

# **THE GUN FACT BOOK**

**VERSION 1.5**

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## **PURPOSE**

This worked is designed to serve those defending the Constitution of the United States of America, and the 2<sup>nd</sup> Amendment in particular.

The goal of Gun Facts is to give you a quick reference guide for composing arguments for debates, letters to editors, mail to your representatives, and statements to the media.

Public education is the key to protecting all of the rights that "We the people" reserve for ourselves, and to return to us safe streets and bright futures for our children.

## **COPYRIGHT INFORMATION**

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## **QUESTIONS, CORRECTIONS AND SUGGESTIONS**

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## THE AVAILABILITY OF GUNS

### Myth: The availability of guns cause crime

**Fact:** In 1993 there were an estimated 228,660,966 guns in the US. There were also 1,134,102 gun-related incidents (fatal and non-fatal).<sup>1</sup>

- This translates into 0.5% of all guns being used incidents (much less than actual crimes)
- This also assumes that each incident was committed by only one gun – criminals use the same gun over and over, so the 0.5% is *high!*
- The same studies indicate that less than 1% of all guns will ever be used in any crime what so ever.

**Fact:** Between 1959 and 1999, the number of gun owning households fell from 49% to 40% while violent crime rose steadily.

### Myth: A handgun in the home is 43 times more likely to be used against your own family than a criminal.

**Fact:** This number was derived from the infamous Kellerman study<sup>2</sup>. Of the 43 deaths Kellerman tallied, 37 were suicides. Kellerman admits that his study did "not include cases in which burglars or intruders are wounded or frightened away by the use or display of a firearm." He also admitted his study did not look at situations in which intruders "purposely avoided a home known to be armed." This is a classic case of a "study" conducted to achieve a desired result.

### Myth: 58 percent of murder victims are killed by either relatives or acquaintances

**Fact:** Acquaintance murders primarily include drug buyers killing drug pushers, cabdrivers killed by first-time customers, gang members killing other gang members, prostitutes killed by their clients, and so on<sup>3</sup>. Only one city, Chicago, reports a precise

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<sup>1</sup> Gary Kleck, Criminologist, Florida State University

<sup>2</sup> Arthur L. Kellermann, Protection or Peril?: An Analysis of Firearm-Related Deaths in the Home, 314 New Eng. J. Med. 1557-60 (1986)

<sup>3</sup> The broad category of "acquaintance" comes from the FBI Uniform Crime Statistics.

breakdown on the nature of acquaintance killings: between 1990 and 1995 just 17 percent of murder victims were either family members, friends, neighbors and/or roommates.

### **Myth: Assault weapons are a serious problem in the US**

**Fact:** In 1994, you were eleven times more likely to be beaten to death than to be killed by an assault weapon<sup>4</sup>. This was before the Clinton assault weapons ban.

**Fact:** Assault weapons are used in only 2-3% of crimes involving firearms<sup>5</sup>.

**Fact:** Most of the weapons listed in government "assault weapons" lists are not assault weapons<sup>6</sup>. Most of the listed weapons simply look like military weapons.

**Fact:** Even weapons misclassified as assault weapons (common in the Federal and California assault weapons confiscations) are used in less than 1% of all homicides<sup>7</sup>.

**Fact:** Confiscation statistics:

- Los Angeles: In 1998, one 3% of weapons confiscated by the police we classified (even by the incorrect classification scheme used in California) as "assault weapons".
- San Francisco: In 1998 only 2.2% of confiscated weapons were "assault weapons".
- San Diego: Between 1988 and 1990, only 0.3% of confiscated weapons were "assault weapons".
- Nationwide:
  - Between 1980 and 1994, only 2% of confiscated guns were "assault weapons".
  - Just over 2% of criminals that used guns used assault weapons.
  - Only 1% of police officers murdered were killed during assault weapons.

