons"**



According to one of the preeminent experts in the field of firearms, Dr. Edward Ezell, (63) a key characteristic of a true assault weapon is that it must have the capability of "full automatic fire." (64) Similarly, the U.S. Defense Department defines real assault weapons as "selective-fire weapons" -- meaning that these guns can fire either automatically or semi-automatically. (65)

Anti-gun pundits in recent years have managed to define "assault weapons" as semi-automatic firearms which only externally resemble a military firearm. (66) Dr. Edward Ezell notes that true assault weapons "were designed to produce roughly aimed bursts of full automatic fire" (67) -- something which a semi-automatic firearm does not do.

## **B. Semi-automatic "assault rifles" are no different than many hunting rifles**

Officer William McGrath: "These [assault rifles] are little different than the semi-automatic hunting rifles that have been on the market since before World War II. The main difference between an assault rifle and a semi-automatic hunting rifle is that the assault rifle looks more 'military.'" (68)

The term 'assault' rifle is really a misnomer as a true assault rifle is a selective fire weapon capable of switching from fully automatic to semi automatic and back with the flip of a lever." (69)

The charge that the assault rifle holds more rounds than a 'legitimate' hunting rifle shows either a lack of knowledge or a deliberate twisting of the facts, as 10, 20 and 30 round magazines for 'legitimate' hunting rifles have been on the market for decades without the world coming to an end." (70)

## **C. So-called assault weapons have never been the "weapon of choice" for criminals**

(All of the following figures pre-date the "assault weapons" ban passed by Congress in 1994)

**Police View:** Over 100,000 police officers delivered a message to Congress in 1990 stating that only 2% to 3% of crimes are committed using a so-called "assault weapon." (71)

**New Jersey:** The New York Times reported that, "Although New Jersey's pioneering ban on military-style assault rifles was sold to the state as a crime-fighting measure, its impact on violence in the state . . . has been negligible, both sides agree." (72) Moreover, New Jersey police statistics show that only .026 of 1 percent of all crimes involve "assault rifles." (73)

**Nationwide:** The Bureau of Justice Statistics reported in 1993 that violent criminals only carry or use a "military-type gun" in about one percent of the crimes nationwide. (74)

**Knives more deadly:** According to the FBI, people have a much greater chance of being killed by a knife or a blunt object than by any kind of rifle, including an "assault rifle." (75) In Chicago, the chance is 67 times greater. That is, a person is 67 times more likely to be stabbed or beaten to death in Chicago than to be murdered by an "assault rifle." (76) Cops' own guns more deadly: So-called assault weapons are not menacing police officers nationwide. The FBI reports show that before the 1994 ban on semi-automatic "assault weapons," no more than three officers were killed in any one year by such guns. (77) Contrastly, police officers were more than three times as likely to be killed by their own guns than by "assault weapons." (78)

**It would seem one can't have it both ways.** If Congress wants to ban weapons that are dangerous to police, then it should begin by pushing for a ban on police officers' own weapons, since these guns kill far more often than "assault weapons." The same is true with knives and blunt objects. These instruments kill

policemen more often than semi-automatic "assault weapons." (79)

Sarah Brady's own figures show that so-called assault weapons are not the criminal's "weapon of choice." A study published by Handgun Control, Inc. in November of 1995 shows that the overwhelming majority of guns used to murder police officers are not "assault weapons." (80) The irony is that HCI uses a very inflated definition of "assault weapon" and still can not demonstrate that they are used in over 50% of the crimes. (81)

**Does tracing of crime guns show that "assault weapons" are the weapons of choice for criminals?**

No. Gun control advocates will often make the claim that so-called assault weapons are frequently used in crime. To justify this claim, such advocates will cite as "evidence" the fact that law-enforcement run a high percentage of traces on these types of firearms.

But this is a classic example of circular reasoning: law enforcement arbitrarily run a high percentage of trace requests on "assault weapons," and then this figure is used to justify the "fact" that these guns are frequently used in crime. Consider the following:

**Tracing requests are not representative of all guns used in crime.** The Congressional Research Service states that, "Firearms selected for tracing do not constitute a random sample and cannot be considered representative of the larger universe of all firearms used by criminals." (82) (Emphasis added.) Moreover, ATF agents themselves have stated that, "ATF does not always know if a firearm being traced has been used in a crime." (83)

**Tracing requests are not random samples.** CRS notes that "ATF tracing data could be potentially biased because of screening conducted by local ATF agents prior to the submission of the tracing form." (84) This means that police could, if they wanted, only trace so-called assault weapons. Would this mean that they are the only guns used in crime? No, it would just mean that law enforcement have a particular interest in tracing "assault weapons" over other guns.

**Tracing in L.A.** That tracing is an unreliable measure of a gun's use in crime is clear. For example, in 1989 in Los Angeles, "assault rifles" represented approximately only 3% of guns seized, but 19% of gun traces. (85)

**D. Semi-automatic "assault weapons" are excellent for self-defense**

**Police Capt. Massad Ayoob:** "The likelihood of multiple opponents who move fast, often wear body armor, know how to take cover, and tend to ingest chemicals that make them resistant to pain and shock, are all good reasons for carrying guns that throw a whole lot more bullets than six-shooters do." (86)

All four of these factors make it likely that more of the Good Guys' bullets will be expended before the Bad Guys are neutralized. All of these factors, therefore, militate for a higher capacity handgun in the hands of the lawful defenders." (87)

**1. Drugs and alcohol can make criminals resistant to pain**

**Arkansas:** A drunk opened fire on an officer, who responded by firing 29 shots -- 15 of them striking the criminal. It was only the last bullet which finally killed the drunk and effectively stopped him from shooting. (88)

**Illinois:** Police shot a drug-induced criminal 33 times before the junkie finally dropped and was unable to

shoot any longer. (89)

## 2. Hi-capacity semi-autos can help decent people to defend themselves

**Los Angeles riots:** Many of the guns targeted by so-called assault weapons bans are the very guns with which the Korean merchants used to defend themselves during the 1992 Los Angeles riots. (90) Those firearms proved to be extremely useful to the Koreans. Their stores were left standing while other stores around them were burned to the ground.

The Korean merchants would probably agree with Capt. Massad Ayoob. When one is facing mob violence and the police are nowhere to be found, one needs a gun that shoots more than just six bullets. A ban on large capacity semi-automatic firearms will only harm one's ability to defend himself and his family.

