

Common Sense Gun Control- Issues and Answers

A “White Paper”



We the People

“Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.”

Benjamin Franklin

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Introduction

Gun Control in America - Facts; not Emotions

The debate about the 2nd Amendment and gun control in America has been raging recently as strong as ever. That's generally a healthy thing in our democracy. But the misinformation, the groundswell of emotional rhetoric and the political posturing on both sides have driven me to re-enter the fray.

I got my graduate degree from the Rockefeller College of Public Affairs and Policy, a part of the New York State University System. While there I did a great deal of my research on, Guns and Gun Control, especially in New York State. I studied the history, the issues and the controversies. I studied under Professor Alan Lizotte, Ph.D., a recognized expert in the field of gun control issues and an outstanding researcher. He was on the committee that studied my final research and approved it, as did two other esteemed professors.

I went on to complete a career with the New York State Police, retiring as a Captain. So over my career I learned a little bit about crime and criminals - and *their* guns. **So I have been exposed to and learned both the academic and the practitioner sides of the gun control issues and debates.**

As I write this "White Paper", I shall try to interject some actual facts and common sense into the entire gun control debate across local, state, national and international boundaries.

Will I succeed in that goal?

You decide after you read it.

Chapter 1

History of Gun Control

In the Beginning - 1881

In 1881 the New York State Legislature, concerned about the rising violent crime rates involving the use of handguns, passed the following law: **412. A person who carries a concealed weapon about his person, any kind of fire-arms, being loaded or partly loaded, ... is guilty of a misdemeanor.** (New York Penal Code L. 1221 CH 676. Effective May 11, 1882).

Although this law and others like it were enacted by the Legislature, the crime problems continued in New York State. (An Overview of the Handgun Control System in New York State, by Roger V. Fulton, Spring, 1987).

More Gun Control Laws - 20 years later - The Sullivan Laws

Twenty years after the 1881 handgun law was passed, crime was still rampant in New York City. So the legislature passed a series of additional gun control laws, collectively known as The

Sullivan Laws, named for their sponsor Timothy D. Sullivan of New York City. These laws raised the unlawful carrying of an unlicensed concealed weapon to a felony, as well as requiring a police license to purchase a firearm. This new law was highly touted as the cure for the high crime rates and would get criminals off the streets of the City of New York. (Excerpted from *An Overview of the Handgun Control System in New York State* by Roger V. Fulton, Spring 1987).

New York Times Editorial on Gun Control

From the New York Times; an editorial on the gun control laws:

"The concealed weapon law has not worked as well as was expected by those of us who commended it. This is a fact too obvious for denial. Criminals are as well armed as ever, in spite of the sternness with which the law has been applied to a few of them. There is the impression among honest men, mistaken but none the less real, that they were wrongly deprived of the means of defending themselves and their property."

That editorial appeared in the New York Times on May 24, **1913**, two years after the Sullivan Laws had been passed.

But it could have been written yesterday, more than 100 years later!

Fast Forward 50 years

50 years after that New York Times editorial was published, in 1963 there were about 400 murders in New York City alone. That in spite of the fact that the Sullivan Laws and other gun laws in New York had been rewritten, amended, publicized and enforced. Yet the problem of criminals with guns had not gone away. In 1963 the city started keeping track of the number of homicides in the city.

Again from the New York Times, "That was 1963. The body count that year reflected the beginnings of what was to be an alarming rise in the city's murder rate through 1990. In that year [1990], the city's worst, there were 2,245 homicides and New York City was known as the murder capital of the nation." **NY Times, December 31, 2007.**

So why were the gun laws of New York, some of the most-strict gun laws in the country, ineffective in controlling the violent crime problems of New York?

Who Was doing the Gun Crimes?

The Police Foundation's 1987 study undertook an evaluation of who the gun offenders were. No other study had clearly identified who was guilty of possessing and unlawfully using handguns in New York State. Their findings were enlightening and could be critical to understanding the total problem.

"Most gun offenders were between 18 and 25. One half were black. One half had not completed high school. Although 2/3 had prior misdemeanor and felony arrests, few had been convicted of these crimes."

