Debate: Gun Control in the United States

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The issue of gun control in the United States generates heated and passionate debate whenever it comes up. To provide a brief glimpse into the wide spectrum of opinions on this topic, the symposium's guest editors have invited two prominent and opposing voices on this subject. Michael Boylan PhD is Professor and Chair of Philosophy at Marymount University in Arlington, VA, and has been a staunch advocate for more stringent gun control. Don Kates JD is a retired professor of constitutional and criminal law, criminologist, and research

Note from the Editor-in-Chief: Most of this symposium on gunshot injuries focuses on clinical research related to the treatment of patients wounded by firearms. However, the symposium's guest editors believe, and I agree, that gunshot violence has a critical social component, and that any symposium on the topic needs to address this directly. We therefore are pleased to share this debate between two non-surgeon experts on the contentious issue of gun control.

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fellow with The Independent Institute in Oakland, CA. Kates has fervently argued against firearm regulation. As you will appreciate, both contributors provide rational support for their positions with little common ground. We believe that the absence of common ground here is, in fact, part of the problem. If we are to have any chance of solving the problems of civilians maiming and killing other civilians with firearms, individuals on both sides of the gun-control debate — as well as those in the broad, moderate middle — will need to see the issue as complicated, nuanced, and, for many, laden with emotion. It is our sincerest hope that even those on the extremes begin to look for areas of agreement, and use those areas as a point of departure for sensible approaches to minimize the dreadful harm that gunshot injuries cause.

Although this is the first *CORR*® forum to focus on the social, as opposed to the scientific or clinical aspects of gunshot injury, its relevance for the clinician is no less crucial. The social decisions we make or fail to make today will not simply affect our patients, but will also affect our neighbors, friends, and families.

Zbigniew Gugala MD, PhD and Ronald W. Lindsey MD: *Why is gun possession a greater problem in the United States than in other developed countries?*

Michael Boylan PhD: Gun possession by ordinary citizens of the world is a potential threat to public health. This is a result of the damage coefficient that guns possess. When anger is combined with ready access to high-damage coefficient weapons, the concern is that the expression of that anger could be fatal. The real problem with guns is the potential damage that they can inflict [16].

Don B. Kates JD: Yes, some small European nations that severely restrict guns have lower murder rates than the

United States, but their minimal populations make them noncomparable. Russia, a more comparable country, banned handguns in the 1920s, yet Russian murder rates have always exceeded the United States. As of the year 2000, Russian murder rates were four times higher than the United States [12].

Admittedly, murder is somewhat lower in various handgun-banning former Russian nations. Their murder rates are only thrice that of the United States [15]. The murder rates of European nations that liberally allow guns like France, Germany, Austria, and Italy are much lower than that of the United States, and one-third of the rates for gun-restrictive European nations. Norway, with the highest gun ownership in Europe, has Europe's lowest murder rates; Austrians, whose law guarantees a right to handguns, have Europe's second lowest European murder rate [12].

What about England? In 1900, England had no gun laws and the lowest murder rate in Europe. Since 1920, England has adopted more stringent gun restrictions until 1997 when handguns were banned completely [7]. Under these progressive restrictions, English violence progressively increased. Today, England has the highest violent crime rates in Europe (except for Russia) [7].

Drs. Gugala and Lindsey: *Should citizens have the right to bear arms?*

Dr. Kates: There are no studies supporting the fear that gun ownership would increase the likelihood of ordinary, law-abiding citizens to commit murder. Rather, studies suggest [13] that individuals who are likely to commit murder, do so in the course of long criminal careers consisting primarily of nonviolent crimes, but including larger than normal (for other criminals) proportions of violent crimes. Studies dating back to the 1890s invariably show virtually all murderers have lifelong criminal records [6].

Who is trustworthy with arms? Most Americans accept the view underlying the Second Amendment set out by Thomas Paine: "Arms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property...Horrid mischief would ensue were the law-abiding deprived of the use of them." [17].

Every state has passed laws exonerating police from liability for nonprotection. According to the State of California's Government Tort Liability Act, the government and its officers are not liable for injury caused by failure to enforce any enactment [2, 11]; failure to provide police protection or to provide sufficient police protection [3, 11]; failure to make an arrest, or the failure to retain an arrested person in custody [4, 11]. All other states' laws concur [15].

While armed criminals commit thousands of crimes per year, armed citizens foil many of those crimes [9]. According to a study by Kopel and colleagues, "firearms are used over

half a million times a year against home invasion burglars; usually the burglar flees as soon as he finds out that the victim is armed, and no shot is ever fired." [14].