## E. The Second Amendment protects an individual's right to own military rifles and handguns

Report by the U.S. Senate Subcommittee on the Constitution (1982) -- "In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a [military-style] firearm and a minimum supply of ammunition and military equipment. . . . There can be little doubt from this that when the Congress and the people spoke of the a 'militia,' they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard." (91)

The Supreme Court -- In U.S. v. Miller, the Court stated that, "The Militia comprised all males physically capable of acting in concert for the common defense . . . [and that] when called for service, these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time." (92)

## Firearms statistics

### A. General Death Rates

<b>Cause</b>	<b>Number</b>
Heart disease	743,460
Cancer	529,904
Stroke (cerebrovascular disease)	150,108
Chronic obstructive pulmonary disease	101,077
Doctor's negligence	93,329
Motor-vehicle	41,893
<b>Firearms (Total)</b>	<b>39,277</b>
. . . Suicides	18,940
. . . Homicides	18,253
. . . Accidents	1,521
Suicides (all kinds, including firearms)	31,102
<b>Accidents (four causes)</b>	<b>29,308</b>
. . . Falls	13,141
. . . Poison (solid, liquid)	7,877

. . . Drowning	4,390
. . . Fires, burns	3,900
Homicides (all instruments)	26,009
Chronic liver disease, cirrhosis	25,209

**Source:** Except for the figure on doctor's negligence, the above information is for 1993 and is taken from National Safety Council, Accident Facts: 1996 Edition, at 10,121. The number of yearly deaths attributed to doctor's negligence is based on the Harvard Medical Practice Study (1990) which is cited in Kleck, Point Blank, at 43.

### B. Children Accidental Death Rates (Ages 0-14)

<b>Cause</b>	<b>Number</b>
Motor-vehicle	3,044
Drowning	1,023
Fires, burns	1,015
Mechanical suffocation	449
Ingestion of food, object	223
Firearms	205

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# The **Armed-M**

## November 1997

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### **Murder: The Weapon Isn't the Question** By Helen Smith

Murderers have their own code of ethics, and it's radically different from yours and mine.

Let me give you an example. I saw a patient referred to me by the state disability office recently for a psychological evaluation to determine if this young man was mentally able to work. Alarm bells immediately went off in my head as I noted the glazed eyes and withdrawn stance.

I was right to be worried. During the psychological testing, it became obvious that this teenager was not only violent but homicidal. I couldn't call the police because psychologists and psychiatrists aren't allowed to unless a patient names a specific victim or victims. And you can forget about referring him for mental health treatment - with no health insurance, that's not usually an option until after someone has committed a crime.

During the evaluation, I noted the patient's long list of felonies, for which he had only spent days or weeks in detention. The young man described his own views of the rights of others: Mainly they had none. People were instruments important only for their ability to provide him with what he needed. The apathetic tone in his voice described not only his lack of reverence for others' lives, but for his own.

As I watched the young man leave my office, I cringed at the thought of this loose cannon out in society. I knew it was only a matter of time before his short fuse would dangerously ignite.

Two weeks later, I got the news that my patient had fulfilled my premonition: He shot and killed a man with .38-special. Stunned, I turned to a colleague to discuss my experience, but her only response was, "Where did he get the gun?"

I was stunned again: Her reaction seemed to miss the point. Her question is typical of those good-hearted but wrongheaded people who believe that owning a gun is dangerous.

My colleague, like so many others, believes that it is not criminals but ordinary people acting out a

moment of rage who are the perpetrators of most murders. In my colleague's mind, had my patient not had a gun, no murder would have been committed. She couldn't have been more wrong. An examination of homicide studies shows the truth: It is not ordinary citizens who commit murder. My patient epitomizes the characteristic murderer. He did not simply lose his temper in a heated moment and commit murder because he had a firearm available at the time of ungovernable anger.

Research on juvenile murderers shows they generally have a history of committing personal violence against other children, siblings, and small animals. A 1996 Harvard study of guns and gang murders shows juvenile murderers often have a long list of prior felonies.

Substance abusers, those with sub-par intelligence, and those with major mental disorders are several times more likely to commit a violent crime than are ordinary citizens. Ordinary, law-abiding citizens are not usually the cause of murder. On the contrary, murders are committed by a relatively small number of very scary aberrants.

This is a difficult concept for people to accept. It is much easier to focus on gun-control laws because it provides a false sense of security. My patient committed murder with an already illegal gun that would have been unavailable to him if gun laws could really stop killing. It should be -and already is - illegal for felons, the insane, drug addicts, and juveniles to have handguns.

The problem is, sensible though such laws are, it is unrealistic to think that people with no compunction against murder, rape, etc., will obey gun laws.

As was recently pointed out by criminologist James Q. Wilson, people on the fringes of society are unlikely to be affected by gun-control laws. If murderers have different characteristics than you and I - and research shows they do - then juvenile murder will not be affected by gun control.

So, if gun control is not the answer to juvenile murder, what is? As a psychologist, I have learned through experience that often the way to find a solution to a problem is to ask the right question. In the case of my teenage patient, the right question is not "Where did he get the gun?", but rather, "What are the characteristics of this teenager that made him kill in the first place?"

There are no easy solutions to the social pathologies that turn juveniles into murderers. But if we as a nation continue to divert our attention away from the true issue at hand - that murderers typically have mental problems that make them very different from the rest of us - then we will never be on our way to solving the problem posed by the thousands of lethal youths like my patient. Unfortunately, the ongoing dismantling of our nation's mental health infrastructure and the rise of Jiffy-Pop HMO approaches to serious mental illness mean we are likely to see more walking time bombs like my client among us, not fewer.

*\* Helen Smith is a forensic psychologist practicing in Knoxville, Tenn.*

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## **Firearms Fact Sheet**

### **Part 2**

[This is a continuation of last month's article.]

Source: Figures are for 1993. National Safety Council, Accident Facts: 1996 Edition, at 10, 11, 18.