Perhaps the entire Police Foundation study of the handgun control law [of 1980] can best be summed up by the title of Chapter Six of that report: "CONCLUSION: OVERSOLD BUT NOT NECESSARILY USELESS."

Sources: Police Foundation, *The 1980 New York Gun Law; An Evaluation of its Implementation and Impact*, Final Report to the National Institute of Justice, January 9, 1987 and
An Overview of the Handgun Control System in New York State by Roger V. Fulton, Spring 1987.

Prosecutors and Judges and Firearms Laws

In 1980 mandatory sentencing laws were passed by the New York State Legislature. The message they tried to send was "Get caught with a loaded gun and you'll do at least a year in jail." It certainly looked good on paper.

In 1981 the New York Division of Criminal Justice Services undertook a study to see how effective this new "mandatory sentencing" law had been in New York City. But they only studied "Loaded Gun Arraignments" that made it through the initial prosecutor discretionary phase as to whether or not to proceed to the arraignment stage. To make this long and technical study short, more than 60% of persons **convicted** of these "Loaded Gun" charges did not serve the mandatory one-year sentence as laid out by the legislature. The report cited below stated, "...it is still obvious that the intent of the law was not being complied with by prosecutors and judges to the fullest extent."

Sources: "Criminal Possession of a Loaded Firearm Outside the Home or Place of Business - The effect of the Gun Law in New York City," contained in Division of Criminal Justice Services Semi-Annual Report on Violent Felony and Juvenile Offenses in New York State. February 2, 1982

And, *An Overview of the Handgun Control System in New York State* by Roger V. Fulton, Spring, 1987, Page 39

Legislative Focus - Not solving the problem

In 1987, after extensive research into the crime problems of New York and the legislative history of more than 75 years of increasingly punitive gun control laws, Roger Fulton wrote:

"Few criminals apply for permits for their guns and few permit holders become criminals. The simple logic of this situation indicates that more general legislation will not solve the problem. For over 75 years, the legislators have tried to impose legal standards on an element of society which ignores the law and also has few ethical standards."

"The burden of these laws has fallen, not on the law violator, but on the law-abiding citizen. There is little equity in a system that threatens a law-abiding permit holder with up to six months in jail for failure to change his address, when a majority of persons arrested for illegal handguns spend no time in jail."

"The Police Foundation study has identified the offending population as being urban and young with previous arrest records. Yet most permits in New York State are held by persons in rural or suburban areas with no arrest records. Legislators should target the offending population, not the law-abiding population, if they expect their efforts to be effective."

Source: *An Overview of the Handgun Control System in New York State* by Roger V. Fulton, Spring, 1987

The Next 25 years - 1987 to 2012

Regarding Gun Control legislation not much changed in this 25-year period. There were a few minor amendments to the gun control laws of New York State. But overall it was quiet. Law abiding citizens, about 550,00 of them, had legal pistol permits in New York State. Gun crimes continued in New York State, but not by legal pistol permit holders. Millions of New Yorkers continued to own shotguns, rifles and even the legally defined "assault rifles". No permit needed unless it was fully automatic. That meant one pull of the trigger would trigger a continuous hail of bullets. Those had been banned since the organized crime era of the 1930's by the Federal Government, as well as the State of New York. New Yorkers continued to have the right to protect themselves and their families with firearms of their choice with limited restrictions. Life was generally good and safe in the rural and small town areas of New York. The **major cities** however, continued to have crime problems from drug dealers and gangs, including "drive by" shootings over turf wars using illegally obtained and unregistered weapons.

Chapter 2

Why Gun Control Laws Don't Work

Why Gun Control Laws Don't Work

Despite all of my criminal justice related degrees, the extensive research I have done over the years on this subject and the thousands of pages of studies I have reviewed, I'm not sure I can make my findings complicated. In fact, any reasonable person with some basic common sense could come to the same conclusion that I have for why the New York and other national, state and local gun laws have not worked.

Criminals, by definition, don't obey laws!!!!