**Fact:** Los Angeles: In 1998, of 538 documented gun incidents, only one involved an "assault weapon".

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<sup>4</sup> 1994 FBI Uniform Crime Statistics

<sup>5</sup> 1990, Justice Department Analysis

<sup>6</sup> Department of Defense Small Arms Identification and Operations Guide: Assault weapon defined as 'short, compact, *select-fire* weapons that fire a cartridge intermediate in power between submachine gun and rifle cartridges".

<sup>7</sup> 1993 FBI Uniform Crime Statistics

## Myth: More children are hurt with guns than any other method

**Fact:** In age groups 0-14, people are 12.0 times more likely to die in an automobile accident than from gun related homicides or legal interventions (being shot by a cop for example). For the group 0-24 years old (which bends the definition of ‘child’ quite a bit), the rate is still 8.6 times high for cars.<sup>8</sup>

**Fact:** 0.1% of all deaths for children between ages 0 and 14 are from firearms. The rate for “children” 0-24 years old is 0.4%.

|   | Ages 0-14 | Ages 0-24 |
|---|-----------|-----------|
| Suffocations                                  | 42.6%     | 36.9%     |
| Other   | 35.1%     | 25.2%     |
| Transportation, other                         | 6.0%      | 6.7%      |
| Poisoning                                     | 6.0%      | 22.5%     |
| Stuck by (beatings, bludgeoning, accidentals) | 5.3%      | 4.7%      |
| Natural/environmental                         | 3.7%      | 2.6%      |
| Motor Vehicle                                 | 0.6%      | 0.7%      |
| Drowning                                      | 0.3%      | 0.1%      |
| Fire/hot substance                            | 0.2%      | 0.1%      |
| Firearms                                      | 0.1%      | 0.4%      |

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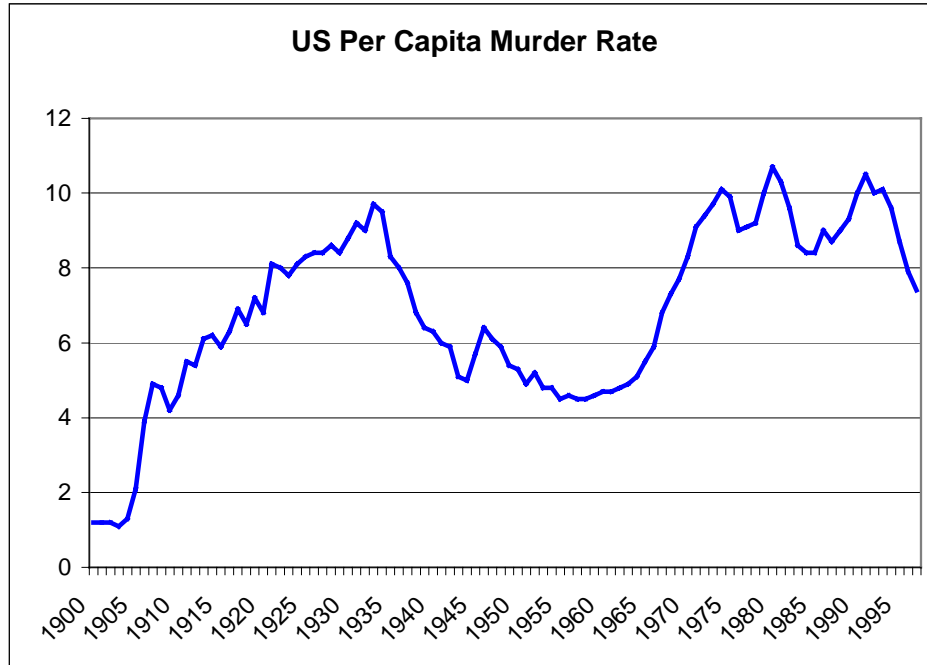
<sup>8</sup> 1997 National Center for Health Statistics National Vital Statistics Report



## GOVERNMENT AND GUN LAWS

### Myth: Gun control reduces crime

**Fact:** Violent crime seems to be encouraged by gun control. Most gun control laws in the United States have been written since 1968, yet the murder rate has risen during that time<sup>9</sup>.