**Fact: Accidental gun deaths among children have declined** by over 50 % in nearly 25 years, even though the population (and the gun stock) has continued to increase. (93)

**Fact: Despite the low number of gun accidents among children (see above), most of these fatalities are not truly "accidents."** According to Dr. Gary Kleck, many such accidents are misnamed -- those "accidents" actually resulting from either suicides or extreme cases of child abuse. (94)

Dr. Kleck also notes that, "Accidental shooters were significantly more likely to have been arrested, arrested for a violent act, arrested in connection with alcohol, involved in highway crashes, given traffic citations, and to have had their driver's license suspended or revoked." (95)

**Myth: One child is accidentally killed by a gun every day.** Dr. Gary Kleck notes that to reach this figure, anti-gun authors must include "children" aged 18-24. (96) As noted above, there were only 205 fatal gun accidents for children in 1993.

**Myth: 135,000 children take guns to school every day.** This factoid was based on a survey that did not even ask children if they carried a weapon to school. The "take guns to school" statement is completely imputed into the survey results. With regard to the 135,000 figure, Dr. Gary Kleck has shown that this number is wildly inflated. The real number, while still unfortunate, is between 16,000 and 17,000 students on any given day -- or about 1 in every 800 high school students. (97)

**Myth: There are more guns in schools today because of lax gun control laws.** Not so. In fact, "guns in schools" were never a problem during the era when children had the greatest access to firearms. For example, even though there were far fewer gun control laws on the books in the 1950's, there was not a problem with illegal guns in schools. Rather, the top problems in American classrooms during that era were such (non-violent) activities as chewing gum, talking in class and running in the halls.

So what has changed? Why do more illegal guns make their way onto school grounds today, even though federal gun control laws have now grown to comprise more than 70,000 words of restrictions and requirements? (98) There are several possible reasons, including:

**a. Lax punishment of juvenile children.** Several state studies have shown that juvenile offenders will make several journeys through the legal system before doing any time in a penal facility. (99) This problem, of course, is not just limited to juveniles. A murderer of any age (in 1990) could expect to serve only 1.8 years in prison, after one considers the risk of apprehension and the length of the sentence. (100)

**b. Imitation of T.V. violence.** Before completing the sixth grade, the average American child sees 8,000 homicides and 100,000 acts of violence on television. (101) Two surveys of young American males found that 22 to 34 percent had tried to perform crime techniques they had watched on television. (102)

**c. Morality shift.** "The kids have changed," says Judge Gaylord Finch, speaking with the help of a dozen years of observation from his bench, where he sits as chief judge of Juvenile and Domestic Relations District Court. "The values have just become so relative, and it sometimes seems we have no values in common anymore." (103)

## C. Women and Guns

At least 17 million women own firearms in the United States. (104) And according to the National Research Opinion Center, 44 percent of adult women either own or have access to firearms. (105)

As many as 561 times a day, women use guns to protect themselves against sexual assault. (106)

In 89.6% of violent crimes directed against women, the offender does not have a gun; and only 10% of rapists carry a firearm. (107) Thus, armed women will usually have a decided advantage against their attackers.

A man can kill a woman with whatever he has at hand, but she can usually only resist him successfully with a gun. Don Kates, a civil rights attorney who specializes in firearms issues, cites a Detroit study showing that three-quarters of wives who killed their spouses were not even charged, since prosecutors found their acts necessary to protect their lives or their children's lives. (108)

## Five Common Gun Control Myths

### A. Myth #1: Gun Control has reduced the murder rates in other countries

**1. England and Canada** -- Their murder rates were ALREADY LOW BEFORE their gun control laws were passed. (109) Thus, their restrictive laws cannot be credited with lowering their crime rates. And the murder rates in England, Canada and Japan have risen tremendously since passing their gun control laws. (110)

**2. More hands and feet?** -- United States' NON-GUN murder rate is higher than the TOTAL murder rates in England, Canada or Japan. (111) In other words, Americans kill each other more often with weapons other than guns -- such as with knives, fists and feet.

**\* It is absurd to claim that the U.S. has more murders because it has more guns.** If this were true, one would also have to argue that -- since Americans kill each other more often with their hands and feet -- Americans must have more hands and feet than the British. And since Americans kill each other more often with knives, does this also mean they own more knives than the British do?

**\* The problem is not the type of weapons used,** rather, the failure in America to keep violent criminals off the street. (See points 2 and 3 under Myth #3 below.)

**3. Violence by any other name is still violent** -- Many countries with strict gun control laws have higher violence rates than the United States does. Consider the following rates:

High Gun Ownership Countries				Low Gun Ownership Countries			
Country	Suicide	Homicide	Total*	Country	Suicide	Homicide	Total*
Finland	24.40	2.86	27.20	Romania	66.20	n.a.	66.20
Switzerland	24.45	1.13	25.58	France	21.80	4.36	26.16
U.S.	12.20	7.59	19.79	W.Germany	20.37	1.48	21.85



Israel **	6.00	2.00	8.00	Japan	20.30	0.90	21.20
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\* The figures listed in the table are the rates per 100,000 people.

\*\* Israel's total violence rate is lower than the total rates in England/Wales or Canada.

Source for table: Don B. Kates, Jr., *Guns, Murders, and the Constitution: A Realistic Assessment of Gun Control*, (1990):42.

### **B. Myth #2: If one has a gun in the home, one is three times more likely to be killed than if there is no gun present**

1. Dr. Edgar Suter has pointed out that studies which make such claims are flawed because they fail to consider the number of lives saved by guns. That is, such claims ignore the vast number of non-lethal defensive uses with firearms. (112)

2. Criminologists have found that citizens use firearms as often as 2.5 million times every year in self-defense. In over 90% of these defensive uses, citizens merely brandish their gun or fire a warning shot to scare off the attacker. (113)

### **C. Myth #3: Most homicides are committed by otherwise law-abiding people who end up killing a friend or relative**

1. While most murders do involve the killing of an acquaintance, it is fallacious to assume these are otherwise law-abiding people killing one another. In fact, sixty-one percent of murder victims themselves - and an even greater majority of murderers -- have prior criminal records. (114) This indicates that most murders occur between criminals who have already demonstrated a pattern of violence.

2. The problem? The criminal justice system is a revolving door which continues to throw violent offenders back onto the street. Seventy percent of the murders are committed by criminals who have prior felonies. (115) This number does not include criminals who have plea-bargained their felonies down to lesser charges.