"Crime Control;" not "Gun Control" - A Common Sense Approach

With crime rates out of control in New York's major cities during the early part of that 25-year period from 1987 to 2012, police departments and politicians sought solutions. Common Sense actually prevailed as law and order politicians started to target the offending populations. New York City found that the same guy who was jumping the turnstile in the subway, once apprehended for that minor violation was actually in possession of an illegal handgun used in a homicide earlier that week. So they started targeting career criminals at all levels. Gang units were created to specifically go after the increasing gang activity that was controlling certain neighborhoods where crime rates were highest. Rules were set to keep known criminals from residing in public housing projects. New York State built more and more prisons to house career criminals. AND, homicide and other crime rates started dropping!

These actions were consistent with the recommendations of the 1987 commission and were effective.

Politics and Gun Control Laws

Since the 1700's governments in America have passed laws to control who could have guns in the various colonies and states. The British wanted to limit the guns in Colonists' hands for fear of them taking up arms against their English governors. Plantation owners wanted laws to keep guns out of the hands of their slaves, lest they rise up against them. When the Sullivan Laws of New York were passed in the early 1900's they were immediately used for political purposes. If you were in the wrong political party for your area, you could not obtain a permit for a handgun. Even as recently as the 1990's, and maybe even today, if you are affiliated with the wrong political party for your county in New York your application for a pistol permit may be "delayed" or outright denied by the county sheriff or judge.

This type of action or inaction by local authorities pales in the face of the bigger issues. Some politicians and special interest groups want to ban ALL guns in the United States, or at least require them all to be registered, citing crime statistics.

Opponents say that "registration is the first step toward confiscation" and they may be right. As recently as December 2012, **New York's Governor Andrew Cuomo** stated in a radio interview with WGDM - AM radio in Albany, NY "**Confiscation could be an option. Mandatory sale to the state could be an option. Permitting could be an option - keep your gun but permit it.**" So are his options viable and appropriate for the safety of New York's neighborhoods and communities? Or is he, as some of his opponents have voiced, "a treasonous tyrant who is out of control?"

We will explore the history of similar registration and confiscation schemes from around the world in our next entry.

Are You Politically Incorrect?

Back in the 1990's we had an article published titled, *Are You Politically Incorrect?* Within that article we included the research of F.C. Miller, the Editor of *Informed Source Newsletter*, a newsletter for professional security people in both the public and private sectors. Here are the details of her research.

[In 1911, Turkey forced gun control on its citizens. From 1915 to 1917, 1.5 million "politically incorrect" Armenians, unable to defend themselves, were systematically rounded up and exterminated.

In 1929, the Soviet Union forced gun control on its citizens. From 1929 to 1953, some 20 million "politically incorrect" citizens, unable to defend themselves, were systematically rounded up and exterminated.

In the late 1930's Germany forced gun control on its citizens. From 1938 to 1945, more than 6 million, "politically incorrect" Jews and others were systematically rounded up and, unable to defend themselves, were exterminated in what is today known as "The Holocaust."]

Informed Source Newsletter continued on with similar "gun control" accounts from a variety of other countries around the world. The results were always the same; first "registration" then "confiscation", and then the "elimination" of their own, "politically incorrect" citizens.

So where do you stand in America today? Are you "politically correct" or "politically incorrect"? And ask yourself, "When will YOUR "political status" change? And what will you do about it if it does?"

"Back Door" Gun Control Efforts

Some jurisdictions in the United States, realizing that they continually lose outright gun bans as being unconstitutional, have tried to pass "back door" legislation to get around those Constitutional challenges. They have tried to ban certain "classes" of weapons such as weapons classified as "assault weapons" that have certain legislatively defined characteristics such as folding stocks or muzzle flash suppressors. And those have had limited success depending on the jurisdiction and the courts covering those jurisdictions. When one city outlawed "gun dealerships" within the city limits, the Supreme Court determined that that was effectively denying its law abiding citizens access to firearms they were entitled to under the 2nd Amendment to the Constitution. Other "back door" attempts at gun control legislation have included local registration, ammunition registries, excessive pistol permit application fees and even "gun buyback" programs. Do any of them work?

We have already established in previous postings that gun control laws are outright ignored by criminals, diluted by prosecutors and judges and that some honest "law abiding" citizens feel that they have been legislatively "deprived of their right to defend themselves and their families" just as they were by the Sullivan Laws of New York back in 1913. If "gun control" was the solution to eliminating crime in the United States, I would have advocated it throughout my 40-year criminal justice career and would have been a hero writing about it and its implementations.