### Myth: Guns laws are being enforced

**Fact:** Since President Clinton took office, federal prosecutions of gun-related crimes have dropped more than 44 percent<sup>10</sup>.

**Fact:** The average sentence for a federal firearms violation dropped from 57 months to 46 months from 1996 to 1998.<sup>11</sup>

**Fact:** In 1988 the government prosecuted just eight children for gun law violations. In that same year there were<sup>12</sup>:

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<sup>9</sup> National Center for Health Statistics, Vital Statistics, Revised July, 1999

<sup>10</sup> Transactional Records Access Clearinghouse (TRAC) at Syracuse University covering 1992 through 1998

<sup>11</sup> Justice Department

- 8 prosecutions for juvenile handgun possession.
- 6 prosecutions for handgun transfer to juveniles.
- 1 prosecution for Brady Law violations.

The shame of it is that when the existing 20,000 gun laws are enforced, crime drops.

**Fact:** 18-20 year olds commit over 23% of all gun murders<sup>13</sup>. None of these criminals are allowed by law to own a handgun.

**Fact:** Project Exile in Richmond, Virginia prosecutes felons caught with guns using Federal laws that require mandatory imprisonment. The result is a 33% drop in homicides for the Richmond Metro area in years where the national murder rate was climbing<sup>14</sup>.

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<sup>12</sup> Justice Department

<sup>13</sup> United States Treasury and Justice Department Report, 1999

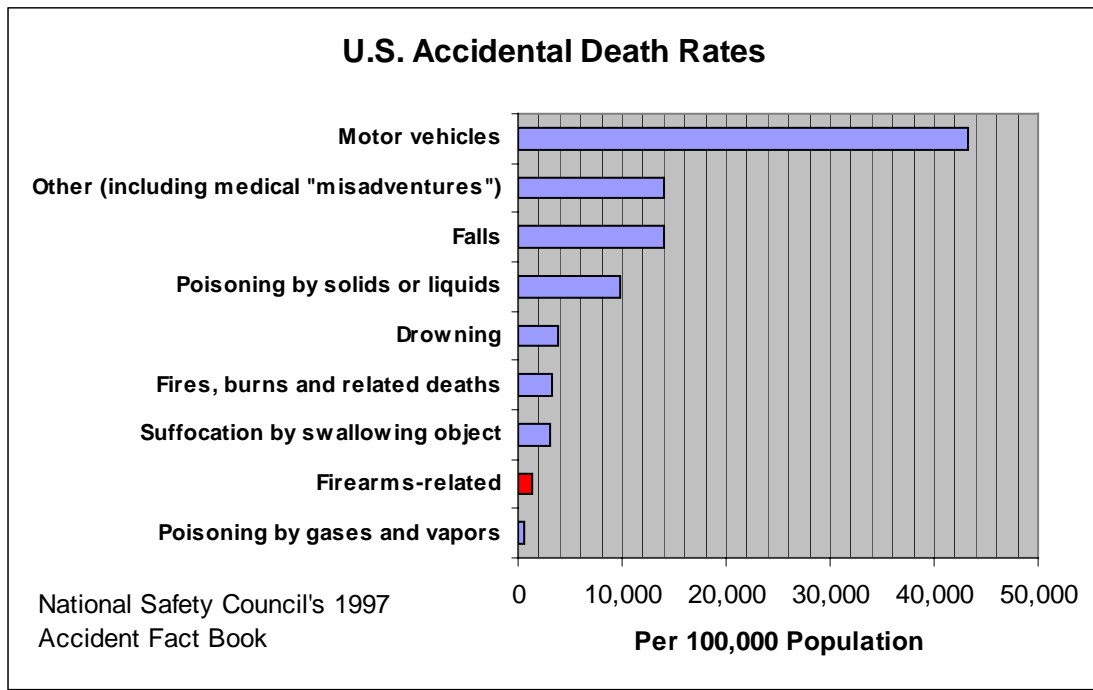
<sup>14</sup> FBI Uniform Crime Statistics