### **D. Myth #4: Recent gun control laws have reduced the U.S. murder rate**

\* **Murder rate was already decreasing** before Brady and semi-auto gun ban passed. Those who claim that the two gun control laws enacted in 1994 have reduced the murder rate ignore the fact that the U.S. murder rate has been decreasing from the high it reached in 1991. (116) Thus, the murder rate had already begun decreasing two to three years before the Brady law and the semi-auto gun ban became law.

\* **Murder rate decrease results from fewer violent youths.** The Democratic Judiciary Committee noted in 1991 that, "An analysis of the murder tolls since 1960 offers compelling evidence of the link -- the significant rise of murder in the late 1960's, and the slight decrease in murder in the early 1980's follows from an unusually large number of 18-24 year-olds in the general population. This age group is the most violent one, as well as the group most likely to be victimized -- and the murder figures ebb and flow with their ranks." (117)

### **E. Myth #5: The Courts have never overturned a gun control law using the Second Amendment as a reason, and thus, there is no individual right guaranteed by the Amendment.**

### **1. Senate Subcommittee Report:**

Courts have used the Second Amendment to strike down gun control: *Nunn v. State* and *in re Brickey* are just two examples where the Courts have struck down gun control laws using the Second Amendment. (118) An individual right protected: "The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner." (119)

### **2. U.S. Supreme Court (see also U.S. v. Verdugo-Urquidez at note 41):**

Court strikes down gun control law: In 1995, the Court struck down a federal law which prevented the possessing of firearms within 1,000 feet of a school (*U.S. v. Lopez*). The Court argued that the Commerce Clause of the Constitution in no way grants Congress the authority to enact such gun control legislation.

### **3. U.S. Congress:**

#### Fourteenth Amendment:

The framers of the 14th Amendment intended to protect an individual's Second Amendment right to keep and bear arms by striking down state laws that denied this right: "[During] the debates over the Fourteenth Amendment, Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee against state action." (120)

#### Firearm Owners' Protection Act (1986):

The 1986 Law affirms individual right to keep and bear arms: "The Congress finds that the right of citizens to keep and bear arms under the second amendment to the United States Constitution . . . require[s] additional legislation to correct existing firearms statutes and enforcement policies." (121)

**4. Nothing in Article I, Section 8 of the U.S. Constitution authorizes Congress to pass gun control legislation (see U.S. v. Lopez, 1995).** Since the adoption of the Constitution, courts have ruled on both sides of the issue, indicating that judges are just as political as the common man.

## **ENDNOTES**

1. Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," 86 *The Journal of Criminal Law and Criminology*, Northwestern University School of Law, 1 (Fall 1995):164. Dr. Kleck is a professor in the school of criminology and criminal justice at Florida State University in Tallahassee. He has researched extensively and published several essays on the gun control issue. His book, *Point Blank: Guns and Violence in America*, has become a widely cited source in the gun control debate. In fact, this book earned Dr. Kleck the prestigious American Society of Criminology Michael J. Hindelang award for 1993. This award is given for the book published in the past two to three years that makes the most outstanding contribution to criminology.

Even those who don't like the conclusions Dr. Kleck reaches, cannot argue with his impeccable research and methodology. In "A Tribute to a View I Have Opposed," Marvin E. Wolfgang writes that, "What troubles me is the article by Gary Kleck and Marc Gertz. The reason I am troubled is that they have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years, namely, the use of a gun in defense against a criminal perpetrator. . . . I have to admit my admiration for the care and caution expressed in this article and this research. Can it be true that about two million instances occur each year in which a gun was used as a defensive measure against crime? It is hard to believe. Yet, it is hard to challenge the data collected. We do not have contrary

evidence." Wolfgang, "A Tribute to a View I Have Opposed," *The Journal of Criminal Law and Criminology*, at 188.

Readers of Dr. Kleck's materials may be interested to know that he is a member of the ACLU, Amnesty International USA, and Common Cause. He is not and has never been a member of or contributor to any advocacy group on either side of the gun control debate.

2. According to the National Safety Council, the total number of gun deaths (by accidents, suicides and homicides) account for less than 40,000 deaths per year. See *Accident Facts*, published yearly by the National Safety Council, Itasca, Illinois.
3. Kleck and Gertz, "Armed Resistance to Crime," at 185.
4. Kleck, *Point Blank: Guns and Violence in America*, (1991):111-116, 148.
5. George F. Will, "Are We 'a Nation of Cowards'?", *Newsweek* (15 November 1993):93.
6. Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.
7. *Id.* at 164, 185.
8. *Warren v. District of Columbia*, D.C. App., 444 A. 2d 1 (1981).
9. Statement of Representative Ron Johnson in U.S. Senate, "Handgun Violence Prevention Act of 1987," Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary (16 June 1987):33.
10. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics -- 1990*, (1991):257.
11. Kleck, *Point Blank*, at 132.
12. Dr. Gary Kleck, interview with J. Neil Schulman, "Q and A: Guns, crime and self-defense," *The Orange County Register*, 19 September 1993. In the interview with Schulman, Dr. Kleck reports on findings from a national survey which he and Dr. Marc Gertz conducted in Spring, 1993 -- a survey which findings were reported in Kleck and Gertz, "Armed Resistance to Crime."
13. Compare Federal Bureau of Investigation, "Crime in the United States," *Uniform Crime Reports*, (1988): 7, 53; and FBI, (1996):58, 69.
14. Memo by Jim Smith, Secretary of State, Florida Department of State, *Concealed Weapons/Firearms License Statistical Report for Period 10/01/87 - 11/30/96*.
15. From 1987 through the middle of December 1996, there were 141 documented alligator attacks on human beings in Florida. This does not include any unreported encounters. Interview with Mark Trainor, Public Information Specialist for the Office of Information Services, Florida Game and Fresh Water Fish Commission, Tallahassee, Florida (11 December 1996). By contrast, there were only 72 CCW holders who used their guns during the same period to commit a crime. See *supra* note 14 and text.
16. One of the authors of the University of Chicago study reported on the study's findings in John R. Lott, Jr., "More Guns, Less Violent Crime," *The Wall Street Journal* (28 August 1996). See also *supra* note 17.
17. John R. Lott, Jr. and David B. Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," *University of Chicago*, (13 July 1996).
18. The comparison period between Georgia and Wisconsin is for the years 1976 to 1993. The enactment of the national Brady waiting period in 1994 ended the ability to extend, beyond 1993, any comparison of waiting periods and concealed carry laws in states such as Georgia and Wisconsin. Compare FBI, "Crime in the United States," (1977):45, 53; and FBI, (1994):70, 78.
19. Gary Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems* 35 (February