When victims draw guns, criminals almost always flee. For criminals, gunfights are a losing proposition. Their victims are hospitalized with an 85% recovery rate [19]; but criminals shot by victims face a "Hobson's choice": hospitalization with imprisonment or eschewing medical care at the risk of death. A criminological study [18] found that for those attacked by criminals "resistance with a gun appears to be the most effective [response] in preventing serious injury [to victims, and] for preventing property." The same study also noted that "the use of a gun by the victim significantly reduces her chance of being injured." [18]. A U.S. National Crime Victimization study [9] concluded that defending against felons with a gun helps victims 65% of the time and make things worse only in about 9% of the time.

Dr. Boylan: It is surely time for our country to have a serious discussion about gun control. One of the problems with instigating such a discussion is the fixation on "the right to bear arms" clause in the Bill of Rights. However, I think that this should not be the focus of discussion; instead we should examine the human rights claim that people make to justify their owning a gun, and limit the discussion to the most pernicious claim: the category of self-defense. Protection from unwarranted bodily harm is a basic right that we all can claim, and law-abiding citizens should be able to possess a weapon appropriate to that end. But what sort of weapon? [1] There are two important concepts that can assist in making this determination: the weapon damage coefficient, and the minimum force necessary to produce a result [1].

Victims of injuries suffered from weapons with a low-damage coefficient (small percussive objects like sticks, bottles, glasses) typically incur less severe injuries, and have a very high recovery rate [1]. Knife wounds and larger percussive objects (thick bottles, bats, and chairs) are next in terms of increasing weapon damage coefficient. The weapon damage coefficient of firearms makes a quantum jump in severity and death, and permanent injury rates are significantly higher [1].

Weapons and weapon damage coefficient exist on a continuum. Logically, there must be a control somewhere. The only question is where on this continuum of armaments do we begin banning weapons [1]?

Drs. Gugala and Lindsey: *Do strict gun laws decrease the incidence of violent crimes or accidents?*

Dr. Boylan: Because of the Federal ban on gathering data within the United States on the relationship between gun

possession and public health [only recently lifted], it is difficult to say with certainty. It is true that countries like Great Britain and Japan have very strict laws on gun ownership (including the police). In those countries, there are statistically significantly fewer deaths by gunshot than in the United States (even stated in proportional terms). It certainly makes intuitive sense to me that if there are fewer guns in a society, then there will be fewer shootings and fewer fatalities.

Dr. Kates: In the early 2000s, the CDC and the National Academy of Sciences evaluated the value of gun laws. After reviewing 253 journal articles, 99 books, 43 government publications and some empirical research of its own about gun crime [11, 16], the National Academy of Science could not identify any gun restriction that reduced violent crime, suicide, or gun accidents [16]. In 2004, the CDC (which vehemently endorses gun bans), released its exhaustive review of the extant literature [5]. The CDC could not identify any evidence that gun control (including Washington D.C.'s complete handgun ban) — had reduced murder, violent crime, suicide, or gun accidents [5].

Drs. Gugala and Lindsey: *If enacted, can strict gun control laws be enforced?*

Dr. Kates: It is safe to assume that most law-abiding gun owners would not comply with a firearms ban. That is verified by actual behavior. Despite often ferocious penalties, gun owners will not register their firearms because they fear this paves the way for eventual confiscation. In his book, [10] Prof. James B. Jacobs, Director of the Center for Research in Crime and Justice at New York University School of Law, noted that efforts to ban or register assault weapons are overwhelmingly ignored. In Boston and Cleveland, the rate of compliance is estimated at 1%. Out of the 100,000 to 300,000 assault rifles estimated to be in private hands in New Jersey, 947 were registered, an additional 888 rendered inoperable, and four turned over to authorities. In California, nearly 90% of the approximately 300,000 assault weapon owners did not register their weapons [8].

Dr. Boylan: Enforcement will not be easy. However, one should not reject a piece of legislation (such as sensible gun control) because it is difficult to enforce. Rather, the question should be whether it is the right thing to do. If we had let enforcement worries rule our legislative agenda,

then we would have never passed the 1964 Civil Rights Law or the 1965 Voting Rights Acts. These important pieces of legislation were morally necessary. We have made great strides as a country in recognizing the force of these laws after almost 50 years. The first priority of a responsible government is doing what is morally right. Civil law only has true authority when it is backed up by an ethically defensible system. The Nuremberg Laws reinforced these natural law pronouncements. This should be our driving vehicle for public policy in all areas.

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