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## Domestic and International Firearm Laws: Can Implementation Be Used to Nationally Decrease Firearm Violence and Mass Shootings

### Abstract

The issue of firearm violence in the United States is highly controversial, as there are sound arguments on both sides of the discussion. Advocates of stricter gun laws often refer to both international and domestic examples that highlight the effectiveness of more restrictive firearm policies. Japan and Australia are two such countries that are continually referred to when a tragedy, such as a mass shooting, occurs in the United States and initial reactions often emphasize a need for fewer guns in the general public. Opposition to the proposed reforms of firearm policies cite the importance of the Second Amendment which grants their right to bear arms. To better understand both sides of the argument, this paper examines the effectiveness of firearm policies on an international and domestic level, and seeks to address whether or not such policies would aid in addressing firearm crime.

### Keywords

guns, firearm control, violence, United States

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*Kenneth Banuelos*

**Abstract**

The issue of firearm violence in the United States is highly controversial, as there are sound arguments on both sides of the discussion. Advocates of stricter gun laws often refer to both international and domestic examples that highlight the effectiveness of more restrictive firearm policies. Japan and Australia are two such countries that are continually referred to when a tragedy, such as a mass shooting, occurs in the United States and initial reactions often emphasize a need for fewer guns in the general public. Opposition to the proposed reforms of firearm policies cite the importance of the Second Amendment which grants their right to bear arms. To better understand both sides of the argument, this paper examines the effectiveness of firearm policies on an international and domestic level, and seeks to address whether or not such policies would aid in addressing firearm crime.

## Introduction

Guns are incredibly prevalent in the United States and are also readily available to the population, perhaps more so than in other parts of the world. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (2016), 2,538,397 firearms were sold or transferred in 2016. This has created a lot of controversy on whether or not certain guns and modifications should be legal and what risk the American population is taking by allowing this influx of weapons to continually increase. Not to mention that in a worldwide comparison, American firearm regulations rank amongst the weakest in terms of industrialized nations (Hirsh, 2013).

In today's society, it is easy to browse through the media outlets and see numerous cases of gun violence. The US has the highest number of guns amongst its population, and in relation, the highest number of firearm related deaths (Gopal, & Greenwood, 2017). In 2014, 33,599 people in the United States were victims of gun related violence (Centers for Disease Control and Prevention [CDC], 2015). However, these data are often skewed as it also includes suicides by firearm, which comprises almost two-thirds of that total statistic—over 21,000 people in 2014. (Wolfson, Teret, Frattaroli, Miller, & Azrael, 2016). With a US population of 318.6 million in 2014, violent gun related deaths accounted for less than 1% of the population; however, the topic of gun control is still an important issue to many people. The focus on gun control is largely due to the media's portrayal of a spontaneous increase in gun violence becoming a commonplace in U.S. society. Between 2009 and 2013, 93 mass shootings took place across the United States (Gopal & Greenwood, 2017), not including the devastating mass shooting that occurred in Las Vegas where the gunman shot and

killed a record 58 people and injured another 546 on October 1, 2017. Initial reactions to mass shootings have remained similar and constant; to create tougher gun laws to forego any future events. In essence, fewer guns will mean less gun violence.

These suggested policies regarding harsh gun laws conflict with lawful gun owners and proponents of the Second Amendment of the U.S. Constitution. The Second Amendment states that, “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” (U.S. Const., Amend. II). This amendment is a guaranteed right as a citizen of the United States and is at the heart of the ongoing issue of gun ownership. The problem of mental health and understanding why these individuals go out and commit these heinous acts in the first place is hardly ever addressed—nor the fact that states and other countries with tough gun laws have done little to dissuade crime from happening. This paper will go into whether or not tough gun laws are the answer to addressing the issue of firearm crimes, particularly looking at the relation to mass shootings. Details on race and economical privileges in relation to firearm offenses will be covered, as well as the implications of future policies.

