

Kutztown University

Research Commons at Kutztown University

English Department: Research for Change -
Wicked Problems in Our World

English Department

Spring 4-8-2021

Guns and Their Place in the US

Jacob Garibaldi
jgari652@live.kutztown.edu

Follow this and additional works at: <https://research.library.kutztown.edu/wickedproblems>



Part of the American Politics Commons, Constitutional Law Commons, English Language and Literature Commons, Nonfiction Commons, Public Policy Commons, Rhetoric and Composition Commons, Second Amendment Commons, and the Social Policy Commons

Recommended Citation

Garibaldi, Jacob, "Guns and Their Place in the US" (2021). *English Department: Research for Change - Wicked Problems in Our World*. 44.
<https://research.library.kutztown.edu/wickedproblems/44>

This Research Paper is brought to you for free and open access by the English Department at Research Commons at Kutztown University. It has been accepted for inclusion in English Department: Research for Change - Wicked Problems in Our World by an authorized administrator of Research Commons at Kutztown University. For more information, please contact czerny@kutztown.edu.

Jacob Garibaldi

Professor Vogel

CMP 200 – 111

Guns and Their Place in the US

Abstract

Creating this paper was a wicked problem due to how deep of an issue the gun debate is in the United States. In the discussion of guns, there is a side that wants to abolish them, a side that believes in the right of the second amendment, and a middle ground where we can have guns in society with added in legal measures. Surely enough, those that are in opposition to firearms are persuaded due to the acts of violence and crime committed with them. Then there are those that use them in a way of self-defense. Through this paper, the goal is to enlighten new-coming critical thinkers to get a general sense of what is going on in this wicked debate. The issues of guns can even be linked to the wording that was constructed in the Constitution in the second amendment. The conflict of this interpretation has sparked court cases to occur around it. Controversy has also sparked around devastating mass shootings that have occurred. As times have changed, those look to guns as more for protection as compared to sport or other interests. To this day, law makers are struggling to find a ground on what new measures can be put into place regarding guns but are they truly carrying out the duties of those guidelines they have in place.

Key words

Second Amendment, Gun Control, Self-Defense, Mass Shootings, Gun Bills

Did you know that one of your fundamental rights as a citizen of the US is that you are able to possess and own a gun? Building on this, guns have become a controversial subject of discussion throughout the country due to the negative events that have occurred from the use of them. This connects to mass shootings and other forms of crime. But one thing is for certain is that they are a great tool of self-defense. For decades, the debate of gun ownership in the US has sparked protests and organizations to rise to make light of their stance. Through the decades of controversy surrounding guns in the United States, we are still currently trying to figure out the best option for guns and their place in society because we need to question why gun ownership should be allowed, reasons that could stir gun ownership to be abolished, and a middle ground that could regulate guns better and still permit ownership.

Before we begin to dive into the present chapter of the gun debate, let us begin at the birth of the 2nd amendment in the Constitution. 2nd amendment is as follows; "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 infringe" ([www.law.cor.](http://www.law.cor)) Now, from the wording of this right, there has been some controversy around the true meaning of the context. Which had sparked two court cases to occur in 1939 and 2008. In *United States v. Miller* (1939), there was attention brought to a matter of Congress being able to have regulation power over a single sawed-off shotgun that had was transported in interstate commerce from the National Firearms Act of 1934. The reason behind this was summed up to be, "the shotgun has some reasonable relationship to the preservation or efficiency of a well-regulated militia" (law.cornell.edu). The basic understanding for what this means is, is a sawed-off shotgun necessary for citizens to possess? As for the 2008

case of District of Columbia v. Heller, the issue of United States v. Miller was revisited due to Heller challenging an unconstitutional ban of handguns in D.C. The ban of handguns in DC was lifted but the sawed-off shotgun ban was held in place due to the Supreme Court stating “...Americans may possess firearms, claiming that law-abiding citizens cannot use sawed-off shotguns for any law-abiding purpose.” (law.cornell.edu). As time continues from 2008, there have been more cases surrounding the actual conceptual meaning of the second amendment. This is simply due to the complexity of understanding of the wording for the amendment.

