

# Should the United States reform its gun laws?

## What they said...

*'The idea that an 18-year-old can walk into a gun store and buy two assault weapons is just wrong. What in God's name do you need an assault weapon for, except to kill someone?'*

**United States President, Joe Biden**

*'People that are shooting people – that are killing kids – they're not following gun laws... I'd much rather have law-abiding citizens armed and trained... who can respond when something like this happens'*

**Texas Attorney General, Ken Paxton**

## The issue at a glance

On May 24, 2022, an 18-year-old student from the local high school fatally shot nineteen students and two teachers and wounded seventeen other people at Robb Elementary School in Uvalde, Texas. Earlier that day, he had shot his grandmother in the forehead, severely wounding her.

The intruder entered Robb Elementary School, armed with an AR-15 style rifle, through an open side entrance door. He locked himself inside a classroom, in which he killed 21 people, and remained there for about one hour before being killed by a United States Border Patrol tactical team. [https://en.wikipedia.org/wiki/Robb\\_Elementary\\_School\\_shooting](https://en.wikipedia.org/wiki/Robb_Elementary_School_shooting)

This is the third-deadliest American school shooting and has provoked widespread calls for stricter gun control, including from United States president, Joe Biden.

<https://www.theguardian.com/us-news/2022/may/25/texas-school-shooting-joe-biden-calls-for-tougher-gun-controls> Opponents of gun control argue there are other methods that would be more effective, including arming teachers and school administrators.

<https://www.msnbc.com/rachel-maddow-show/maddowblog/school-shooting-texas-ag-paxton-calls-armed-teachers-rcna30444>

## Background

Gun laws vary across states

Gun laws in the United States regulate the sale, possession, and use of firearms and ammunition. State laws (and the laws of the District of Columbia and of the U.S. territories) vary considerably and are independent of existing federal firearms laws.

Forty-four states have a provision in their state constitutions like the Second Amendment of the United States Constitution, which protects citizens' right to keep and bear arms. The exceptions are California, Iowa, Maryland, Minnesota, New Jersey, and New York. In New York, however, the statutory civil rights laws contain a provision virtually identical to the Second Amendment. [https://en.wikipedia.org/wiki/Gun\\_laws\\_in\\_the\\_United\\_States\\_by\\_state](https://en.wikipedia.org/wiki/Gun_laws_in_the_United_States_by_state)

School shootings are increasing in the United States

The attack at Robb Elementary School was the 137th school shooting to take place in the United States so far this year. In 2021, there were 249 school shootings – the worst year on record.

In general, school shooters tend to be current or former students at the school they attack. And they are ‘almost always’ in a crisis of some sort prior to the incident, as evidenced by changes in their behaviour. Suspects are also often inspired by other school shooters, which could go some way in explaining the rapid growth in such attacks in recent years.

<https://www.pbs.org/newshour/nation/3-things-to-know-about-americas-relentless-gun-violencev>

Gun ownership is increasing in the United States

Current data shows an increasing number of guns being bought by Americans. This includes an increasing number of Americans becoming first-time gun owners.

The COVID pandemic appears to have prompted an increase in gun ownership in the United States. Between January 2020 and April 30, 2021, 5.1 million Americans bought their first guns, following 2.4 million who did so in 2019. In 2019, 2.4 million Americans became new gun owners — a figure that swelled to 3.8 million in 2020.

<https://www.usnews.com/news/health-news/articles/2021-12-21/5-million-more-americans-became-gun-owners-during-pandemic>

This increase in first gun ownership within American families has concerned some commentators as school shooters typically acquire the weapons they use within their homes.

<https://www.pbs.org/newshour/nation/3-things-to-know-about-americas-relentless-gun-violence>

The major reforms proposed by gun control advocates

Gun control advocates have outlined the principal reforms they believe would reduce gun-related injuries, deaths, and crime in the United States.

These policies include

- mandating background checks for all gun purchases, including those overseen by unlicensed sellers online or at gun shows
- enforcing a waiting period after someone buys a firearm before they can take possession of their weapon
- expanding the restrictions on people who can legally acquire guns to exclude abusive dating partners, those convicted of hate crimes and people with mental illness who pose a safety risk.
- introducing extreme risk protection orders, a court order issued when a person may become dangerous to themselves or others when in possession of a gun
- imposing restrictions on handgun ownership
- imposing restrictions on assault weapons

Some gun control advocates have also proposed prohibiting gun purchases by people under 21, which may have prevented the 18-year-old shooter in Uvalde from acquiring his weapons. <https://www.theguardian.com/us-news/2022/may/25/why-cant-america-stop-mass-shootings-gun-control>

Do Americans support stricter gun laws?

There is broad support in the United States for certain policies proposed by gun-control advocates. According to a Morning Consult/Politico survey taken in 2021, 84 percent of American voters support universal background checks for gun purchasers.

Opinions are more varied when Americans are asked about their thoughts on stricter gun laws in general. A November 2021 poll conducted by Gallup found that 52 percent of Americans support stricter gun control, which marked the lowest rating on the question since 2014. Support for a ban on handguns also hit a new low in 2021, with just 19 percent of Americans telling Gallup that they would be in favor of such a policy. <https://www.theguardian.com/us-news/2022/may/25/why-cant-america-stop-mass-shootings-gun-control>

Gun laws are a party-political issue

Gun control laws are a largely party-political issue in the United States with the Republicans almost universally in favour of Americans having free or largely unrestricted access to firearms and Democrats supporting a range of restrictions being applied.

This means that most Republican controlled states have more lax gun control legislation. It also means that Republicans can use their numbers in the United States Senate to block Democrat sponsored federal bills that seek to increase gun controls.

<https://webcache.googleusercontent.com/search?q=cache:hap1ymdTWKkJ:https://www.theatlantic.com/politics/archive/2022/05/senate-state-bias-filibuster-blocking-gun-control-legislation/638425/+&cd=8&hl=en&ct=clnk&gl=au>

## Internet information

On May 28, 2022, NDTV published a report titled "'What We Need Now...': Trump Rejects Gun Control Calls After Texas Horror'. The report included former President Trump's suggestion that school students would be better protected if schoolteachers were armed. The full text can be accessed at <https://www.ndtv.com/world-news/donald-trump-rejects-calls-for-stricter-gun-control-after-texas-shooting-3016646>

On May 27, 2022, Time published an article by Eloise Barry titled 'These Countries Made It Harder to Get Guns'.

The article gives an account of a number of countries, including Australia, which successfully responded to mass shootings by toughening their gun laws.

The full text of the article can be accessed at <https://time.com/6182186/countries-banned-guns-mass-shooting/> <https://time.com/6182186/countries-banned-guns-mass-shooting/>

On May 27, 2022, John Hopkins University's Center for Gun Violence Solutions published a series of comments made by academics who are members of the Center responding to the Robb Elementary School shootings. All comments recommend the adoption of more restrictive gun laws.