- 1988):15.
20. Compare Kleck, "Crime Control," at 15, and Chief Dwaine L. Wilson, City of Kennesaw Police Department, "Month to Month Statistics: 1991." (Residential burglary rates from 1981-1991 are based on statistics for the months of March - October.)
  21. Kleck, "Crime Control," at 13.
  22. Kleck, Point Blank, at 140.
  23. U.S. Department of Justice, Law Enforcement Assistance Administration, Rape Victimization in 26 American Cities, 1979, p. 31.
  24. U.S., Department of Justice, National Institute of Justice, "The Armed Criminal in America: A Survey of Incarcerated Felons," Research Report, (July 1985): 27.
  25. Id.
  26. Id.
  27. FBI, "Crime in the United States," (1996): 69.
  28. Id. at 171. According to Arlington County's own statistics, the population in Arlington, Virginia for 1995 was 184,000 people.
  29. Id. at 77.
  30. Gary Kleck, speech delivered to the National Research Council, quoted in Don B. Kates, Jr., "Scholars' ignorant bias causes anti-gun sentiments," Handguns, June 1991, pp. 12-13.
  31. "Gun Critic Shifts His Position," The Denver Post, 28 November 1985.
  32. James D. Wright, "Second Thoughts About Gun Control," The Public Interest, 91 (Spring 1988):23, 25.
  33. Dave Kopel, "Guns, Germs, and Science: Public Health Approaches to Gun Control," 84 The Journal of the Medical Association of Georgia (June 1995): 272.
  34. Id.
  35. Congressional Record, 8 May 1991, pp. H 2859, H 2862.
  36. Wall Street Journal, 3 March 1994 at A10.
  37. Jonathan T. Lovitt, "Survival for the armed," USA Today, 4 May 1992.
  38. Department of Justice, "Survey of Incarcerated Felons," p. 36.
  39. Pierre Thomas, "In the Line of Fire: The 'Straw Purchase' Scam," The Washington Post, 18 August 1991; and Thomas, "Va. Driver's License is Loophole for Guns: Fake Addresses Used in No-Wait Sales," The Washington Post, 20 January 1992.
  40. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982):12.
  41. U.S. v. Verdugo-Urquidez, Sup. Ct. case No. 88-1353 (1990).
  42. The court stated, "The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any less necessary the immunity of the press from previous restraint in dealing with official misconduct. Subsequent punishment for such abuses as may exist is the appropriate remedy, consistent with constitutional privilege." Near v. Minnesota, 283 U.S. 697, 51 S. Ct. 625, 75 L. Ed. 1357 (1931).
  43. Richard B. Abell, Assistant Attorney General, Task Force Chairman, Report to the Attorney General on Systems for Identifying Felons Who Attempt to Purchase Firearms, October 1989, p. 75.
  44. This attempt at registration has since been defeated in the courts. Bureau of Justice Assistance, Grant Manager's Memorandum, Pt. 1: Project Summary, September 30, 1994, Project Number: 94-DD-CX-0166.
  45. Copy of "FIST" (Firearms Inquiry Statistical Tracking) software at GOA headquarters, Springfield, VA. See also Pennsylvania Sportsmen's News, (Oct./Nov. 1996). The default in the "FIST" computer software is for the police officials to indefinitely retain the information on gun owners -- despite the fact that the Brady law only allows officials to retain this data for 20 days. One wonders who will ensure that this information will be deleted after the 20th day.

46. Mike Slavonic, NRA Director and Chairman of the Legislative Committee for the Allegheny County Sportsmen's League, states that the instant background check could be "our downfall." He notes that, "What most Americans don't know is that once instant check goes into effect in 1998 the purpose of Brady could be used to set the stage for national confiscation. Instant check could eventually keep guns out of the hands of everyone by registering everyone who purchases a handgun, rifle and shotgun and who obtained concealed weapons permits in a computerized database like 'FIST'. The most difficult problem with a gun ban is locating the firearms. FIST [with the help of the instant check], over time, could solve that problem." Slavonic, "Another Gun Database Discovered," *Pennsylvania Sportsmen's News*, at 7.
47. David B. Kopel, *Policy Review* 63 (Winter 1993):6.
48. Kopel, ed., *Guns: Who Should Have Them?*, (1995) at 88, 117 (fn. 75), and 122 (fn. 124).
49. "NM Gun Shop Owners Upset Over BATF's Searches," *The New Gun Week*, 19 November 1993; "Suit takes shot at inspections -- Gun shop owner says copying weapons registration illegal," *Cincinnati Enquirer*, 7 December 1989.
50. On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns.
51. John Marzulli, "Weapons ban defied: S.I. man, arsenal seized," *Daily News*, 5 September 1992.
52. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] *Policy Analysis* 109 (July 11, 1988):25.
53. Jay Simkin, Aaron Zelman and Alan M. Rice, *Lethal Laws: "Gun Control" is the Key to Genocide*, (Milwaukee: Jews for the Preservation of Firearms Ownership, 1994).
54. Senate, "Handgun Violence," at 107, citing *Novae Russkae Slovo*, Vol. LXXII, No. 26.291, (6 Nov. 1983).
55. Kopel, "Trust the People," at 26.
56. *Id.*, at 25-26.
57. *U.S. News & World Report*, (17 January 1994): 8.
58. *Lamont v. Postmaster General*, 381 U.S. 301, 85 S. Ct. 1493, 14 L. Ed. 2d 398 (1965).
59. See General Accounting Office, *Gun Control: Implementation of the Brady Handgun Violence Prevention Act*, January 1996, p. 8.
60. Of persons denied the right to purchase a firearm under the Brady Law, 7.6 percent of the denials involved routine traffic stops. Another 38.9 percent were the result of administrative snafus. Only 44.7 percent of denials were as a result of felony convictions, and many of these resulted from white collar crimes and ancient peccadilloes which would not suggest that the person would pose a danger. *Id.*, at 39-40, 64-65.
61. *Id.*, at 4.
62. *Id.*
63. Dr. Edward Ezell presented testimony before the Senate Subcommittee on the Constitution in 1989, and while doing so, helped clarify the true definition of an "assault rifle." The subcommittee record reports the following credentials for Dr. Ezell: Curator of the National Firearms Collection at the Smithsonian Institution's National Museum of American History, and founding Director of the Institute for Research on Small Arms in International Security.
64. Statement by Edward Ezell, "Assault Weapons," Hearings Before the Subcommittee on the Constitution of the Committee on the Judiciary, U.S. Senate, (5 May 1989):396.
65. Defense Intelligence Agency, *Small Arms Identification and Operation Guide -- Eurasian Communist Countries* (Washington, D.C.: Government Printing Office, 1988):105, cited in Kopel, *Guns: Who Should Have Them?*, at 162.
66. Kleck, *Point Blank*, at 70.