## ACCIDENTAL DEATHS

### Myth: Accidental guns fatalities are a serious problem

**FACT:** Guns contribute only a small number of accidental deaths in the US. For example, compared to accidental death from firearms, you are:

- Twice as likely to suffocate on a swallowed object
- Seven times more likely to be poisoned
- 10 time more likely to die falling
- and 31 times more likely to die in an automobile accident



**Fact:** In 1996 there were only 44 accidental gun deaths for children under age 10. About twice as many children under 10 die from drowning in bathtubs<sup>15</sup>.

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<sup>15</sup> Dr. John Lott Jr., University of Chicago School of Law

**Fact:** Medical mistakes kill 400,000 people per year – 10 times the rate of all gun related deaths (including those where citizens killed criminals in self defense, suicides, etc.) and 266 times the accidental gun death rate.<sup>16</sup>

### **Myth: Gun accidents are flooding emergency rooms**

**Fact:** The rate of gun accidents is so low, the U.S. Consumer Product Safety Commission doesn't even mention them.

### **Myth: "Junk" guns are dangerous and should be banned**

**Fact:** In the history of the state of California, not one lawsuit against a gun maker has been filed based on a weapon being defective or poorly designed.<sup>17</sup>

### **Myth: Guns Are Inherently Unsafe and Should Be Made to Conform to Product Liability Laws**

**Fact:** Guns are already covered under product liability laws.

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<sup>16</sup> Medical death statistics from Dr. David Lawrence, CEO Kaiser Permanente. Gun deaths are for 1993, CDC report.

<sup>17</sup> California Trial Lawyers Association, 1998. If anyone would be salivating at the chance to sue gun makers, it would be a pack of trial lawyers.

## CONCEALED CARRY LAWS

### Myth: Concealed carry laws increase crimes

**Fact:** Crime after licensure involving a gun in Florida has been consistently been about 0.02%<sup>18</sup>.

**Fact:** When citizens are allowed to carry concealed weapons<sup>19</sup>:

- Murder rates drop 8%
- Rape rates fall 5%
- Aggravated assaults drop 7%

**Fact:** More to the point, crime is significantly high in states without right-to-carry laws<sup>20</sup>

| Type of Crime | How Much Higher in Restrictive States |
|---------------|---------------------------------------|
| Violent Crime | 81%                                   |
| Murder        | 86%                                   |
| Rape          | 25%                                   |
| Assault       | 82%                                   |
| Robbery       | 105%                                  |
| Auto theft    | 60%                                   |

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<sup>18</sup> Florida Department of Justice

<sup>19</sup> John Lott, David Mustard: This study involved county level crime statistics from *all* 3,054 counties in the U.S., from 1977 through 1992. During this time ten states adopted right-to-carry laws. It is estimated that if all states had adopted right-to-carry laws, in 1992 the US would have avoided 1,400 murders, 4,200 rapes, 12,000 robberies, 60,000 aggravated assaults – and saves over \$5,000,000,000 in victim expenses.

## CRIME AND GUNS

### Myth: Guns are often used to commit violent crimes

**Fact:** 90% of all violent crime in the U.S. does not involve any gun of any type<sup>21</sup>.

**Fact:** Less 1% of all guns will ever be used in the commission of any type crime of crime (much less violent crime)<sup>22</sup>.

**Fact:** Two-thirds of the people who die each year from gunfire are criminals shooting other criminals<sup>23</sup>.

### Myth: Gun shows are supermarkets for criminals

**Fact:** Only 2% of guns used in criminal offenses were purchased at gun shows<sup>24</sup>.

**Fact:** Only 5% of metropolitan police departments believe that gun shows were a problem<sup>25</sup>.

**Fact:** Only 3.5% of youthful offenders reported that they obtained their last handgun at a gun show<sup>26</sup>.

**Fact:** Gun dealers are federally licensed, and must follow the rules for sales regardless of if they are dealing from a storefront, or a gun show<sup>27</sup>.