The full text can be accessed at <https://hub.jhu.edu/2022/05/27/american-gun-violence-solutions/>

On May 26, 2022, Reuters published an article titled 'For Texas conservatives, armed teachers are a solution to school shootings' The article presents the suggestion made by Texas Attorney General Ken Paxton that arming and training teachers and school administrators could help protect students such as those who were killed at the Robb Elementary School mass shooting.

The full text can be accessed at <https://www.reuters.com/world/us/texas-conservatives-armed-teachers-are-solution-school-shootings-2022-05-25/>

On May 26, 2022, The Conversation published a comment by Christopher Poliquin, Assistant Professor of Strategy, University of California, Los Angeles, titled 'After mass shootings like

Uvalde, national gun control fails – but states often loosen gun laws.’ The article gives an overview of the power of the American states re gun laws and the tendency of many states to put in place less restrictive laws.

The full text can be accessed at <https://theconversation.com/after-mass-shootings-like-ualde-national-gun-control-fails-but-states-often-loosen-gun-laws-183879>

FindLaw for Legal Professionals has a detailed explanation of the Second Amendment to the Constitution of the United States of America. The explanation was last updated on January 25, 2022.

It can be accessed at <https://constitution.findlaw.com/amendment2.html>

On December 3, 2021, The Conversation published a comment by James Densley, Professor of Criminal Justice, Metropolitan State University and Jillian Peterson, Professor of Criminal Justice, Hamline University, titled ‘School shootings are at a record high this year – but they can be prevented’

The article includes suggestions as to how the risk of school shootings could be reduced.

The full text can be accessed at <https://theconversation.com/school-shootings-are-at-a-record-high-this-year-but-they-can-be-prevented-173027>

On December 2, 2021, The Conversation published a comment by Patrick Carter, Co-Director, Institute for Firearm Injury Prevention; Associate Professor of Emergency Medicine, University of Michigan, and colleagues titled ‘Most school shooters get their guns from home – and during the pandemic, the number of firearms in households with teenagers went up’

The article examines the heightened risk of school shootings during the COVID pandemic and relates it to increased gun ownership.

The full text can be accessed at <https://theconversation.com/most-school-shooters-get-their-guns-from-home-and-during-the-pandemic-the-number-of-firearms-in-households-with-teenagers-went-up-172951>

On April 2, 2021, The Conversation published a comment by Zach Lang, Ph.D. Student in Political Science, University of Missouri-Columbia and Jennifer Selin, Kinder Institute Assistant Professor of Constitutional Democracy, University of Missouri-Columbia, titled ‘In gun debate, both sides have evidence to back them up’. The article demonstrates that in the United States gun laws debate the opposing sides each has evidence to support some of their claims.

The full text can be accessed at <https://theconversation.com/in-gun-debate-both-sides-have-evidence-to-back-them-up-158118>

On April 22, 2020, Rand Objective Analysis Effective Solutions – Gun Policy in America presented an overview of research findings which suggest there is no evidence to support the claim that stricter United States gun laws would harm recreational shooters.

The full text can be accessed at <https://www.rand.org/research/gun-policy/analysis/hunting-and-recreation.html>

On August 16, 2019, CNBC published a report titled ‘Trump says US should build more mental health institutions to combat gun violence’. The report detailed the then president’s suggestion that more facilities for the mentally disturbed would help to reduce gun violence in the United States.

The full text can be accessed at <https://www.cnbc.com/2019/08/16/trump-suggests-more-mental-health-institutions-to-combat-gun-violence.html>

On August 8, 2019, The Texas Tribune published an article titled 'Greg Abbott invoked mental illness after the El Paso shooting. There's been no indication that was a factor.' The article reports on the comment of Texas governor Greg Abbott following a mass shooting at a Walmart that more needed to be done to address mental illness within the community. The full text of the article can be accessed at <https://www.texastribune.org/2019/08/08/el-paso-shooting-greg-abbott-mental-illness/>

On January 4, 2019, the National Rifle Association's Institute for Legislative Action (NRA-ILA) published a report titled 'Shocker: Focusing on Criminals Yields Public Safety Results'. The report focuses on targeted policing in Chicago and New York which have succeeded in reducing crime rates. The article argues that such a focus is more effective than restricting gun ownership. The full text can be accessed at <https://www.nraila.org/articles/20190104/shocker-focusing-on-criminals-yields-public-safety-results>

On March 5, 2018, The Atlantic published a comment by Andrew Exum titled 'America's Gun-Culture Problem' which claims that there is an increasing attachment to assault weapons in the United States since the September 11 attack. The full text can be accessed at <https://webcache.googleusercontent.com/search?q=cache:Sf5GWP1fVvYJ:https://www.theatlantic.com/politics/archive/2018/03/american-gun-culture/554870/+&cd=2&hl=en&ct=clnk&gl=au>

On February 5, 2018, The Smithsonian Magazine published an article titled 'Gun Control Is as Old as the Old West' which details gun carrying habits in the Wild West and the extent of gun control. The full text can be accessed at <https://www.smithsonianmag.com/history/gun-control-old-west-180968013/>

The University of Missouri Kansas City supplies a detailed commentary on the Second Amendment to the Constitution of the United States on their internet site. The commentary includes a discussion of two significant rulings made by the Supreme Court of the United States interpreting the Amendment. The commentary can be accessed at <http://law2.umkc.edu/faculty/projects/frtrial/conlaw/beararms.htm>

The Harvard Injury Control Research Center has an overview of major research papers demonstrating an increased incidence of gun crime in states with less gun control. The papers date from 2000 to 2015. The overview can be accessed at <https://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/>

The John Hopkins Center for Gun Violence Solutions has a section of its Internet site given over to a discussion of 'unintentional' gun-related injuries and deaths. It argues that stricter gun laws would reduce this problem. The full text can be accessed at <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/>

The National Rifle Association's Institute for Legislative Action (NRA-ILA) has published a comment titled 'What Is The Second Amendment And How Is It Defined'. The article defends the interpretation of the Second Amendment to the Constitution of the United States as allowing American citizens the unrestricted right to purchase and carry guns.

The full text can be accessed at <https://www.nraila.org/what-is-the-second-amendment-and-how-is-it-defined/>

The National Rifle Association's Institute for Legislative Action (NRA-ILA) has published a comment titled 'Why Gun Control Doesn't Work'. The article presents a range of arguments to support the claim that gun control is not an effective means of reducing crime.

The full text can be accessed at <https://www.nraila.org/why-gun-control-doesn-t-work/>

## **Arguments supporting gun law reform in the United States**

1. The Constitution of the United States does not give United States citizens the unlimited right to bear arms

It has been claimed that the Second Amendment to the Constitution of the United States of America does not guarantee United States citizens the unrestricted right to gun ownership that its advocates claim.

The Second Amendment to the United States 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.' Many gun advocates have interpreted this amendment as giving the unlimited right to American citizens to gun ownership.

<https://constitution.findlaw.com/amendment2.html> However, the amendment has a vexed and contested history.

Supporters of gun control contend that the Amendment was only meant to guarantee to states the right to operate militias. There have been two key Supreme Court rulings on the amendment. The first in 1939, the second in 2008.