Being that the second amendment is a right given to the citizens, we should investigate why as of today people should have the right to own and possess guns. There are numerous purposes for guns such as hunting or collecting, but one that can be viewed high above others is for protection. A poll from Pew Research Center, which was completed by gun owners, took two surveys in the year of 1999 and 2013 which showed percentages based on what these gun owners thought the purpose of guns were. There are two statistics that stick out which drastically changed between the two years. In 1999, the percentage for protection was 26% as compared to 48% in 2013. As well as hunting which was 49% in 1999 and dropped to 32% in 2013. From this drastic change in percentages, I believe this has occurred to changes in time from massive tragic events that have occurred, especially mass shootings. There is a lot of fear that can be instilled from these events happening that can cause people to make rash decisions.

Since the viewing of guns has moved towards protection more, how exactly do they protect us? The instances come from a crime when an individual is put in a position where they fear for their life such as home-invasions, robbery, and more. Now, much information on actual

accounts of self-defense is not well recorded by the internet but, from the CDC website, it is mentioned that "... a range of 60,000 to 2.5 million defensive gun uses each year." This gap seems large to account for the actual average each year, but we can still account that self-defensive measures are used with guns in the United States each year.

The purpose of gun control is to minimize the amount of people in the country to possess guns. In a general sense, this would lean towards more like obtaining guns in a legal manner. But how does this pertain to guns being obtained illegally to commit crime? From a 2016 survey conducted on prison inmates, as stated by Mariel Apler and Lauren Glaze in a report from the U.S. Department of Justice; "An estimated 287,400 prisoners had possessed a firearm during their offense. Among these, more than half (56%) had either stolen it (6%), found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%)." Based on what I have seen from the major sources of debate on the topic of guns, that laws should be implemented into society based on the legal process of obtaining a firearm. But we must think how we can solve this problem of the illegal underground trade. Solely from this survey alone, 123,582 got their weapon off the street or the underground market. As for law enforcement, they should be cracking down more on these illegal dealer rings to minimize this issue.

Those that argue for stricter measures of gun control or even to abolish guns, primarily look to do so based on crime rates and mass shooting. Digging deeper into mass shooting, since the year 2009, a total of 245 mass shootings have been committed as per www.everytownresearch.org. There's controversy around why these occur such as from mental illness or lack of gun control. From my perspective, there is a mixture of both, but Sean Philpott-

Jones a public health researcher recommends; “the solution is to enforce already existent laws that are designed to keep firearms away from individuals with certain types or degrees of mental illness.” As a nation, we cannot keep looking to implement new policies and laws when we do not enforce the ones we currently have in place. The Gun Control Act and other laws are not being carried out to their full potential because those with serious mental illnesses are still able to get guns due to an underlying issue from the states. Oddly enough, from an audit by the U.S. department of Justice there was an interesting finding. Pennsylvania and New Jersey uploaded more than 1,000,000 of their mental health records but during the same year some states barely uploaded any. These states were New Hampshire, Oklahoma, Rhode Island, Vermont, Wyoming, Montana, and Alaska. These states uploaded fewer than 110 cases. Virginia Tech University, seventeen people were injured and thirty-two were killed. This shooting occurred because Virginia did not do their part in sending Cho’s mental health records to the FBI. From what I have read from Philpott-Jones I believe that the regulations that we have in place need to be carried out more effectively so that we can lower the number of these tragic events from occurring.

Let us look at gun control itself and an example of a particular method that has been used that has shown to be effective. The purpose of gun control is to make a well-structured and effective legal process to obtain ownership of a gun. Two states implemented a “permit-to-purchase” law that required residents who wanted to get a firearm to acquire a permit from their local law enforcement station. Of these two states, one has repealed the law and that would be Missouri. In 2007, the state had decided to remove this law which resulted in a spike of firearm homicides. As per www.center4research.org; “...research indicated a 55-63% increase in the

firearm homicide rate per year during the four years following the repeal.” Now when it comes to Connecticut, which is the other state, the law has still been in effect and has shown a positive result. Also, from www.center4research.org; “in 1995, Connecticut passed a permit-to-purchase law, and over the next 10 years the state saw a 40% drop in firearm homicides. There was no drop in non-firearm homicides, indicating that it was likely the permit-to-purchase law that prevented gun deaths.” Based on these two examples we can depict that this method is of use and can be effective in minimizing firearm-related deaths. As to why Missouri repealed the act is unclear, but it may be due to them passing the “Stand Your Ground” law which permits gun use in self-defense without being charged. As for finding out if other methods of gun control are effective is tough to find out because of 1996 Omnibus Consolidated Appropriations Bill, which prevents the CDC from doing research on gun control.