### **Literature Review**

#### **Race and Economical Privileges in Relation to Firearms and Firearm Offenses**

Gun violence is a daily occurrence in the US, yet not all crimes are held to the same standard of offense. Recently, the public has grown aware of the labels and privileges that have been garnered towards certain individuals. David Leonard (2017) argues that mass shootings have only been legitimized in low crime non-impoverished areas. With the FBI definition of a mass

shooting consisting of four or more people killed in an incident, the general statistics of mass shooting events should be a lot higher, as gun violence occurs disproportionately in areas experiencing poverty and social inequities (Santilli, et al., 2017). For example, in 2015, 369 mass shootings were recorded in the U.S., yet roughly 6000 African-American men were also victims of gun violence (Santilli et al., 2017); with such a high rate of minority deaths in relation to mass shootings, the emphasis on addressing gun violence in low-income areas should take a higher priority in the legislature agenda. However, due to the normality and acceptance of gun violence in certain areas, firearm related events that do occur are not included in the overall media coverage lacking in public awareness to the problem (Leonard, 2017). This is partly due to deaths and crimes being attributed to having gang or drug relations, and thus, seen as a commonality of the everyday life in the ghetto. This acceptance of gun violence portrays a major distinction—whose lives are expendable and whose are not. Not only is this insensitive to the ongoing issues of those living in poverty, but it shows a clear societal bias in tolerance of certain deaths.

The disproportionality of gun violence amongst races is further highlighted by the dissociation of knowing someone who is a victim of gun violence. The possibility of knowing a victim of gun violence is higher amongst minority groups when compared to those who are white. In neighborhoods with steep criminal activity, the exposure to gun violence for minorities is higher due to the concentration of firearms used for the sole purpose of violence and crime (Kaleson, Weinberg, & Galea, 2016). It should be noted that although minorities have a higher chance of knowing victims of gun violence, the general U.S. population has a 99% chance of knowing a victim of gun

violence within their social circle at some point in their lives (Kaleson, et al., 2016).

Firearm ownership and the individuals that purchase, as well as own, the majority of guns in the US are indistinguishable. As statistics show, there are certain populations that are the main buyers of firearms. White, middle-aged men are the primary individuals who hold the bulk of guns in the US (Yamane, 2016). The age of the majority of gun control owners raises concerns as the development of geriatric health issues arise in later life. Fear of older people developing problems such as dementia, and a lack of child supervision with guns in the home have become increasingly common (Pinhold, Mitchell, Butler, & Kumar, 2014). In 2005 to 2010, the suicide rate for elderly men rose by over 41%, of which 80% were committed by using firearms.

Even more surprising, Yamane (2016) found that gun ownership is not so much tied to demographics or geography as it is to religion. In his study, Yamane (2016) was able to conclude that Christians from Protestants denominations were more likely to own a gun. This analysis adds another tier to the growing fundamental image of gun owners, which is important to compare to the individuals who commit mass shootings.

### **Historical Effectiveness of Tough Gun Laws**

Harsh gun laws and reducing the availability of firearms has been the immediate answer by the public to bring a stop to gun violence. Whether or not the laws have been proven effective is up for debate. Currently, the ATF is the main regulator of federal laws that provide the blanket coverage for the nation. State regulations vary on whether or not specific guns and modifications are legal and some cities provide even further limitations regarding firearms. Federally, there are multiple

limitations in place to deter crimes based on who is able to purchase and own a firearm. Some of the basic laws include age requirements, citizenship, and barring persons of various criminal standings from owning a gun. States and cities have historically used mass shootings to implement further legislation on what firearms should be available.

### **Domestic Examples of Firearm Laws in the United States.**

New York, a state with some of the toughest gun laws, was successful in its attempt to further restrict firearm limitations following the mass shooting that took place at Sandy Hook Elementary School in 2012. There was a total of 26 victims, including children, which was a catalyst for the New York State Legislature to propose the New York Secure Ammunition and Firearms Enforcement (SAFE) Act (Spitzer, 2015). This new law was proposed and enacted in 2013, less than a year following the shooting at Sandy Hook. Assault weapons and the modifications pertaining to the class of firearm were the primary focus of the legislature, which included a broader definition of the weapon class and additions of outlawing previously lawful modifications such as a pistol grip. Fees and extensions of background checks pertaining to private sales were also included to further regulate the firearm sales and dissuade citizens from purchasing these weapons through both cost and inconvenience. A number of concerns were raised with the enactment of this new law, chief among them being the infringement of the Second Amendment and creating criminals out of previously law-abiding citizens (Spitzer, 2015).

Although the implications of the SAFE Act are still in the early years of assessment, statistics have proven that crimes involved with firearms have been on the decline since 2013. According to the New York State Division of Criminal Justice



Services (2016), the data has proven that firearm related crimes have dropped 3% over a three-year time period. However, opponents of the SAFE Act argue that the number of firearm related crimes were already on the decline before the act was implemented (Jacobs, & Fuhr, 2016). Crimes involving a gun also continue to rise in certain counties; further supporting the opposition of the law who state that little change has been brought about by the new legislation. Another location often referred to in the gun debate is Chicago.