For almost seventy years following its ambiguous decision on *U.S. vs. Miller* in 1939, the Supreme Court avoided resolving the issue. The *Miller* ruling was subject to two possible interpretations. One, that the Second Amendment is an individual right, but that the right only extends to weapons commonly used in militias (the defendants in *Miller* were transporting sawed-off shotguns). The second view of *Miller* is that the Amendment guaranteed no gun rights to individuals at all, as the defendants lost the case as soon as it was obvious that they were not members of a state militia.

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/beararms.htm>

In 2008 this limiting view of the rights conferred by the Second Amendment was overturned by the U.S. Supreme Court, in *District of Columbia (D.C.) vs. Heller*. The *Heller* ruling overturned a D.C. ban on individuals having handguns in their homes. Justice Scalia ruled that the right to bear arms was an individual right that was consistent with the overriding purpose of the Second Amendment, to maintain strong state militias.

However, the Court refused to announce guidelines to apply in future challenges to gun regulations. The Court also stated that its decision should not 'cast doubt' on laws restricting

gun ownership by felons or the mentally ill, and that bans on especially dangerous or unusual weapons would most likely also be upheld. Heller also left open the question of whether the right to bear arms was enforceable against state regulations as well as against federal regulation. <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/beararms.htm>

Thus, though the 2008 Supreme Court ruling has made it difficult for the federal government to restrict gun ownership, the individual states still have the capacity to do so. In an article published in *The Conversation* on May 26, 2022, Christopher Poliquin, Assistant Professor of Strategy, University of California, Los Angeles, noted the states' capacity to act on gun laws. He indicated that between 1990 and 2014 there have been more than 20,000 firearm bills and nearly 3,200 enacted laws. Some of these loosened gun restrictions, others tightened them, and still others did neither or both – that is, tightened in some regards but loosened in others. <https://theconversation.com/after-mass-shootings-like-uvalde-national-gun-control-fails-but-states-often-loosen-gun-laws-183879>

The direction that gun laws take in individual states seems to be determined by the political persuasion of the state government with Democratic state governors favouring stricter controls on gun ownership and Republican state governors supporting freer access to firearms. California, a Democrat controlled state, enacted several new gun control laws following a 2015 mass shooting in San Bernardino. After the Buffalo shooting in early May 2022, New York Governor Kathy Hochul announced that she would work to increase the age for legal gun purchasing from 18 to 21 'at a minimum.' On the other hand, in 2021, Texas Governor Greg Abbott signed a new law that eliminated a requirement for Texans to obtain a license or receive training to carry handguns. This came two years after a 2019 mass shooting at a Walmart in El Paso, Texas. <https://theconversation.com/after-mass-shootings-like-uvalde-national-gun-control-fails-but-states-often-loosen-gun-laws-183879>

The activism of student led movements calling for gun control has also been noted as likely to influence state legislatures to impose restrictions on gun ownership. Advocacy groups like Moms Demand Action, Everytown for Gun Safety, and Community Justice Reform Coalition have been fighting to end gun violence on a local and state-based basis for decades. <https://indivisible.org/resource/how-states-can-prevent-gun-violence> These movements have developed in Republican as well as Democrat states. Whether such pressure will be sufficient to induce state governments of different political persuasions to limit gun ownership is uncertain. <https://theconversation.com/after-mass-shootings-like-uvalde-national-gun-control-fails-but-states-often-loosen-gun-laws-183879>

## 2. Easy access to guns increases the likelihood of gun crime

Supporters of restrictions on gun ownership claim that easy access to gun ownership increases the likelihood of gun-related crimes.

Numerous studies have demonstrated a connection between easy gun access and increased homicide rates. In 2004, the Harvard Injury Control Research Center released a study titled 'Firearm availability and homicide: A review of the literature.' The review examined the relationship between homicide and gun availability using data from 26 developed countries from the early 1990s. It found that across developed countries, where guns are more available, there are more homicides. This was true not only in the United States but in other nations studied. It analysed the relationship between firearm availability and homicide across 50 US states over a ten-year period (1988-1997). It found that people in states with many guns have elevated rates of homicide, particularly firearm homicide. It also found that law

enforcement officers were three times more likely to be murdered in states with high gun ownership. <https://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/>

It has also been noted that easy access to firearms is a particular risk factor for school shootings and that the risk has grown in the COVID era with even higher rates of gun ownership in many American homes. On December 2, 2021, The Conversation published an article by three US public health authorities in which they stated, ‘As experts on firearm violence and firearm injury prevention, we know that active shooter events within school settings in the U.S. have increased substantially in the years running up to the pandemic. Meanwhile, our research indicates that in the early months of the public health crisis, more families with teenage children purchased firearms – increasing the potential risk that a teen could gain unsupervised access to a firearm.’ <https://theconversation.com/most-school-shooters-get-their-guns-from-home-and-during-the-pandemic-the-number-of-firearms-in-households-with-teenagers-went-up-172951>

The attack at Robb Elementary School was the 137th school shooting to take place in the United States so far this year. In 2021, there were 249 school shootings – the worst year on record.

<https://www.pbs.org/newshour/nation/3-things-to-know-about-americas-relentless-gun-violence> An article published in The Conversation on December 3, 2021, highlighted the increasing risk of school shootings and the difficulties being faced by individual school communities. The article states, ‘Schools are struggling to respond to the overwhelming number of shootings and shooting threats. There have been a staggering 30 shootings just at high school football games so far this year.’ <https://theconversation.com/school-shootings-are-at-a-record-high-this-year-but-they-can-be-prevented-173027>

The recent mass shooting at Robb Elementary School, Uvalde, Texas, has prompted many experts to call yet again for stricter gun laws in the United States to reduce gun crime by reducing gun access. Members of the Center for Gun Violence Solutions have highlighted that easy gun access results in increased risk of homicide and have called for gun access restrictions to be put in place. They have highlighted that the solutions to this problem are well known, they have simply not been acted on.

Paul Nestadt, assistant professor of psychiatry at the Johns Hopkins School of Medicine and a core faculty member at the Center for Gun Violence Solutions has stated, ‘Research from our Center for Gun Violence Solutions has demonstrated that permits to purchase, child access protection laws, and extreme risk protection orders all reduce the likelihood of firearm deaths. Lessening casual access to dangerous firearms has been repeatedly shown to decrease rates of suicide and homicide, of which this incident [at Uvalde] was arguably both...America suffers more shootings because it is so much easier for even fleeting violent thoughts here to be immediately translated into deadly action thanks to easy access to military grade weaponry. That is a problem we must demand that our legislators address.’ <https://hub.jhu.edu/2022/05/27/american-gun-violence-solutions/>

Odis Johnson, executive director of the Johns Hopkins Center for Safe and Healthy Schools, has similarly stated, ‘Gun access remains high in the general public. The high number of guns in the U.S. increases the likelihood that young people will access them illegally. Schools and their students are not isolated from the impact and problems associated with the abundance of guns in their homes and communities. Making schools safer requires policymakers to address



how young people access firearms. This can be achieved with biometric fingerprint locks for firearms and other gun permit requirements.’ <https://hub.jhu.edu/2022/05/27/american-gun-violence-solutions/>

Lisa Geller, state affairs advisor for the Johns Hopkins Center for Gun Violence Solutions has also argued, ‘We know which policies—including firearm purchaser licensing, extreme risk protection orders, and firearm removal for individuals with histories of domestic violence—work to reduce and prevent gun violence...In the case of the mass shooting in Uvalde, we know that the perpetrator shot his grandmother before arriving at Robb Elementary. Identifying those at the highest risk of violence—including those with histories of domestic violence—and ensuring that they cannot access firearms is critical to preventing gun violence.’ <https://hub.jhu.edu/2022/05/27/american-gun-violence-solutions/>

### 3. Easy access to guns increases the likelihood of unintentional shootings, including within families

Supporters of restricted access to guns in the United States argue that easy gun access is a major factor in increasing the risk of ‘unintentional’ injuries and deaths.