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<sup>21</sup> 1998, Bureau of Alcohol, Tobacco and Firearms

<sup>22</sup> FBI Uniform Crime Statistics, 1994

<sup>23</sup> FBI Uniform Crime Statistics, 1994

<sup>24</sup> National Institute of Justice, the research arm of the U.S. Department of Justice. According to an NIJ study released in December 1997 "Homicide in Eight U.S. Cities"

<sup>25</sup> Center to Prevent Handgun Violence survey of 37 police departments in large cities, reported in a CPHV report titled "On the Front Line: Making Gun Interdiction Work"

<sup>26</sup> Timothy S. Bynum, Todd G. Beitzel, Tracy A. O'Connell & Sean P. Varano, Patterns in Gun Acquisition and Use by Youthful Offenders in Michigan

<sup>27</sup> BATF, 2000

## Myth: 25-50 percent of the vendors at most gun shows are unlicensed dealers

**Fact:** This figure, touted by HCI, can only be achieved if you include dealers not selling guns at these shows. These non-gun dealers include knife makers, ammo dealers, accessories dealers, military artifact traders, clothing vendors, bumper sticker sellers and hobbyist.

## Myth: Criminals prefer "Saturday Night Specials"

**Fact:** Saturday Night Specials were used in less than 3% of crimes involving guns.<sup>28</sup>

**Fact:** Only 2% of all "Saturday Night Specials" are ever used in crimes.

## Myth: Prison isn't the answer to crime control

**Fact:** From 1960-1980, per capita imprisonment for violent crimes fell from 738 to 227. In the same period violent crime rates nationwide tripled.

**Fact:** The average annual social damage prevented by incarcerating a newly admitted New Jersey criminal is \$1.6 million and the median damage prevented is \$70,098. This is a far higher cost than the annual \$25,000 expense of imprisoning a violent criminal.

## Myth: Waiting periods prevent rash crime and lower violent crime rates

**Fact:** The national five day waiting period under the Brady Bill had no impact on murder or robbery, but slightly increased rape and aggravated assault rates by a few percent. Thus, for two crime categories, the major effect was to delay law-abiding citizens from getting a gun for protection. The risks were greatest for crimes against women<sup>29</sup>.

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<sup>28</sup> FBI Uniform Crime Statistics, 1994

<sup>29</sup> Dr. John Lott Jr., University of Chicago School of Law

## GUNS IN OTHER COUNTRIES

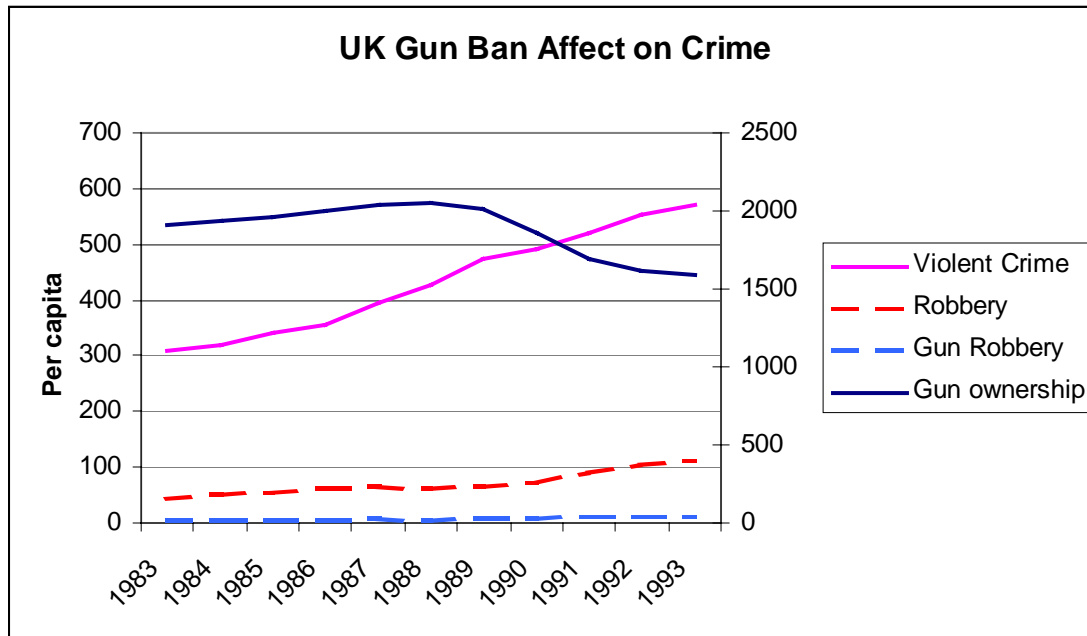
**Myth:** Countries with strict gun control have lower crime