Chapter 3

More Issues

Why Do Americans Need Guns, Anyway?

The following article was written in about the year 2000 to address this issue. It is as appropriate today as it was then. With the average police response time nationally at 11 minutes as of this writing in 2014, think about what you will do in those agonizing 11 minutes when someone is breaking into your house. (If you live in Detroit, it may be as long as 58 minutes you will wait for a police response.)

Common Sense Gun Control

By: Roger Fulton, Ph.D., Criminal Justice Management, Captain, NY State Police, (Ret.)

WHY DO AMERICANS NEED GUNS, ANYWAY?

That's a good question. And it is one that deserves a simple answer.

To protect themselves and their loved ones.

"But we have the police to protect us," you may counter. And you are right. Usually.

When a crime has happened, is about to happen, or even if we are afraid, most people in the United States simply dial 911 for help. That's nice, and a great system. But what do you do while it takes police officers 3, 5, 7 or in some cases, as much as 45 minutes - or more - to respond to your request for help?

If you cannot successfully protect yourself and your family during that delay, you may be a dead victim when the police finally do arrive.

Need more info on this whole personal protection topic? Let's take a look at a couple of serious problems which have occurred in this country in the past. Could you successfully defend yourself and your loved ones, without a gun, in the following reality-check situations?

Natural Disasters

Hurricane Andrew devastated southern Florida and particularly hit the area of Homestead, Florida with winds of up to 160 miles per hour. Homes were blown away. There was no power, no telephone and no food or fresh water. Disaster relief could not even get into the area due to debris and the wholesale destruction caused by the hurricane.

Within hours, those who had food and water, were being accosted by those without, who wanted their food and water. Those life sustaining supplies were then looted from the survivors who had them, by those who wanted them. In some cases, the looters threatened honest citizens with a variety of weapons from sticks to guns to obtain their food and water.

As time went on, the desire for food and water got stronger, as did the tactics and amount of force used to steal them. After the third day, disaster preparedness officials went on national TV begging for help before anarchy completely ruled the disaster area. Disaster relief ultimately arrived, but not before many honest and unprepared citizens had been robbed by desperate and armed thugs.

Where would you, as an honest citizen, have been in the food chain during this actual disaster? Could you have protected your family's food and water from armed predators willing to steal everything you had? Without a gun, you would have been defenseless. There will always be hurricanes and tornadoes and other natural disasters. Are you prepared?

Civil Unrest

After the infamous Rodney King trial in 1992, the South Central area of Los Angeles erupted in a riot of proportions seldom seen in the United States. Arson, snipers, rioting and looting were the rule in some areas. The police were overwhelmed. In most cases the best they could do was to protect city buildings, and cover fire crews who were often being fired upon by snipers. The carnage lasted for days, with more than 60 deaths.

With the police overwhelmed, and rioters and looters in the streets, where would an unarmed citizen find themselves on the food chain of the riot? Armed citizens were able to protect their families and property from looters and arsonists. Unarmed citizens fell victim to marauding gangs of looters. In some cases, those unarmed citizens lost their most valued possessions. As much as we like to think of our America as a civilized and progressive society, we must recognize that the division between a civilized society and anarchy is a delicate one. When the police are overwhelmed, it is up to us to protect our families and possessions. That has always been the American tradition and will remain so into the future.

Where will you be?

We hope it never happens to you, but when anarchy rules the streets, where will you be? Will you be an honest, armed citizen, capable of deterring the most violent of predators, or will you be

a willing victim due to your lack of resolve and preparation?

We hope you will never have to answer that question. However, natural and man-made disasters will always be an unpredictable factor in our lives. The question remains, "Are you prepared to defend yourself and those you love?"

It may be a looter who wants your life-sustaining water, or a sexual predator after your children. The question you need to ask yourself is, "What will I do when the phone lines are dead?" Or if 9-1-1 doesn't answer?

It's your decision.

Bio: Roger Fulton retired from the New York State Police as a Captain. He completed his graduate work on the Issues of Gun Control and Its Effectiveness. He is now trying to interject common sense and facts into the emotional debate over gun control in the United States in 2016.