The Educational Fund to Stop Gun Violence has explained ‘unintentional’ gun-related incidents. It states, “‘Unintentional’ is the description used in public health for an injury or death that was not caused purposely (in contrast with suicide and homicide, in which there is an intent to cause harm). Unintentional shootings can be self-inflicted or inflicted by someone else and can happen to Americans of all ages. Unintentional injuries and deaths are often called “accidents,” which can imply that nothing could be done to stop them from happening; we do not use “accident” terminology because gun violence is preventable. We must reduce unintentional gun deaths and injuries by, among other things, educating people about the risk that guns pose in the home, avoiding alcohol and gun use, training on proper firearm use, and advocating for safer storage.’ <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/#>

The United States has among the highest rates of unintentional gun-related injury and death in the world. In 2019, 486 Americans died from unintentional firearm injuries — about 1.2 percent of total gun deaths. Like other forms of gun violence, unintentional gun deaths are more likely to occur in the United States than in other high-income countries. Americans are four times more likely to die from an unintentional gun injury than those in comparable countries. <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/#>

Those who argue for stricter gun laws in the United States and reduced access to guns claim that easy access to guns results in increased unintentional gun-related injury and death. The John Hopkins Center for Gun Violence Solutions has stated, ‘Studies show that higher rates of household gun ownership and availability of guns are associated with higher rates of unintentional firearm deaths...Children ages 5-14 were more likely to die from unintentional gun injuries if they lived in states where guns are more prevalent. This trend holds for adults, too. A 2013 survey found that in New York, 10.3 percent of the adult population owns guns while 48.9 percent of Alabama’s adult population owns guns. Alabama’s unintentional firearm death rate is 48 times that of New York.’ <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/#>

The John Hopkins Center for Gun Violence Solutions has linked increased risk of unintentional injury or death from firearms to regions where there are lax gun laws. The

Center states, ‘There is wide regional variation in where unintentional shootings occur. More than half of all individuals who die by unintentional gun injuries live in the South. Individuals who live in the South are more than three times more likely to die by an unintentional shooting compared to those living in the Northeast. In 2019, the five states with the highest rates of unintentional shooting deaths were all in the South. Alabama had the highest unintentional death rate, followed by Kentucky, North Carolina, Missouri, and Georgia. This regional variation may be linked to the strength of state gun violence prevention laws. For example, states in the Northeast region tend to have stronger gun laws than states in the South. States with strong gun laws have been found to be associated with lower unintentional firearm injuries.’ <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/#>

One of the suggestions proposed by the Center for Gun Violence Solutions is the adoption of ‘extreme risk laws.’ The Center explains, ‘Extreme risk laws empower law enforcement and the people closest to an individual at elevated risk of harm to self or others to intervene to help prevent gun tragedies before they occur. These state laws allow law enforcement, and in some states family and household members, among others, to petition a judge to temporarily limit an individual’s access to firearms if they are at elevated risk of violence. Extreme risk laws may be an appropriate mechanism for removing firearms from an individual who is at high risk for unintentional injury, including individuals living with dementia or other conditions impairing cognition and judgment. Every state should have its own extreme risk law and continuously monitor and evaluate the law to ensure equitable implementation and ongoing effectiveness.’ <https://efsgv.org/learn/type-of-gun-violence/unintentional-shootings/#>

4. Stricter gun laws would not deny Americans access to weapons for sporting and hunting Those who support stricter gun laws in the United States argue that these laws will not interfere with recreational gun users who enjoy hunting and target shooting.

Recreational gun use is popular in the United States, though the number of people who participate in this sport appears to be in decline. According to data from 2016, approximately 10 million people used firearms for hunting, more than 50 percent of all hunters participated in target shooting, and 22 percent of hunters visited shooting ranges. Target shooting is also a popular United States sport. Results from the 2016 survey indicate that 32 million people aged 6 years or older went target shooting with firearms in 2015. However, data from the General Social Survey suggest that hunting has decreased significantly since 1977, when 31.6 percent of adults lived in households where they, their spouse, or both hunted. In 2014, the percentage of households with a hunter was down to 15.4 percent.

<https://www.rand.org/research/gun-policy/analysis/hunting-and-recreation.html>

Rand’s Gun Policy in America initiative provides information on what scientific research can reveal about the effects of gun laws. Rand’s goal is to establish a shared set of facts that will improve public discussions and support the development of fair and effective gun policies. Rand has surveyed all available research literature to see if any of the United States proposed gun laws are likely to have a negative effect on sporting shooters or hunters. Rand considered the impacts of 18 proposed gun reforms. These proposed gun reforms are background checks, bans on low-quality hand guns, bans on the sale of assault weapons and high capacity magazines, child-access prevention laws, concealed-carry laws, extreme risk protection orders, firearm safety training requirements, gun-free zones, laws allowing armed staff in K to 12 schools, licensing and permitting requirements, lost or stolen firearm reporting requirements, prohibitions associated with domestic violence, prohibitions associated with mental illness, stand-your-ground-laws, surrender of firearms by prohibited possessors and

waiting periods. Rand found that no studies had indicated that any of these policies would negatively affect recreational shooters and hunters using firearms.

<https://www.rand.org/research/gun-policy/analysis/hunting-and-recreation.html> This result was partly due to a lack of acceptable studies.

There are those who argue that Australia's stricter gun laws promoted recreational shooting and hunting in Australia because in order to own a firearm Australian citizen either have to be in an occupation that requires the use of firearms, such as a farmer, or a member of a shooting or hunting club. <https://www.sydney.edu.au/news-opinion/news/2016/12/04/australian-gun-laws-may-lead-their-own-destruction.html>

The Sporting Shooters Association of Australia (SSAA) has been vastly increased in membership, wealth, and influence through the requirement that all non-occupational gun owners in Australia have to be members of a gun club. From 50,000 members in 1996, the 400 SSAA shooting clubs have grown to a national membership of 180,000 gun owners. Today, just seven top SSAA branches declare income of \$20 million and net assets of \$34 million, while the national branch alone collects \$10 million in annual fees. Sporting shooters have become a powerful pressure group with the capacity to influence governments in the interests of their members. <https://www.sydney.edu.au/news-opinion/news/2016/12/04/australian-gun-laws-may-lead-their-own-destruction.html>

Numerous commentators have claimed that shooting is growing in importance in Australia. Statistics from the New South Wales Department of Primary Industries (DPI) showed that in the 2019-20 financial year, hunting was worth more than \$1.4 billion to the state's economy. Professional shooter Brent Twaddle has noted that the popularity of hunting was growing and it could be a major tourism industry for regional Australia, like it was in New Zealand. <https://www.abc.net.au/news/2021-07-01/hunting-economic-benefits/100248526> There are those who argue that greater regulation of gun ownership could see a similar promotion of recreational shooting in the United States as it has in Australia.