67. Senate, "Assault Weapons," at 396.

68. Officer William R. McGrath, "An Open Letter to American Politicians," *The Police Marksman*, (May/June 1989): 19.

69. *Id.*

70. *Id.*

71. Congressional Record, 13 September 1990:E 2826, citing [Police Advertisement], Roll Call, 3 September 1990. Also, see Howard Schneider, "Gun Owners Take Shot at Schaefer Assault-Weapon Bill," *The Washington Post*, February 15, 1991.

72. Iver Peterson, "Both Sides Say Trenton's Ban on Assault Rifles Has Little Effect on Crime," *The New York Times*, 20 June 1993.

73. *Id.*

74. U.S. Department of Justice, Bureau of Justice Statistics, "Survey of State Prison Inmates, 1991," (March 1993):18.

75. FBI, "Crime in the United States," (1994):18.

76. Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1993 Murder Analysis at 12, 13.

77. Compare FBI, "Law Enforcement Officers Killed and Assaulted," *Uniform Crime Reports*, for the years 1989 (0 officers); 1990 (two officers), at 24, 36; 1991 (three officers), at 40, 41, 45; 1992 (two officers), at 46; 1993 (2 officers), at 41, 45.

*Note:* In 1993, there were three officers who died by unknown firearms which possibly could have been classified as semi-automatic "assault weapons." (FBI, "Law Enforcement Officers Killed and Assaulted, 1993," at 55.) These three died at Waco, Texas -- a jury later finding that authorities had provoked the residents at Mt. Carmel into firing. (Carol Moore, *The Davidian Massacre* (1995): 450.) Also supporting this view were two BATF agents who initially told the Texas Rangers that authorities had fired first upon the Davidians. (J.L.Pate, "Prosecution Against Waco Survivors Begins," *The New Gun Week*, (11 February 1994):5.) Despite the jury's finding that authorities provoked the residents in Mt. Carmel into firing, *Newsweek* and other news sources have pointed out that the officers might have died from "friendly fire." ("Was it Friendly Fire? In the bungled Waco raid, federal agents may have been shot by their own men," *Newsweek*, (5 April 1993):50.)

78. In the five years of 1989 to 1993, 30 officers were killed by their own service weapons. By contrast, only 9 officers were killed by so-called assault weapons. *Id.* for the years 1989, at 4; 1990, at 4, 24, 36; 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 41, 45.

79. In the five years of 1989 to 1993, 15 officers were killed by knives and blunt objects. By contrast, only nine officers were killed by so-called assault weapons. Compare FBI, "Officers Killed," for the years 1989, at 4, 13, 26; 1990, at 4, 12, 24, 36; and 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 13, 41, 45.

80. By using an inflated definition of "assault weapon," HCI attempts to "show" that these guns killed 36 percent (a minority) of the policemen who were murdered between January 1, 1994 and September 30, 1995. Of course, HCI's figure wildly departs from the 1% figure given by official government studies. (See *supra* note 74.) See Handgun Control, Inc., *Cops Under Fire: Law Enforcement Officers Killed with Assault Weapons or Guns with High Capacity Magazines*, (29 November 1995):2.

81. *Id.* The HCI study borrowed the very expansive definition of semi-automatic firearm from the Clinton gun ban which passed in 1994. This definition is so broad that it covers over 180 types of firearms, including reproductions of the 1873 Winchester and the 1860 Henry Rifles. (While the Clinton gun ban exempted reproductions of these two guns under section 922(v)(3) of Title 18 -- the provisions defining what a semi-automatic "assault weapon" is -- the ban did not exempt these rifles under section 922(w) -- the provision banning high-capacity magazines. Both of these rifles have tubular-fed magazines holding over 10 rounds, thus making them banned firearms.)

The generic definition for an "assault weapon" in the Clinton gun ban would include many, many other guns, had the law failed to specifically exclude several hundreds of common guns which would have easily fallen under the definition of an "assault weapon."

Not surprisingly, by using President Clinton's over-inflated definition of an "assault weapon," HCI was able to find more and more of these guns killing officers. To extend their logic, if HCI figures a way to define ALL guns as "assault weapons," then it will be able to claim that these "assault weapons" comprise 100 percent of the guns that kill policemen. Even so, HCI has now encountered a dilemma with the publishing of their study: their study "shows" that there has been a dramatic increase in the number of policemen being killed by so-called assault weapons AFTER the ban was put in place. (HCI claims that 36% of the guns killing officers are "assault weapons," but the government's own pre-ban figures show the number was only one percent. See supra note 74.) Thus, either HCI's data is wrong, or it must concede that gun control INCREASES the threat to police officers.

82. Keith Bea, Congressional Research Service, "Assault Weapons': Military-Style Semiautomatic Firearms Facts and Issues," CRS Report for Congress (13 May 1992, Technical Revisions: 4 June 1992): 65.

83. *Id.* at 67.

84. *Id.* at 69.

85. Kleck, *Point Blank*, at 75.

86. Massad Ayoob, "Defending Firepower," *Combat Handguns*, October 1990, p. 71.

87. *Id.* at 70.

88. *Id.* at 25.

89. *Id.* at 71.

90. "Koreans make armed stand to protect shops from looters," *Roanoke Times & World-News*, 3 May 1992.

91. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982):7.

92. *U.S. v. Miller*, 307 U.S. 174 (1939).

93. From 1970 to 1991, the number of fatal gun accidents for children aged 0-14 declined from 530 to 227. Kopel, *Guns: Who Should Have Them?*, at 311. According to the National Safety Council, there were only 205 fatal gun accidents for children in that age group in 1993. National Safety Council, *Accident Facts: 1996 Edition*, at 121.