City vs. Country

Watch the evening news in any major city and you will be advised of armed robberies and night club shootings, carjackings at gun point and reports of stray bullets flying around city streets.

Go out into rural America and those events seldom happen. Out in the country, you will find residents at gun ranges competing in skeet and trap competitions with shotguns, and friendly marksmen competitions using rifles and handguns. Along the route to the gun range, you will see signs for church suppers and bingo. According to one Gallup poll, it shows that seven out of ten rural American households have guns.

The truth is that our opinions about guns stems from our own life experiences. Dr. Alan Lizotte, who I studied under, found the biggest indicator of whether or not your household has a gun was where you lived when you were 10 years old, city or country.

Law abiding country people use legal guns for hunting, target shooting and home protection.

In the cities, most people don't own guns. Most have never shot a gun. All they know is what they see on the evening news. What the evening news doesn't report is that the city people committing "gun violence" on city streets are using illegal or stolen guns and many are perpetrated by street gangs and drug dealers. Not by law abiding citizens.

It's City vs Country, another way to divide our citizens by only telling part of the "gun violence" story.

How Many Guns are in Private Hands in the U.S.?

As of June 14, 2013, gun ownership numbers from the Pew Research Center were published in an online article by Drew DeSilver. "Gun ownership is one of the hardest things for researchers to pin down", he wrote. But the estimates of the number of firearms in civilian hands in the United States is estimated at between 270 million and 310 million. THAT's a lot of guns! And those are the numbers that people admit to having. That doesn't include the unlawfully owned

guns in the possession of gang members, drug dealers and convicted felons.

So where are all of these guns and who owns them? Answer: **Nobody knows**, not the researchers, not the police and not the Federal government. Gun owners are very hesitant to let anyone know they have guns in their homes or places of business. They fear that thugs will try to break in and steal them if they know where they are. And they fear that the police or other government agencies will "target" them for special treatment by anti-gun politicians or agencies. Anti-gun entities want all guns removed from private hands. Pro-gun entities say that it is a 2nd Amendment right for citizens to own guns, for personal protection or for any other reason. Who is right? Or is the best answer somewhere in the middle? We will continue to explore this issue as we progress.

Gun Free Zones

“We’ll just not allow guns in zones around schools, malls and any place else where large numbers of people gather or could be hurt.”

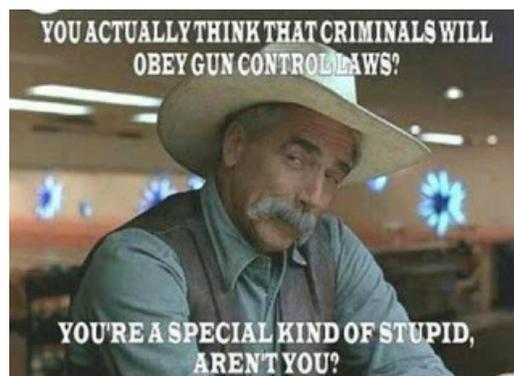
That’s almost an open invitation to say to bad guys, “Hi, here is a soft target so you can attack citizens here, and there will be nobody here to challenge you. Come on in.”

Laws like this are nothing more than “feel good” legislation or policy. Criminals by definition, don’t obey laws and they don’t care about good intentions or policies. They just know that if they can go into a “gun free” zone, they can commit robberies, muggings, or even mass murder and cannot be stopped until the police arrive. And by then, they may be gone.

Whoever thought up or even supported “gun free zones” has to be either naïve or just plain dumb.

William Shakespeare and Gun Control Laws

According to William Shakespeare, "In jest, there is truth". And since we have been talking about criminals, by definition, ignoring gun control laws, here is a tidbit we found to emphasize the point with a bit of humor. Source unknown.



Chapter 4

Illegal Use of Guns

Guns and Illegal Drugs

It's taught in a Policing 101 class - "Where you find illegal drugs, you find guns."

And the guns you find are not from legal sources. Quite the contrary. They are stolen guns bought on the black market. Or guns from "straw purchasers" who are legal but then sell their legally purchased guns to drug dealers and convicted felons on the street.