5. Other countries have successfully imposed stricter gun control laws following mass shootings

Advocates of stricter gun control in the United States criticise their country for being one of the few in the world that has not responded to mass shootings by limiting access to firearms. Supporters of stricter gun laws in the United States praise as examples countries such as New Zealand, United Kingdom and Australia.

Just a week after a white supremacist shot dead 51 worshippers at two mosques in Christchurch, New Zealand, in March 2019, Prime Minister Jacinda Arden announced sweeping gun control reforms. Although there was approximately one firearm for every four people in the country at the time, guns were primarily viewed as tools, used by farmers and hunters. The Christchurch shooting made the risks clear. Arden stated, 'In short, every semi-automatic weapon used in the terror attack on Friday will be banned in this country.'

<https://time.com/6182186/countries-banned-guns-mass-shooting/>

Gun owners had six months to sell their weapons back to the government under the new law, which cost over 100 million New Zealand dollars (\$65 million). As a result, over 60,000 firearms and more than triple the number of components, including high-capacity magazines, were taken out of circulation.

In June 2020, the nation of 5 million people tightened gun laws further, introducing a new firearms registry to track the buying and selling of weapons, shorter licenses for first-time license holders, and a ban on a wider variety of guns. <https://time.com/6182186/countries-banned-guns-mass-shooting/>

Legislative reform to gun laws in the United Kingdom became a nation-wide public issue when, in 1996, a gunman killed 16 school children and one adult in the Scottish town of Dunblane using a handgun. At the time, there were no specific regulations on handguns in the U.K., as firearms had mainly only been used on private land in the U.K. for recreational use. Following pressure from bereaved families and the wider public, the U.K. government introduced a near total ban on handguns within a year, which was subsequently extended to cover all handguns.

Like in New Zealand, the British government initiated a gun buy-back program, which was credited with taking 20,000 weapons out of circulation. In the years following the law change in 1997, markedly lower gun deaths were recorded. The U.K. hasn't experienced a mass shooting since Dunblane in 1996. <https://time.com/6182186/countries-banned-guns-mass-shooting/>

Australia had its worst encounter with gun violence in 1996 when a gunman killed 35 people with a semi-automatic rifle in Port Arthur, Tasmania. Within two weeks, both the federal government and state legislators backed bans on semi-automatic rifles and pump-action firearms. At least 650,000 assault weapons were bought back by the government and melted into slag. Lawmakers also mandated licenses to prove a 'genuine need' to own weapons, and firearm safety courses.

A subsequent mass shooting, in which the shooter killed two students using different types of handgun, at a Melbourne university in 2002 prompted further restrictions: harsher punishment for misuse of handguns, anti-trafficking laws, and restrictions on the types of handguns that can be owned by civilians. Since 1997, the proportion of Australians who hold a gun license has nearly halved, and the homicide-by-firearm rate has dropped dramatically. <https://time.com/6182186/countries-banned-guns-mass-shooting/>

Critics within the United States have condemned their country's failure to act in response to not one but repeated mass shootings. Cassandra Crifasi, deputy director of the Center for Gun Violence Solutions at Johns Hopkins University, has stated, 'Other countries experience horrific, fatal mass shootings with an assault style rifle, and they say, "Never again," and they mean it. In the U.S., we say, "Never again." But then we keep doing the same thing, which is almost nothing.' <https://time.com/6182186/countries-banned-guns-mass-shooting/>

Max Fisher, in an opinion piece published in the New York Times on May 25, 2022, similarly stated, 'The world over, mass shootings are frequently met with a common response: Officials impose new restrictions on gun ownership. Mass shootings become rarer. Homicides and suicides tend to decrease, too... Only the United States, whose rate and severity of mass shootings is without parallel outside of conflict zones, has so consistently refused to answer those events with tightened gun laws... Every mass shooting is, in some sense, a fringe event, driven by one-off factors like the ideology or personal circumstances of the shooter. The risk is impossible to fully erase.'

Still, the record is clear, confirmed by reams of studies that have analyzed the effects of policies like Britain's and Australia's: When countries tighten gun control laws, it leads to fewer guns in private citizens' hands, which leads to less gun violence — and to fewer mass shootings.' <https://www.nytimes.com/2022/05/25/world/europe/gun-laws-australia-britain.html>

## **Arguments against gun law reform in the United States**

1. United States citizens have a Constitutional right to bear arms to defend themselves  
The Constitution of the United States of America is the supreme law of the country. It determines how the country is governed. It came into force in 1789. Among other things, it describes the rights and responsibilities of state governments, the states in relationship to the federal government, and the shared process of constitutional amendment. It has been amended 27 times. The first 10 amendments are known as the Bill of Rights and were ratified in 1791. [https://en.wikipedia.org/wiki/Constitution\\_of\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Constitution_of_the_United_States) They are intended to guarantee basic freedoms to United States citizens.

The Second Amendment to the Constitution of the United States refers to citizens' rights to gun ownership. It 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.'  
<https://constitution.findlaw.com/amendment2.html> Though some legal experts see this amendment as having limited application to the arming of a citizen militia (or informal army) to defend the nation in time of attack, it is generally seen as conferring on all United States citizens the right to own and carry firearms.

The FindLaw site, supplying advice for legal professionals, states, 'The right to bear arms generally refers to a person's right to possess weapons. Over the years, the Supreme Court has interpreted the Constitution's right to bear arms as an individual self-defence right, making it very difficult for Congress to regulate guns.'  
<https://constitution.findlaw.com/amendment2.html> A definitive ruling, supporting the individual's right to carry weapons for self-defence was not made until 2008. Although accepting that the historical use of the phrase 'keep and bear Arms' often arose in connection with military activities, the Court noted that its use was not limited to those contexts. Further, the Court found that the phrase "well-regulated Militia" referred not to formally organized state or federal militias, but to the pool of able-bodied men who were available for conscription, that is, to the general male population.

Finally, the Court reviewed contemporary state constitutions, commentary, and subsequent case law to conclude that the purpose of the right to keep and bear arms extended beyond the context of militia service to include a citizen's right to self-defence.  
<https://constitution.findlaw.com/amendment2.html>

Using this individual rights theory, the Court struck down a District of Columbia law that banned virtually all handguns and required that any other type of firearm in a home be always disassembled or bound by a trigger lock. The Court rejected the argument that handguns could be banned as long as other guns (such as long-guns) were available, noting that, for a variety of reasons, handguns are the most popular weapon chosen by Americans for self-defence in the home.