Chicago is notorious for the amount of crime that occurs within the city, especially in regard to violent crimes and homicides. It is because of this, that the city has implemented harsh gun laws in order to help curb the amount of gun violence and ease the total homicides relating to gun violence (Webster, Bulzacchelli, & Vittes, 2012). Some of these laws include required firearm classes and increased fees in order to purchase a weapon. There is also the requirement of possessing a firearm owner's identification card that is issued by the Illinois State Police. However, even with some of the toughest firearm laws in the nation, the city of Chicago continues to see an upward trend in violence (Grunwald, & Papachristos, 2017).

According to FBI statistics, Chicago had a total of 762 murders in 2016, which was over a 50% increase since 2015. This is largely attributed to the fact that there is a prevalent black market for firearms in Chicago as criminals are the main consumers of the black-market deals (Cook, Harris, Ludwig, & Pollack, 2015). The benefits of having an unregistered illegal firearm are numerous, particularly when the majority of the criminals would not pass a background check to legally purchase a firearm. This fact supports gun control opposition and the idea that harsh gun laws only regulate law-abiding citizens. If an

individual is interested and morally invested in criminal activity, breaking an additional law is a small deterrent to criminality (Cook, et al., 2015). This idea is supported by research which concludes that five out of six firearms used in a crime are obtained illegally, bypassing the system and laws put in place to ensure criminal acts do not occur (Braga, Wintemute, Pierce, Cook, & Ridgeway, 2012).

### **International Examples of Extreme Firearm Laws and Their Effectiveness**

Firearm critics often refer to Australia and the gun regulations the country has as an example for the United States to follow. Comparison amongst the two countries is prevalent as both have democratic governments and a deeply rooted firearm culture (Hirsh, 2013). The difference between the two countries is that Australia implemented a nationwide firearm reform following a mass shooting in 1996, while the U.S. has done little at the federal level, leaving States and municipalities to set up laws pertaining to its own population. Australia did not do much to regulate guns—it has outright banned them.

This ban was largely possible because Australian people lack something equivalent to the U.S. Second Amendment. As part of the National Firearms Agreement (NFA) of 1996, all states and territories within Australia agreed on implementing multiple statutes on the grounds of preventing another mass killing spree (Webster, 2016). Included in this firearm regulation was the banning of automatic rifles, semi-automatic rifles, and shotguns. Further compliance with this new law was implemented by a “volun-told” buyback program where the Australian government highly encouraged its citizens to turn in their now illegal shotguns and rifles. Another large piece of the NFA was the new nationally recognized firearm owner license,

which included new fees, but most importantly required the gun owner to display a “genuine reason” for having a firearm, personal protection not being a valid reason (Webster, 2016). Other major changes included detailed and restrictive storage requirements, as well as stricter sales regulations.

Unsurprisingly, the NFA has been successful in reducing firearm related deaths. Multiple studies have been conducted confirming the success of the law as there have been no mass shootings post implementation of the NFA (Hirsh, 2013). Firearm homicides have decreased by 65% and suicides by firearm has declined by 59%. These findings, however, are not without criticism. McPhedran and Baker (2008) found that only firearm related suicides were affected by the NFA, as firearm related deaths were already on the decline before the NFA was implemented. They also found that changes in firearm related deaths were adversely affected by societal factors influencing the public perception on firearms, which is consistent with firearm regulation in Japan.

Japan is another country often compared to the U.S. in regard to firearm regulation. Japan’s population has a lack of firearm availability due to guns largely being banned (Roberts, 2008). Because of the lack of firearms amongst its population, Japan is able to boast of a much lower percentage of firearm deaths in comparison to the U.S. with only 3.4% of Japan’s homicides committed with firearms between 2000 and 2004 (Roberts, 2004). In general, firearm owners are extremely rare in Japan. Handguns are outlawed, and rifles owners are required to turn in their guns upon their deaths, as rifles were outlawed after 1971 (Howell, 2009). The only firearms the general public is allowed to own are shotguns and air rifles, but purchasing one is a hassle. Buyers must attend a class and pass a written and

hands-on performance test. A mental and drug test performed by a licensed physician is also required to be submitted to the police along with documentation verifying the exact location the firearm and ammo will be stored. As if that is not enough, police are required to annually inspect the gun and its location, and firearm owners are required to re-take the firearm class and exam every three years (Tsuboi, Satoh, Seto, & Osawa, 2014).

