

Children of Liberty Gun Policy

Answer The COL!

The Children of Liberty

- ✓ Support the second amendment in its entirety and
- ✓ Would support reasonable efforts to reduce gun violence in general and mass shootings in particular.

Define the Issue

1. The Second Amendment clearly grants a right to “bear arms” though the understanding of that right has varied through time.
2. America has a gun violence problem.

On the Second Amendment

“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.”

Why did the founding fathers include the second amendment? Historians tell us that four reasons existed for the “militia clause” and one for the “keep and bear Arms” clause. It was written and included, like so much in the Constitution, as a compromise between varied interests.

- 1) The militia clause provides protection to
 - a) The country from foreign adversaries by requiring states to maintain competent militias (state guards fulfill this need);
 - b) State government from a tyrannical national government (after the Civil War, SCOTUS ruled that this is NOT a state right);
 - c) Local community from territorial hostiles (first nations and foreign nations), which is no longer a concern; and
 - d) Slave holders from slaves and free blacks enabling them to limit gun ownership to whites, which is now unconstitutional.
- 2) The “keep and bear Arms” clause allowed every individuals (except free Blacks in southern states) to protect life and property with firearms, though SCOTUS considered this a collective right until the *Heller* (2008) decision.

The Supreme Court has ruled that the second amendment stops both the national and state governments from preventing individual ownership of offensive and defensive weapons for the self-protection of life and property. On the other hand, they also held that reasonable restrictions may be applied to classes of weapons and groups of people who might pose a significant threat to the public.

In summary, what does current law permit?

- 1) Individuals may own guns to protect their property and life.

- 2) Government may
 - a) Place reasonable restrictions on types of weapons and even ban certain weapons,
 - b) Limit (and all states do) the activities of paramilitary organizations and may also ban private militias, and
 - c) Even be able to limit the number of weapons and ammunition owned by an individual (though this has not been adjudicated).

On Past Regulatory Actions

1. The 1934 National Firearms Act restricted manufacture and ownership of machine guns, short barreled rifles, short barreled shotguns, and suppressors. The Act reduced the number of crimes committed using the restricted devices and the availability of the weapons.
2. In the 1968 Gun Control Act, the Congress added “destructive devices” like grenades, bombs, and other items as prohibited items, added age restrictions, and class restrictions.
3. The 1993 Brady Act created the National Instant Criminal Background Check System (NICS) requiring all purchasers of weapons from legal distributors to pass an eight point background check. Only 30 states participate in the program, and many states fail to provide data to the system, limiting its effectiveness.
4. The 1994 Federal Assault Weapons Ban (AWB) of semi-automatic weapons defined as “assault weapons” and on ammunition defined as “large capacity” failed to curtail crime and at best may have slightly decreased the number of mass shootings. The ban expired in 2004.
5. The 1996 Dickey amendment effectively limited the government’s ability to conduct gun violence research. In 2018, Congress, as part of the 2018 omnibus spending legislation issued a clarifying statement that the Dickey amendment did not preclude gun violence research, though no money was appropriated for the research.

On Criminal Gun Violence

It seems irrefutable that, when compared to other countries, Americans kill more people (including themselves) per capita with firearms than any developed nation. Many studies confirm the truth of this statement. Grinshteyn and Hemenway (2016) in the American Medical Journal published that the United States experiences far more gun-related crime than any high-income OECD nation.¹

1. Homicide rate 7 times higher
2. Gun homicide rate 25.2 times higher
3. Overall firearm death rate 10 times higher.²

Some might argue that the above statistics simply reflect gun ownership rates and not the American character. Americans do own far more guns per capita than any other country. The United States has around 120 weapons per 100 people, while Canada is around 35 (4 times fewer) and Switzerland at 28 (5 times fewer). While United States gun ownership far exceeds other nations, the rate of ownership to the rate of firearm deaths is not proportional.³ Further, strict local or strict gun control laws do little to stem the flow of guns into their communities as other communities have very lax laws. The Chicago Police Department reported in 2017 that 60% of “crime guns” were purchased out of state.

The United States also suffers a disproportionate number of mass shootings compared to other nations.

“From 1998–2012, 41 of all 138 public mass shootings by single perpetrators worldwide were committed in the United States. That represents 29.7 percent. Because America had in those years approximately 4.5 percent of the world’s population . . . , the United States had more than six times its global share of public mass shooters who attacked alone”⁴

While the number of multiple gun violence incidence in the United States is proportional to other developed nations, this accounts for less than 5% of all mass shootings. Of this group, the FBI identifies the greatest domestic violence threat as white supremacist militias.

To formulate an effective gun violence policy, the United States must discover the underlying causes of American gun violence. On the other hand, crime rates in general are at an all-time low, and we may be living in the most crime free time in American history.⁵ The question should be, “Can we be safer with additional gun regulation?”

What Needs To Be Done?

The Children of Liberty do NOT believe that the country can, at this time, formulate an effective national policy to address gun violence or mass shootings. While more study is required, the national government should undertake the following steps.

1. The government must :
 - a. Study the gun violence issue in America and improve data collection,
 - b. Mandate and fully fund full state participation in the new FBI National Incident-Based Reporting System (NIBRS). The NIBRS must include all relevant gun incident data, and
 - c. Encourage and fund gun violence research in general and mass shootings in particular.
2. When future studies coalesce around practical solutions to gun violence in America, it would be time to evaluate possible new policies.
3. In light of the January 6th, 2021 Capitol insurrection, more funding and resources should be directed to monitoring domestic militia threats.
4. Under the interstate commerce clause, the national government should
 - a. Improve background checks by reforming the NICS system (which is supported by the NRA) and requiring all states to participate, and
 - b. Dedicate resources to an interstate gun trafficking enforcement group.
5. In general, the COL abhors gun regulation, restrictions, and taxes that would only burden law-abiding citizens and would fail to reduce the number of weapons in criminal hands, but we would entertain the possibility of
 - a. Requiring training and background check to obtain a gun license,
 - b. More stringent requirements for “large capacity” magazines and “military style” weapons,
 - c. Raising the age to 21 for buying “military style” long guns,
 - d. Requiring a gun license for all gun transactions, including private one, or
 - e. Increasing criminal penalties for crimes committed with firearms.

Endnotes

¹ Grinshteyn E, Hemenway D. Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010. *Am J Med.* 2016 Mar;129(3):266-73. doi: 10.1016/j.amjmed.2015.10.025. Epub 2015 Nov 6. PMID: 26551975.

² *Ibid.*

³ Briefing Paper. Estimating Global Civilian-Held Firearms Numbers. June 2018 by Aaron Karp. Of Small Arms Survey.

⁴ Lankford, Adam (March 2019). "[Confirmation That the United States Has Six Times Its Global Share of Public Mass Shooters, Courtesy of Lott and Moody's Data](#)".

⁵ Gramlich, John. "What the Data Says (and Doesn't Say) About Crime in the United States." Pew Research Center, 20 Nov. 2020, www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s.