And it makes sense from the drug dealer's perspective. He/She is dealing with desperate people who are addicted to drugs. And they are in competition with other drug dealers for supply and clients. If someone tries to "rip them off" they need a means to protect their illegal operation. And that is those illegal guns!

After all, they can't call the police for protection or to report a robbery.

Recently the Federal government has announced that they are going to release thousands of what they call "non-violent" drug offenders from Federal prisons. How naive do you have to be to do that? Where are those generally unskilled, uneducated prisoners going to go? They are going back to their old neighborhoods, to their old cronies who were in the same industry, and go back to their old ways of dealing drugs.

Make no mistake, these are not wayward college students who got caught with a joint of marijuana. These are often hardened criminals and gang members who were finally caught with lots of drugs! And now, from their time in prison, they have made even better "contacts" in the crime world.

And the illegal guns and violence will follow. From my more than 40 years in the law enforcement profession, I can guarantee that most of those "non-violent" drug offenders will be back in the prison system in very short order. For the Federal government to release them back into society today is a huge mistake and will result in serious problems in both our inner cities and our suburbs as they spread their drug culture and violence until they get caught and sentenced once again.

“Straw” Purchases

So you are a street gang member in an inner-city neighborhood. You have already been convicted of several felonies and done time in prison, even before your 25th birthday. You want a gun but know you can't pass a background check to get one. Not even a shotgun. So what can you do?

It's easy. Find a fellow gang member or a girlfriend to buy it for you. Tell him/her what you want, and have them go in and buy it. Their background is clear and even with a waiting period, they got the gun. They walk out of the store and hand it to you. You give them the price of the gun, plus \$100.

They are happy, the government has done its background checks and you, the convicted felon, have a gun to protect you, your fellow gang members and your drug stash.

Assault Weapons

What is the definition of an assault weapon? It depends who you ask.

It's all in what a legislature says it is. Some laws have named specific weapons as assault rifles. Most legislation defines them by using various criteria, such as "has an ability to accept a detachable magazine". And some laws assign the assault weapon a number based on physical characterizes such as a folding stock or a muzzle flash suppressor.

According to an article by Polly DeFrank, a researcher with NBC News, "In 1990, there were an estimated 1 million privately owned assault weapons in the United States", as defined by Congress.

Most of these were rifles, which are not easily concealed and are seldom used in crimes. Most are used for target practice or in some form of gun competition. Many are kept "in the house", just in case of serious disasters or man-made civil chaos.

In 1994, Congress passed a ban on assault rifles and pistols and large capacity magazines. It expired 10 years later.

Was it effective in reducing crime? It depends, again, on who you ask. Anti-gun people dance around with vague statistics. Pro-gun people say the bans did not reduce crime and should not have been passed.

Individual states have taken to passing similar bans. In many states dominated by large cities, these bans have been enacted to various degrees. Are they effective in reducing crime or high casualty shootings?

The truth is that nobody really knows. But in those states and cities, there are many law-abiding citizens who feel that they have been disarmed in violation of their "right to bear arms", under the 2nd amendment to the United States Constitution.

On Mass Shootings

Americans have short memories! Mass shootings have always occurred. It's just that communications are much better today and we have instant coverage. Here is the excerpt from the Texas Tower Shooter more than 50 years ago. It was a lot worse than any of the recent carnage incidents today, with a lot less firepower on his side. You can't prevent "evil" with more laws.

[On August 1, 1966, Charles Whitman climbed to the top of the University of Texas Tower with three rifles, two pistols, and a sawed-off shotgun. The 25-year-old architectural engineering major and ex-Marine who had previously complained of searing headaches and depression had already murdered his mother, Margaret, and his wife, Kathy, earlier that morning. He fired his first shots just before noon, aiming with chilling precision at pedestrians below. "The crime scene spanned the length of five city blocks... and covered the nerve center of what was then a relatively small, quiet college town," noted executive editor Pamela Colloff in her 2006 oral history of the shootings. "Hundreds of students, professors, tourists, and store clerks witnessed