These firearm requirements are a stark contrast to the American way of thinking. In Japan, owning a firearm is considered and treated as an unnecessary privilege (Howell, 2009), while in America it is a citizen's right. Even Japanese law enforcement officers are hesitant to use firearms, turning to weekly practiced martial arts instead. Much of this regulation is due in part to the Japanese culture, which is largely peaceful, as acceptance of regulations and an overall lack of crime, accounts for the belief that guns are unnecessary (Roberts, 2004).

### **Policy Implications**

Based on the increasing U.S. firearm homicides and mass murders, it is clear the United States needs to review the current firearm regulations. There are numerous loopholes, and the lack of general oversight allows criminals and unfit individuals to obtain guns, causing the general population to be in consistent danger. Keeping the Second Amendment and the right for the U.S. citizens to bear arms in mind, changes can be brought about to help reduce firearm related homicides. An increase in oversight can also assist with limiting the amount of mass murders that occur across the United States, as safety of the population should be the government's number one consideration in policy implementation.

Drawing upon proven successful measures that have been implemented globally can help deter firearm violence as a

whole in America. One of the major legislative acts that needs to be considered is the banning of all automatic firearms regardless of manufacture date. The U.S. federal government banned automatic weapons in 1986, but grandfathered pre-1986 weapons into the current law (Hirsh, 2013). Inclusion of any firearm modification that allows a non-automatic to act as one should be included within this ban. Fully automatic firearms have no necessity in modern society outside of war, which was federally decided in the case of *District of Columbia v. Heller* (Ruben, & Miller, 2017). The Supreme Court examined the scope to which the Second Amendment allowed citizens the right to bear arms and struck down the belief that firearm ownership is unlimited (Ruben, & Miller, 2017).

An additional regulation that can be adopted from both the States and countries like Japan is the nationally recognized firearm registration requirements. Proponents of strict firearm regulation have been calling for a firearm licensing system to be implemented so the government could easily track firearms and their owners. This federally recognized licensing system would ensure certain individuals are prohibited from firearm ownership. As a requirement for registration, adopting a mental health checkup like Japan's would lower the suicide rate by taking firearms out of suicidal individual's hands (Tsuboi, Satoh, Seto, & Osawa, 2014). Additionally, imposing the condition of mandatory training courses would help educate owners on the proper use and storage of their firearms. Implementation of a national registration would also be constitutional as it does not prevent capable citizens from the right to bear arms (Hirsh, 2013).

Another policy implication that would ensure that criminals do not acquire a firearm would be an increased

oversight of firearm storage. Unsafe storage of firearms results in an increased risk of deaths and injuries (Morrissey, 2017). Over 600 people died from an accidental firearm discharge in 2010, with 10% of the victims being children (Morrissey, 2017). A nationally recognized requirement for an increased storage system for firearms would greatly reduce accidental deaths and injuries, especially in regard to children (Cummings & Grossman, 1997).

### **Conclusion**

This research paper concludes that there are many changes and additions that the U.S. can implement to address the ongoing issue of firearm violence and to deter mass shootings. Multiple studies and research on the effectiveness of tough gun laws have proven the effectiveness of harsh firearm regulations. Locations within the United States, such as the cities of Chicago and New York have shown that tough gun laws are able to address the issue of firearm violence by placing the safety of the population over the wants of a few, all while ensuring the U.S. citizen's right to bear arms is not infringed upon. Additionally, countries that regard firearms as a privilege rather than a right have been able to eradicate firearm crimes within their respective countries overtime, and eliminate mass murders by firearms.

These implications, however, need to be taken with a grain of salt. Other countries do not have an equivalent to the United States' Second amendment, so infringing upon U.S. citizen's rights needs to be considered before drastic changes are implemented. Closing loopholes and keeping firearms out of the hands of individuals who are unfit to own them are proven to decrease firearm related violence and should bear the forefront of gun regulation. Measures such as ensuring safe storage practices and firearm registration would go a long way in ensuring that

firearms do not end up in the wrong hands. In general, there are proven solutions that can be implemented that can protect the everyday U.S. citizen while still ensuring that law-abiding firearm owners do not feel that their rights are being infringed upon.

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