94. Kleck, *Point Blank*, at 271, 276.

95. *Id.* at 286.

96. *Id.* at 276, 277.

97. Kleck, cited in Kopel, *Guns: Who Should Have Them?*, at 323.

98. Alan Korwin, *Gun Laws of America: Every Federal Gun Law on the Books* (1995): 22, 23.

99. Kopel, *Guns: Who Should Have Them?*, at 355.

100. *Id.*, at 356.

101. *Id.*, at 359.

102. *Id.*, at 360. Kopel notes how several infamous criminals -- such as John Hinckley (who shot Jim Brady) and George Hennard (who killed 22 people at Luby's Cafeteria in Killeen, Texas) -- were each reenacting scenes from movies that they had previously seen or studied.

103. Steve Twomey, "Indiscretions That Are Not So Youthful," *The Washington Post*, 6 December 1993.

104. Christine Biegler, "Fearing crime, more women buy firearms," *The Washington Times*, 19 Nov. 1992.

105. Paxton Quigley, *Armed & Female* (1989): 7.
106. According to Dr. Gary Kleck, about 205,000 women use guns every year to protect themselves against sexual abuse. Kleck and Gertz, "Armed Resistance to Crime," at 185.
107. Don B. Kates, Jr., *Guns, Murders, and the Constitution: A Realistic Assessment of Gun Control*, (1990), at 29, citing U.S. Bureau of Justice Statistics.
108. *Id.*, at 25, 26.
109. Kleck, *Point Blank*, at 393, 394; Colin Greenwood, Chief Inspector of West Yorkshire Constabulary, *Firearms Control: A Study of Armed Crime and Firearms Control in England and Wales*, (1972):31; David Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies*, (1992):91, 154.
110. For example, Great Britain's Pistols Act of 1903 has not stopped murders from increasing. In 1902, there were 181 murders; in 1904 there were 208 murders. By 1974, the number of murders in the country had risen almost 200% since before the passage of the 1903 Pistols Act. (Compare Greenwood, *supra* note 93, with Greenwood, "Comparative Cross-Cultural Statistics," in Don B. Kates, ed., *Restricting Handguns: The Liberal Skeptics Speak Out*, (1979):44.) Moreover, from 1946 through 1969, the number of cases where firearms were used or carried in a crime skyrocketed almost 1,000 percent. (Greenwood, *Firearms Control*, at 158.) See also Kevin Helliker, "As Gun Crimes Rise, Britain is Considering Cutting Legal Arsenal," *The Wall Street Journal*, 19 April 1994; Clyde H. Farnsworth, "Tough Gun Control Near Approval in Canada," *The New York Times*, 17 October 1991; John E. Woodruff, "A crime wave alarms Japan, once gun-free," *The Philadelphia Inquirer*, 11 July 1992.
111. Erik Eckholm, "A Basic Issue: Whose Hands Should Guns Be Kept Out of?" *The New York Times*, 3 April 1992; and Kates, *Guns, Murders, and the Constitution*, at 42.
112. Dr. Edgar A. Suter, "Guns in the Medical Literature -- A Failure of Peer Review," *The Journal of the Medical Association of Georgia*, vol. 83, (March 1994):136.
113. Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.
114. Criminal histories of murder victims is based on statistics from the city of Chicago: Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1992 Murder Analysis, at 23; 1993 Murder Analysis, at 23; and 1994 Murder Analysis, at 24. For criminal histories of murderers nationwide, see Bureau of Justice Statistics, *National Update*, (October 1991): 4.
115. Bureau of Justice Statistics, *National Update*, at 4.
116. FBI, "Crime in the United States," (1996): 58.
117. United States Senate, *A Majority Staff Report prepared for the use of the Committee on the Judiciary, 1991 Murder Toll: Initial Projections* (August 1991).
118. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982): 8-17.
119. *Id.*, at 12.
120. U.S. Senate, "The Right to Keep and Bear Arms," at 9. See also Stephen P. Halbrook, *That Every Man be Armed: The Evolution of a Constitutional Right* (1984): 107-153.

The Senate sponsor of the 14th Amendment, Senator Jacob Howard (R-MI), said the Amendment would force the states to respect "the personal rights guaranteed and secured by the first eight amendments of the Constitution; such as freedom of speech and of the press; . . . the right to keep and bear arms . . . ." *Cong. Globe*, 39th Cong., 1st Sess., pt. 3, 2765 (23 May 1866), cited in Halbrook, at 112.

The House author of the 14th Amendment, Rep. John Bingham (R-OH), said that the first eight



amendments to the U.S. Constitution "never were limitations upon the power of the States, until made so by the fourteenth amendment. The words of that amendment, 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States,' are an express prohibition upon every State of the Union." Cong. Globe, 42d Cong., 1st Sess., pt. 2, Appendix, 84 (31 Mr. 1871), cited in Halbrook, at 146. (Rep. Bingham stated that the "privileges and immunities of citizens of a State, are chiefly defined in the first eight amendments to the Constitution of the United States.")

That the Fourteenth Amendment was intended, among other things, to prevent states from disarming black citizens is clear. During debate over the 14th Amendment, Senator Thomas Hendricks (D-IN) bragged that "colored" people in his state do not enjoy the same rights as white people. Thus, he opposed adoption of the 14th Amendment because among other things, it would grant Second Amendment rights to the "negroes, the coolies, and the Indians." Cong. Globe, 39th Cong., 1st Sess., pt. 3, 2939 (4 June 1866) cited in Halbrook, at 113.

121. Public Law 99-308, Sect. 1(b).

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# Texas Concealed Handgun Carriers Are Law-Abiding Public Benefactors

BY H. STERLING BURNETT



**Opponents of Texas' right-to-carry law predicted it would bring a decline in public safety and that minor incidents would escalate into violence. They were wrong.**

In 1994, Texas citizens approved a nonbinding resolution asking the state to grant Texans the right to carry concealed weapons. Gov. Ann Richards had vetoed such a bill prior to the vote and vowed that no such bill would pass while she was governor. By contrast, her opponent in the race for governor—George W. Bush—said that if elected he would sign an appropriately structured “right-to-carry” law. Bush won the election and on May 26, 1995, signed a law granting Texans the right to carry concealed firearms. When he did so, Texas joined 30 other states that have made it legal to carry concealed weapons.