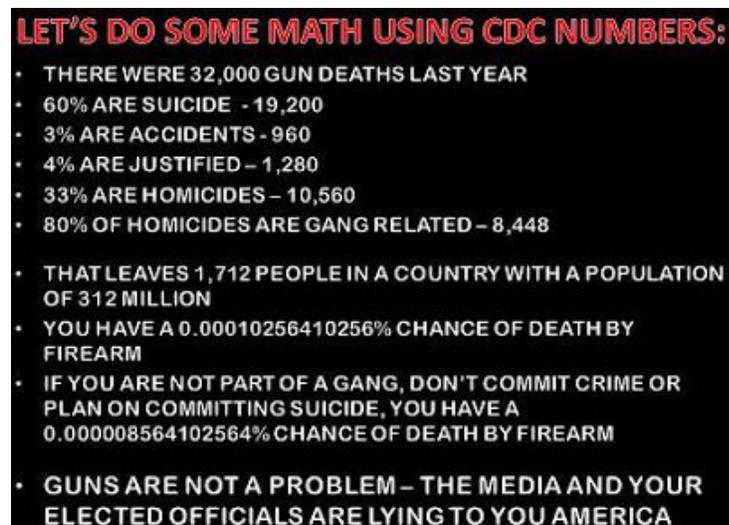
the 96-minute killing spree as they crouched behind trees, hid under desks, took cover in stairwells, or, if they had been hit, played dead.”

At the time, there was no precedent for such a tragedy. Whitman “introduced the nation to the idea of mass murder in a public space,” wrote Colloff. By the time he was gunned down by an Austin police officer early that afternoon, he had shot 43 people, thirteen of who died.]

1966:50 years ago! Evil is evil. It is what it is!

CDC Statistics on the Use of Guns

Somebody has compiled these statistics. I cannot verify them. But they are consistent with my research and findings, over the last 30 years.



LET'S DO SOME MATH USING CDC NUMBERS:

- THERE WERE 32,000 GUN DEATHS LAST YEAR
- 60% ARE SUICIDE - 19,200
- 3% ARE ACCIDENTS - 960
- 4% ARE JUSTIFIED - 1,280
- 33% ARE HOMICIDES - 10,560
- 80% OF HOMICIDES ARE GANG RELATED - 8,448

- THAT LEAVES 1,712 PEOPLE IN A COUNTRY WITH A POPULATION OF 312 MILLION
- YOU HAVE A 0.00010256410256% CHANCE OF DEATH BY FIREARM
- IF YOU ARE NOT PART OF A GANG, DON'T COMMIT CRIME OR PLAN ON COMMITTING SUICIDE, YOU HAVE A 0.000008564102564% CHANCE OF DEATH BY FIREARM

- GUNS ARE NOT A PROBLEM - THE MEDIA AND YOUR ELECTED OFFICIALS ARE LYING TO YOU AMERICA

Yet politicians are asking for even more gun control laws!

It's not the guns that are the problem, it's the people: Competing gang members, radicalized religious zealots and mentally ill people. None of those groups are going to obey more gun laws.

More gun laws have not worked since 1881, and they are not going to work any better in the future.

Chapter 5

Guns and Law Abiding Citizens

2nd Amendment Rights

Amendment II- “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.”

The interpretation:

Some people focus on the “well-regulated militia” part of the amendment. Their view is that it is not an individual right and say that today’s National Guard is the modern day militia that can have and bear arms.

Others focus on the phrase “the right of the people to keep and bear arms, shall not be infringed.” They claim that the right for individual citizens to bear arms is the essence of the amendment.

Even the Supreme Court of the United States can’t unanimously agree on which interpretation is the right one. They have made a few rulings since 1789, but not many. It’s too controversial and they can’t agree. They have said essentially you can’t have hand grenades or bazookas, but they have also upheld the right of citizens to bear firearms for personal and family protection in their homes and elsewhere.

For right now, most of the myriad of local, state and federal gun laws have not been Constitutionally challenged or have not reached the Supreme Court, or have not been allowed to be heard by the Supreme Court.

So for the most part, if you choose to own a gun, for “whatever reason”, you are subjected to all of the local, state and federal laws regarding guns, Constitutional or not.