What are other measures to be considered of regulating guns? One is a bill that was created by senators Joe Manchin and Pat Toomey from the events of the Sandy Hook Elementary School massacre. A summary of this bill, provided by www.theregreview.com informs us with; “... to extend NICS firearms background checking to firearms transfers that “occur at a gun show or event or on the curtilage thereof” or “pursuant to an advertisement, posting, display, or other listing on the Internet or in publication by the transferor of his intent to transfer, or the transferee of his intent to acquire” a firearm.” This bill had dedicated support by former President Obama but did not pass in 2013. Since then, it has been reintroduced numerous times but has yet to pass. On top of this, there are federal firearms licensed dealers. Which under the Gun Control Act of 1968, businesses that would like to sell firearms need to acquire a license from the ATF. The requirements for this license involve paying \$200 a year, send in fingerprints, and to confirm they do not fall into any disqualifications for statutory firearms. There were 400,000 of these dealers in the early 1990s but the ATF had undergone a renovation from the Clinton Administration due to the ATF not being able to effectively manage the dealers. This

caused the number of dealers to lower drastically cause the present-day number of dealers to be around 140,000. A little bit into what FFL dealers is required to do. Some legal obligations are present to sell a gun to a customer which involves checking their photo identification card to confirm their in-state residency and identity. Also, they must administer an ATF form which makes the customer swear they do not fall into any disqualification categories from statutory grounds. This form must be kept in possession by the FFL for 20 years and if any police force requests the document, it must be provided.

In conclusion, I realize that as a person that is looking to learn about how guns are viewed in American society there is a lot of information to digest. The gun debate has opened the doors on lots of questions and concepts for us to consume to make the most sense out of it to produce solution. Even out of the information that I provided; it only skims the surface of this truly wicked problem. From what I provided, I hope you gained a basic knowledge of some concepts of the bigger picture and can-do further research into these areas to find the actual deeper message. As for myself, I had severely underestimated the complexity and expansive nature of this topic to where through my research I cannot determine the best answer to solve this debate leading me to genuinely believing that it is indeed a wicked problem.

Works Cited

- Alper, M., & Glaze, L. (2019, January). Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016. Retrieved April 7, 2021, from <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>
- Firearm violence prevention | violence prevention | injury center | cdc. (2020, May 22). Retrieved April 08, 2021, from <https://www.cdc.gov/violenceprevention/firearms/fastfact.html>
- Gramlich, J., & Schaeffer, K. (2020, May 30). 7 facts about guns in the U.S. Retrieved April 08, 2021, from <https://www.pewresearch.org/fact-tank/2019/10/22/facts-about-guns-in-united-states/>
- Manier, L. (2018, April 12). Does gun control really work? Retrieved April 08, 2021, from <https://www.center4research.org/does-gun-control-really-work/>
- Mass shootings in America. (2021, March 22). Retrieved April 08, 2021, from <https://everytownresearch.org/maps/mass-shootings-in-america-2009-2019/>
- Philpott-Jones, S. (2018, March 28). Mass shootings, mental illness, and gun control. Retrieved April 08, 2021, from <https://onlinelibrary.wiley.com/doi/full/10.1002/hast.832>
- The Regulatory Review. (2018, November 07). Limitations of federal gun regulation. Retrieved April 08, 2021, from <https://www.theregreview.org/2018/11/07/jacobs-limitations-of-federal-gun-regulation/>
- United states: Gun ownership and the Supreme Court. (2012, May 01). Retrieved April 08, 2021, from <https://www.loc.gov/law/help/usconlaw/second-amendment.php>