Because of its large geographic size and population and electoral importance, Texas' experience with concealed carry has come under sustained attack. Before passage, opponents predicted a decline in public safety, with minor incidents escalating into killings as the concealed carry law placed more guns in irresponsible hands. Further, critics claimed that criminals would be undeterred by an increase in armed citizens. Both predictions were wrong.

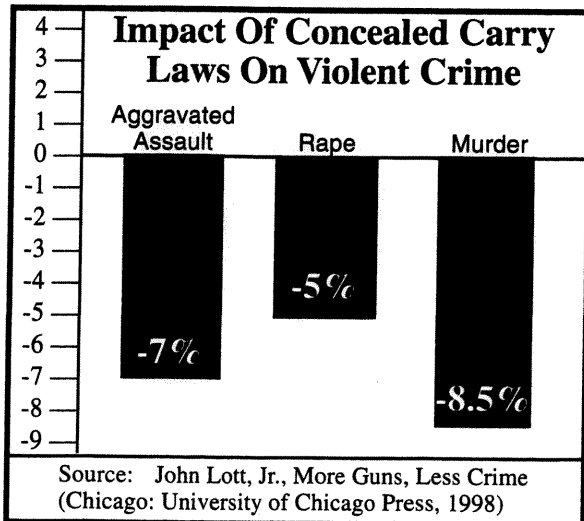
In 1998 and again in 1999, the Violence Policy Center, a

research organization opposed to concealed carry [Editor's note: VPC seeks a total ban on handgun ownership], released reports highlighting the numbers of Texas' concealed carry licensees who have been arrested since the law went into effect. Using Texas Department of Public Safety records, the center pointed out that Texas licensees had been arrested for nearly two crimes a day through 1998—with more than one arrest each month for a violent crime.

In isolation, these numbers paint a troubling picture. However, the reports are misleading for several reasons. First, they do not separate crimes that involve concealed weapons from those that don't. In addition, they ignore the fact that more than 55 percent of licensees arrested for violent crimes are cleared of the crimes for which they are arrested. Most tellingly, when the arrest rates of Texas' concealed carry holders are compared with those of the general population, licensees are found to be more law-abiding than the average person.

In an unpublished report, engineering statistician William Sturdevant found that concealed carry licensees had arrest rates far lower than the general population for every category of crime. For instance:

- Licensees were 5.7 times less likely to be arrested for violent offenses than the general public—127 per 100,000 population versus 730 per 100,000.
- Licensees were 13.5 times less likely to be arrested for nonviolent offenses than the general public—386 per 100,000 population versus 5,212 per 100,000.



- Further, the general public is 1.4 times more likely to be arrested for murder than licensees, and no licensee had been arrested for negligent manslaughter.

This is unsurprising, since the standards for getting a concealed carry license in Texas are the strictest in the nation. One must be at least 21 years of age, submit a photo and fingerprints for a background check, pay a \$140 fee and take more than eight hours of course work. In addition, applicants must pass both a written test covering laws pertaining to deadly force and gun safety and a shooting accuracy test. Even with all of these hurdles, more than 200,000 Texans have received concealed carry permits.

Shootings involving licensees are rare. However, most permit holders who have wounded or killed purported assailants have not been arrested because the authorities have determined that the shootings were justified. For instance:

- Licensee Jim Eichelberg ended James Turner's brief crime spree when, in an exchange of gunfire, he shot Turner as Turner tried to carjack Eichelberg at gunpoint. Earlier, Turner had robbed another driver.
- In 1996, licensee Becky Shelton shot and killed a man who was attempting to rob and shoot her husband in their Richardson jewelry store.

Of the concealed carry licensees who have been arrested for a murder, several have been no-billed by grand juries that determined the killings were lawful. Gordon Hale, III, was the first Texas licensee to kill an assailant using his concealed firearm—and the first licensee arrested. Hale had been involved in a minor noninjury traffic accident that turned into an assault when the other driver, Kenny Tavai, punched Hale repeatedly in the face and then attempted to drag him out of his car through the window. Hale fired his weapon in response, killing Tavai. The Dallas district attorney's office charged Hale with murder for using what it considered excessive force in defending against Tavai. The grand jury believed that Hale justifiably feared for his life and refused to indict him. Of the six licensees who were arrested for murder or nonnegligent manslaughter and brought to trial, twice as many (four) were found to have acted in self-defense as were found guilty of murder (two).

When criminals suspect that the costs of committing a crime will be too high, they are less likely to commit it. The possibility of a concealed weapon tilts the odds in favor of the potential victim. Studies have shown that rape victims who resist with a gun are only half as likely to be injured as those who do not resist.

In *More Guns, Less Crime* (1998), the University of Chicago's John Lott examined the impact of concealed carry permits. Using data from all 3,054 U.S. counties between 1977 and 1992, he found that after controlling for other factors:

- Concealed handgun laws reduce murder by 8.5 percent, rape by 5 percent and severe assault by 7 percent.
- Passage of nondiscretionary carry laws in states that did not have them in 1992 would have reduced murders in that year by 1,839; rapes by 3,727 and aggravated assaults by 10,990; robberies by 61,064 and burglaries by 112,665. The total value of this reduction in crime in 1992 dollars would have been \$7.6 billion, Lott says.

These reductions are beyond the general decline in crime rates that the U.S. has experienced during the past eight years.

In the early 1990s, Texas' serious crime rate was 38 percent above the national average. Since then serious crime in Texas has dropped 50 percent faster than for the nation as a whole. For example, during the 1990s Texas' murder rate dropped 52

percent compared to 33 percent nationally, and the rape rate fell by 22 percent compared to 16 percent nationally. In light of Lott's research, it is likely that Texas' concealed carry law has contributed to the declining crime rates.

Both John B. Holmes, Harris County district attorney, and Glenn White, president of the Dallas Police Ass'n, initially opposed concealed carry in Texas but have subsequently embraced it. Holmes said, "I ... [felt] that such legislation ... present[ed] a clear and present danger to lawabiding citizens by placing more handguns on our streets. Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my initial fears absolutely groundless." And White said, "All the horror stories I thought would come to pass didn't happen. ... I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert." The evidence indicates that concealed carry is a vital tool in the fight against violent crime.

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—Glenn White, president of the Dallas Police Ass'n

#### About The Author

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