Law Abiding Citizens and Gun Control Laws

Back in 1987 we personally interviewed the man in charge of the New York State Pistol Permit Section for the previous 14 years. Here is the summary as excerpted from that interview. As you read this, keep in mind that New York's crime rates, including homicides were rising to record levels during this time period.

"It should be noted that Lieutenant Lee O. Thomas, Officer in Charge of the State Police Pistol Permit Section for the past 14 years, stated that there have been so few of these cases where licensees were arrested for any crime that he doesn't even keep records of them after the case is handled. This despite the fact that there are over 500,000 licenses outstanding in the state."

Source: Personal interview with Lieutenant Lee O. Thomas, Officer in Charge of the Pistol Permit Section of the New York State Police, Albany, NY. January 19, 1987

It seems that "**Law Abiding Citizens DO Obey Gun Laws!**"

Chapter 6

The Business of Gun Control

The controversies over the various issues of gun control are actually good for the United States economy. How so?

Anti-gun politicians take advantage of high-publicity shootings to send out paper and internet fund raising flyers to ask for funds to support the anti-gun lobby that helps to fund their campaigns and legislative agendas.

Pro-gun advocates do the same type of fundraising propaganda to help defeat the anti-gun politicians and lobbyists.

On both sides, jobs are created. Associations on both sides fund politicians, staff and lobbyist advocates. There is no shortage of both anti-gun and pro-gun citizens willing to fund their own personal agenda by sending in member dues or donations to the organizations of their choice.

When controversy is generated by some high profile event, citizens fear future anti-gun legislation which may restrict ownership, demand registration, or confiscation of their firearms. Firearms and ammunition sales soar.

At the same time, contributions of funds to anti-gun organizations also soar.

Who is right and who is wrong in this business surge over the controversy of gun control?

You can decide on your own, but it seems it's all good for our economy.

Fear, Taxes and Gun Control

There is a federal excise tax on the sale of firearms and ammunition in the United States. And the fear of increasing control or banning of firearms in the future has spurred sales and excise tax revenues for the Federal government.

When a new president was elected in 2008, a Gallup survey found that 41% of respondents believed the new president would try to ban the sale of guns in the United States during his presidency. They rushed to buy guns and ammunition before such a ban was put in place. It actually created a shortage of ammunition available and gun sales and gun permit applications sky rocketed.

All those sales also sky rocketed those excise taxes from \$350 million in 2008 to \$450 million in 2009.

Fear of losing gun rights apparently spurs gun sales and government revenue.

Chapter 7

Conclusions

The current gun laws on the books are violated by criminals and diluted by prosecutors and judges. This is not just in New York, but across the nation.

Additional gun laws will not help. They will only be obeyed by law abiding citizens, who are not the people committing gun crimes as we have previously stated.

Legal Success in the Future - Some conclusions from the 1987 Report

1. Future legislation should be based on adequate research.
2. Future legislation should target the offending population without adding unreasonable burdens to the law-abiding population.
3. Any new legislation should include sufficient resources to properly train law enforcement personnel, prosecutors and judges in the new law, its purposes and goals.
4. Existing loopholes should be evaluated [and closed] with a view toward strengthening the law as it applies to the offending population.
5. A penalty for violating the law must be swift and sure if it is to be a deterrent to criminal conduct.

Currently, the criminal justice system in New York State is not meeting this challenge. Whether it is the fault of the law, law enforcement, prosecutors, judges, or a combination of the various segments, steps should be taken to ensure that the system meets the challenge before it.

Source: An Overview of the Handgun Control System in New York State by Roger V. Fulton, Spring, 1987

Now in 2016

After all the research papers and articles I have written or reviewed, I can only say that before any future legislation is proposed, or especially voted on, this “White Paper” should be mandatory reading for all involved. Gun control issues are too often emotionally driven, rather than fact driven. Especially after high profile events involving special tragedies or children. As one political account noted, “Never waste a crisis moment.”

Such self-serving rhetoric should have no place in this debate. Balanced education about gun control issues should be demanded by both sides to allay the concerns of both pro and anti-gun

proponents. And American citizens should be told the truth, not subjected to self-serving political rhetoric.

Reading this “White Paper” would be a good start for all!

Spread the word that the truth is here.