Similarly, the requirement that all firearms be rendered inoperable at all times was found to limit the core lawful purpose of self-defence. However, the Court specifically stated that the

Second Amendment did not limit prohibitions on the possession of firearms by felons and the mentally ill, penalties for carrying firearms in schools and government buildings, or laws regulating the sales of guns. <https://constitution.findlaw.com/amendment2.html>

The National Rifle Association's Institute for Legislative Action (NRA-ILA), commenting on the Supreme Court decision of 2008, has stated, "The court decision was a breakthrough for Second Amendment rights. It meant that the Founding Fathers' intention to grant that the individual's right could not be misinterpreted by those seeking to pass unconstitutional gun control legislation.

The ruling read, in part: "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home..."

So, what does all this mean for you? While the Second Amendment is short in length, it is broad in the scope of its protections.

Gun laws vary by state, and some, such as California, have stricter regulations than others. That means the place you call home may impact exactly how and when you can exercise your Second Amendment rights.

However, if you can legally purchase and own a gun, the Second Amendment guarantees your right to keep and bear arms regardless of city or state." <https://www.nraila.org/what-is-the-second-amendment-and-how-is-it-defined/>

## 2. Reducing access to guns will not protect the community

Those who oppose stricter gun control laws argue that they are ineffective. They claim there is no clear connection between limiting community access to firearms and reducing the incidence of gun-related crimes. They further claim that that having citizens able to own guns can serve to reduce crime in the community.

Critics of taking legal action to reduce the access of ordinary citizens to guns argue that there is no correlation between the level of gun ownership in a community and the extent of gun-related crime. The National Rifle Association's Institute for Legislative Action (NRA-ILA) has claimed over the past three decades (1991-2019), violent crime rates have dropped by more than half, while the number of privately-owned firearms in the United States doubled in the same period. The Association also claims that the number of people carrying a firearm for protection outside the home has also risen to all-time highs in the same period as violent crime dropped. <https://www.nraila.org/why-gun-control-doesn-t-work/> The NRA-ILA maintains that it is likely that an armed citizenry has contributed to the decline in the violent crime rate. They also note that a decline in violent crime at the same time as more citizens are owning guns does not support their opponents' claims that arming ordinary people contributes to crime.

Referring specifically to mass shootings, a study presented in The Conversation on April 2, 2021, found, 'Mass shootings tended to occur in states with stricter regulations. Of the states with the highest per capita rates of mass shootings, many – like Connecticut, Maryland and California – employ background checks and assault weapons bans. By contrast, 18 states did not have a single mass shooting event over the entire 40-year period. Many of these states – like West Virginia, Wyoming and South Dakota – have high rates of gun ownership and relatively loose gun control laws.' Those presenting this research argued there is no simple connection between restricting gun ownership and preventing mass shootings.

<https://theconversation.com/in-gun-debate-both-sides-have-evidence-to-back-them-up-158118>

Referring to the danger posed by mass shootings in schools, those who support an armed citizenry argue that teachers and school administrators should be able to protect students from armed intruders. Following the recent deaths of 19 students and two teachers shot at Robb Elementary School in Texas, the state's Attorney General Ken Paxton stated, 'We can arm and prepare and train teachers and other administrators to respond quickly, because the reality is we don't have the resources to have law enforcement at every school.'

<https://www.reuters.com/world/us/texas-conservatives-armed-teachers-are-solution-school-shootings-2022-05-25/>

Paxton is a supporter of what some commentators refer to as the 'good guy with a gun' theory. The same position has also been put by former president Donald Trump who in response to the recent school shooting in Texas stated, 'The existence of evil in our world is not a reason to disarm law-abiding citizens... The existence of evil is one of the very best reasons to arm law-abiding citizens.' Trump then went on to argue that America needs to 'harden' its schools, including having armed personnel to protect students.

<https://www.ndtv.com/world-news/donald-trump-rejects-calls-for-strict-gun-control-after-texas-shooting-3016646>

Texas has already pioneered a training scheme for giving gun training to teachers in schools, the School Marshal Program. The Program allows teachers and administrators to carry handguns after an 80-hour training at academies overseen by the Texas Commission on Law Enforcement. The program was enacted in 2013. <https://www.reuters.com/world/us/texas-conservatives-armed-teachers-are-solution-school-shootings-2022-05-25/>

It has further been claimed that citizens with guns are serving to protect themselves and others outside special locations such as the nation's schools. In 2013, the United States Center for Disease Control (CDC) conducted research that appears to indicate that armed citizens are saving the lives of themselves and others. The research claims that guns are 16 to 100 times more often being used to save lives than to take lives.

<https://www.gunowners.org/news06232016/>

The CDC research further confirmed the National Rifle Association claims that despite increased gun ownership, the incidence of gun-related crimes and deaths is declining. Most indices of crime and gun violence are getting better, not worse. The report stated, "Overall crime rates have declined in the past decade, and violent crimes, including homicides specifically, have declined in the past 5 years...Between 2005 and 2010, the percentage of firearm-related violent victimizations remained generally stable...Firearm-related death rates for youth ages 15 to 19 declined from 1994 to 2009...[and] firearm-related deaths have steadily declined during the past century. The number of unintentional deaths due to firearm-related incidents accounted for less than 1 percent of all unintentional fatalities in 2010.'

<https://slate.com/technology/2013/06/handguns-suicides-mass-shootings-deaths-and-self-defense-findings-from-a-research-report-on-gun-violence.html>

3. More rigorous law enforcement, strict penalties for criminals who use guns and improved community policing have all been found to reduce the level of gun violence

Opponents of greater controls being placed on gun ownership argue that better policing is more effective in deterring gun crime. In an article published on January 4, 2019, the

National Rifle Association's Institute for Legislative Action (NRA-ILA) draws on the recent experiences of Chicago and New Orleans where better policing practices have seen a decline in gun crime over two consecutive years from 2016 to 2018 inclusive. The NRA-ILA argues that what is required is targeted policing in those areas where gun crime is known to be an issue. It states, 'Chicago's recent strategy was to change the policing and management practices in its police districts. Twenty of the twenty-two police districts are now home to Strategic Decision Support Centers, which put crime analysts and police officers in the same room to address problems close to the source.'

<https://www.nraila.org/articles/20190104/shocker-focusing-on-criminals-yields-public-safety-results>

The NRA-ILA has highlighted similar success in New Orleans which in 2018 achieved a 47-year low in the number of homicides. There were also about 28 percent fewer non-fatal shootings than in 2017. It marked the lowest annual murder toll since 1971, when there were 116 slayings. And it was the second year in a row the number of murders had fallen in the city. New Orleans Police Superintendent Michael Harrison explained that he has tasked a specialised team of tactical officers and detectives with removing repeat violent offenders from the streets over the past two years.

[https://www.nola.com/news/crime\\_police/article\\_5a55e4d0-d958-582f-af70-645af3ab9c0f.html](https://www.nola.com/news/crime_police/article_5a55e4d0-d958-582f-af70-645af3ab9c0f.html)

The NRA has praised the targeted policing strategies employed in Chicago and New Orleans that focus on criminal groups rather than seeking to control the behaviour of ordinary citizens. The NRA-ILA has stated, 'We're always happy to see efforts to reduce violence focus on the criminals and not law-abiding gun owners.'

<https://www.nraila.org/articles/20190104/shocker-focusing-on-criminals-yields-public-safety-results>

The NRA-ILA has also stated that there needs to be consistent applications of strict prison terms against those who commit gun crimes. The Association has cited 'Project Exile,' a program launched in Richmond, Virginia in 1997, where, in order to reduce high homicide rates, Richmond prosecutors began enforcing existing gun laws to the fullest, imposing lengthy sentences against drug dealers and other criminals who were carrying firearms illegally. The project was highly successful. Hundreds of illegal guns were taken off the street, and Richmond's homicide rate dropped dramatically. <https://www.nraila.org/why-gun-control-doesn-t-work/> During the first 10 months of 1998, compared with the same period of the previous year, the total number of homicides committed in Richmond was down 36 percent and the number of firearm homicides was down 41 percent.

[https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/gun\\_violence/profile38.html](https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/gun_violence/profile38.html) Research conducted by the United States Sentencing Commission has shown that throughout the United States, those convicted of gun-related offences have been sentenced to significant prison terms. In the fiscal year 2016, offenders convicted of gun-related offences received an average sentence of over 12 years (151 months) of imprisonment. Similarly, in the fiscal year 2016, offenders convicted of an offense carrying the 15-year mandatory minimum penalty under the Armed Career Criminal Act received an average sentence of over 15 years (182 months) of imprisonment. <https://www.ussc.gov/research/research-reports/mandatory-minimum-penalties-firearms-offenses-federal-system>

It has also been found that the targeting of social factors within high-crime communities can have positive results. Mayors in Houston and New York City have implemented police reforms that fund more focused policing alternatives aimed at addressing mental health and other social issues that are associated with crime. For example, One Safe Houston funds



adding officers to beats in crime hotspots, gun buyback programs, and other reactive policing methods. <https://www.brookings.edu/blog/how-we-rise/2022/03/31/preventing-gun-violence-takes-more-than-police/>

At the national level, in March 2022, President Biden and his administration proposed a \$300 million plan to reduce gun crime and make communities safer. While his plan would fund the hiring of more police officers, it would also divert funding to community-based violence prevention and intervention programs. The Biden administration stated, ‘Stronger law enforcement is critical in stopping gun crime, but it’s made more effective when we make real investments in making our communities stronger and in addressing the causes of crime before it spills over into violence.’ Biden’s plan will invest in proven tactics, including hospital-based interventions, youth programming, after-school activities, job training, and stable housing. <https://www.brookings.edu/blog/how-we-rise/2022/03/31/preventing-gun-violence-takes-more-than-police/>

4. United States citizens have a cultural and historic attachment to guns, which has intensified since September 11

Gun ownership is an emotive issue in the United States, and this encourages a significant percentage of the country to oppose gun reform. Many Americans claim that owning a gun is a fundamental element of their national culture, relating this to the American War of Independence and to the gun-toting traditions of the Wild West.

For many Americans owning a gun is part of their sense of cultural identity. This partially derives from beliefs about western frontier life and the historical necessity for Americans to be able to protect themselves from the many hazards that they have faced. Adam Winkler, a professor, and specialist in American constitutional law, at UCLA School of Law, has stated, ‘People were allowed to own guns, and everyone did own guns [in the West], for the most part. Having a firearm to protect yourself in the lawless wilderness from wild animals, hostile native tribes, and outlaws was a wise idea.’ <https://www.smithsonianmag.com/history/gun-control-old-west-180968013/>

An attachment to this era has persisted into the present. Cowboy action shooting is a recreational shooting sport in which shooters don ‘Old West’ cowboy costumes and engage in competitive target shooting using antique replica firearms, which shoot live ammunition. Cowboy action shooters use myths and narratives of ‘Wild West’ America and images from Hollywood westerns to self-consciously create identities modeled on fictionalized and “real” characters of the Wild West. This shooting sport is very popular in the United States. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.519.5048&rep=rep1&type=pdf>

A further contributor to the American belief that citizens should be armed is the need for them to defend themselves and their country from an outside power. This belief is in part attributable to the American War of Independence against the British. Prior to the War of Independence only about 13 percent of Americans owned guns. <https://www.revolutionarywarjournal.com/contrary-to-myth-most-americans-did-not-own-guns-at-the-start-of-the-american-revolution/> Some commentators have claimed that British attempts to restrict gun ownership in the colonies contributed to the revolution. <https://davekopel.org/2A/LawRev/american-revolution-against-british-gun-control.html> It has further been claimed that the rebellion against the British historically consolidated the belief now held by many Americans that they need to be able to defend themselves against a tyrannical oppressor. Among the American founding fathers who declared that the citizenry

needed to be armed to protect themselves from oppressors was Thomas Jefferson who stated, 'No free man shall ever be debarred the use of arms.'

<https://www.mtdemocrat.com/opinion/guest-column-american-revolution-was-successful-because-citizens-had-guns/>

For those who support general gun ownership among the United States public, these cultural attitudes have endured into the present. About three-quarters of gun owners in the United States (74 percent) say the right to gun ownership is essential to their own sense of freedom. Views on the essential nature of the right to own guns are linked both to current gun ownership and personal history. Gun owners who grew up with guns in their household are among the most likely to say the right to own guns is essential to their personal sense of freedom. 79 percent hold this view. <https://www.pewresearch.org/social-trends/2017/06/22/guns-and-daily-life-identity-experiences-activities-and-involvement/>

It has further been noted that the belief that gun ownership is important so that individual citizens can defend themselves against outside attacks has grown stronger since September 11. Andrew Exum, American Middle East scholar and former US Army Officer has written, 'After the September 11 attacks, I spent several years at war and then lived abroad as a civilian for another several years. And when I finally returned to the United States in late 2008, I noticed something different about the gun culture in the country...I noticed how many billboards on the side of the highway advertised guns...the kind of tactical firearms, including assault rifles, that I had carried in Iraq and Afghanistan.'

<https://webcache.googleusercontent.com/search?q=cache:Sf5GWP1fVvYJ:https://www.theatlantic.com/politics/archive/2018/03/american-gun-culture/554870/+&cd=2&hl=en&ct=clnk&gl=au> Exum argues that in the twenty years since September 11, America's gun culture has taken a new direction, with a growing enthusiasm for high grade tactical weaponry among people who believe these are necessary for national self defence.

5. Mental health problems that provoke gun violence need to be dealt with more effectively. Opponents of wide-ranging gun law reform in the United States argue that the issue is a human-centred one, not a gun-centred one. They maintain that part of the reason for school shootings, for example, is mental health issues among American youth and other sections of the United States' community. They claim that it would be more effective to address mental health issues than to restrict access to guns for the general community.

Opponents of stricter gun regulation in the United States maintain that it is more important to address the mental health issues which cause a minority of gun owners to misuse weapons. Following the recent school shooting incident at the Robb Elementary School in Texas, the state's governor, Greg Abbott, noted that the underlying problem was the incidence of mental health issues in the community. The governor claimed he had been given this advice by the state's chief law enforcement officers. The governor stated, 'I asked the sheriff and others an open-ended question ... "What is the problem here?" And they were straightforward and emphatic. They said we have a problem with mental health illness in this community.' Governor Abbott made a similar observation following an earlier mass shooting in Texas. On August 3, 2019, a gunman killed 22 shoppers at an El Paso Walmart. Governor Abbott made the following explanatory statement, 'Bottom line is mental health is a large contributor to any type of violence or shooting violence.' <https://www.texastribune.org/2019/08/08/el-paso-shooting-greg-abbott-mental-illness/>

The link between gun violence and mental health was also stressed by former United States president Donald Trump. Following the El Paso massacre in 2019, President Trump stated, 'I don't want people to forget that this is a mental health problem. I don't want them to forget that, because it is. It's a mental health problem.' <https://abcnews.go.com/Politics/trumps-claims-experts-mental-illness-mass-shootings/story?id=65101823> The president further suggested that mass shootings would be better prevented by treating mental illness differently. The president stated, 'Mental illness is something nobody wants to talk about. These people are mentally ill, and nobody talks about that. ... I think we have to start building institutions again because, you know, if you look at the '60s and '70s, so many of these institutions were closed.' <https://www.cnbc.com/2019/08/16/trump-suggests-more-mental-health-institutions-to-combat-gun-violence.html>

A significant number of Americans share the view that ineffectively treated mental illness is a major cause of gun violence in the United States. In 2013, a Gallup poll found that 48 percent of Americans blamed the mental health system for failing to identify potential perpetrators of gun violence. In a similar CBS poll from 2017, 68 percent of respondents thought better mental health screenings could prevent gun violence. <https://www.texastribune.org/2019/08/08/el-paso-shooting-greg-abbott-mental-illness/>

One recent study supports a link between mass shootings and mental illness. It also questions the adequacy of the support given to those with a mental health disorder who subsequently commit a violent crime. A United States Secret Service report released in 2019, presented findings on 27 mass gun attacks in 2018. The report found that 44 percent of attackers had been treated for or diagnosed with a mental illness. The report concluded, 'The treatment received by the attackers varied widely and was not always sustained. The type of treatment received ranged from counselling or medication management to involuntary hospitalization. This highlights the importance of not only engaging those with mental health symptoms in treatment, but also ensuring that they maintain access to treatment over time.' <https://www.secretservice.gov/sites/default/files/reports/2020-09/MAPS2019.pdf>

Ineffective management of a mental disorder has been identified as a contributor to the behaviour of those who commit school shootings. According to a 2013 study, two leading causes of school shootings are non-compliance with and the side effects of psychiatric drug treatment. This was linked to the behaviour of 12 percent of school shooters. Of those school shooters who had been prescribed psychiatric medications, 10 percent displayed medication non-compliance (failed to take drugs prescribed). Many school shooters who were taking psychiatric drugs for their disorder experienced side effects of the drugs prior to carrying out a violent act. <https://www.counseling.org/docs/default-source/vistas/school-shootings-and-student-mental-health.p>

## **Further implications**

The gun debate within the United States has been waged for almost a hundred years, at least since the United States Supreme Court in 1939, in the case *U.S. vs Miller*, issued a restricted interpretation of the Second Amendment to the United States Constitution which seemed to curtail the right of individual citizens to carry arms. <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/beararms.htm> This in no way put an end to the issue as 44 of the United States 52 states have provisions in their state constitutions which seek to guarantee citizens the right to gun ownership.

What has kept that right in contention is the persistently violent nature of American society and the extent of gun crime and gun-related injuries and deaths suffered in the United States. Gun-related deaths from preventable, intentional, and undetermined causes totaled 45,222 in 2020, an increase of 13.9 percent from 39,707 deaths in 2019. Suicides account for 54 percent of deaths related to firearms, while 43 percent were homicides, and about 1 percent were preventable or accidental. <https://injuryfacts.nsc.org/home-and-community/safety-topics/guns/>

This recent increase in gun-related deaths is in the context of a long-term overall reduction in violent and property crime across the United States. Using the FBI data, the violent crime rate fell 49 percent between 1993 and 2019, with large decreases in the rates of robbery (-68 percent), murder/non-negligent manslaughter (-47 percent) and aggravated assault (-43 percent). <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/> This suggests that the increase in gun-related crime and death is running against an overall trend showing a decline in violent crime.

Mass shootings have emerged as a particular area of concern. As of May 24, there were three mass shootings in the United States in 2022. This is compared to one mass shooting in 1982 and one in 2000. The increase in mass shootings appears to have taken off in 2012 when there were seven mass shootings. One of these was at Sandy Hook Elementary School where 28 people were killed including the perpetrator. This is the worst mass shooting at a United States elementary school and the fourth deadliest mass shooting in United States history. There were a further seven mass shootings in 2015 and then eleven in 2017, twelve in 2018, and nine in 2019. 2020, the first year of COVID, saw a dramatic drop with two mass shootings, then up to six in 2021 and three already this year, with one, the Robb Elementary School shooting, being the second worst incident at an elementary school in United States history. In the ten years between 2012 and 2021 the United States has averaged 6.8 mass shootings a year. <https://www.statista.com/statistics/811487/number-of-mass-shootings-in-the-us/> The figures quoted here are from Statista (a German company specialising in market and consumer data.) Everytown, a lobby group that gathers data in a bid to reduce gun violence in the United States presents a worse picture. <https://everytownresearch.org/maps/mass-shootings-in-america/#:~:text=Everytown%20defines%20a%20mass%20shooting,in%20both%202011%20and%202013.> Though the trends it presents in mass shootings are the same, the numbers of mass shootings it gives are higher. Everytown sets the number of deaths for a mass shooting at four, Statista uses a higher figure.

This is clearly a massive social, legal and law enforcement problem. Part of the difficulty of addressing it is that the issue is highly polarizing in the United States. Though some 53 percent of Americans think gun laws should be stricter, the 32 percent who think they are currently as they should be and the 14 percent who think they should be less strict hold to these views very strongly. <https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/>

The issue is also a highly politicised one, with Democrats firmly favouring stricter gun laws and the Republicans at least as strongly opposing restrictions on gun ownership. At a federal level this means that any laws seeking to regulate access to guns, including measures as relatively tame as background checks on gun owners, will be blocked by the Republicans in the Senate even when the Democrats hold the other house. Therefore, the easiest jurisdictions in which to make any sort of reform are the states. Here, however, state governors also pass

laws in accord with their party's views so that Republican states typically oppose reforms and Democrat states tend to implement them.

The issue seems unresolvable until there is a shift in popular attitudes to gun laws toward a deep and wide consensus. Though the issue is so inherently emotive, it may help the debate progress if it were possible to remove some of the emotion from it.