**Facts:** There is no correlation between gun laws and penetration, and the crime rate. Consider this:

| Country       | Number of guns | Crime rate |
|---------------|----------------|------------|
| United States | High           | High       |
| Switzerland   | High           | Low        |
| Japan         | Low            | Low        |
| Mexico        | Low            | High       |

**Myth:** Britian has gun control, and they have a low crime rate

**Fact:** Since gun banning has escalated in the UK, the rate of crime – and especially violent crime – has risen.



**Fact:** Over the long term, the British crime rate has been unchanged. In the late The late nineteenth century the percapita homicide rate in Britian was between 1.0 and 1.5 per



100,000<sup>30</sup>. In the 1990's, after a near ban on gun ownership, the homicide rate is around 1.1<sup>31</sup>

## Myth: Japan has strict gun control and a much less violent society

**Fact:** Ireelevant. In Japan the murder rate is about 1 per 100,000. In the U.S., there are about 3.2 murders per 100,000 people each year by weapons other than firearms<sup>32</sup>. *This means that even if firearms in the U.S. could be magically eliminated, we would still have three times the murder rate of the Japanese.* Japan's murder rate may be low, but its suicide rate is over 20 per 100,000 people. Japanese are being murdered and committing suicide at a rate of about 21 per 100,000. In the U.S., our combined murder and suicide rate is about 21 also

## Myth: Gun control in Australia is curbing crime

**Facts:** Crime has been rising since a sweeping ban on private gun ownership. One year after gun-owners were forced to surrender 640,381 personal firearms to be destroyed, including semi-automatic .22 rifles and shotguns, a program costing the government over 500 million dollars, the results are in,.. A dramatic increase in criminal activity has been experienced.

### OBSERVABLE FACT, AFTER 12 MONTHS OF DATA:

- Australia-wide, homicides are up 3.2%
- Australia-wide, assaults are up 8.6%
- Australia-wide, armed-robberies are up 44% (yes, FORTY-FOUR PERCNT).
- 'In the state of Victoria, homicides-with-firearms are up 300%.

\*Figures over the previous 25 years show a steady decrease in homicides - with - firearms (climbed dramatically in the past 12 months).

\*Figures over the previous 25 years show a steady decrease in armed-robbery-with-firearms (changed dramatically in the past 2 months).

- There has been a dramatic increase in break-ins and assaults of the elderly.

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<sup>30</sup> Clive Emsley, *Crime and Society in England 1750-1900*, at 36 (1987).

<sup>31</sup> Interpol statistics

<sup>32</sup> United Nations

- At the time of the Prime Minister said defense is not a reason owning a firearm."
- From 1910 to present, homicides in Australia had averaged about 1.8-per-100,000 or lower - a safe society by any standard.
- The ban has destroyed Australia's standings in some international sport shooting competitions.
- The membership of the Australian Sports Shooting Association has risen to 112,000, a 200% increase, in response to the ban and as an attempt to organize against further controls, which are expected.
- Australian politicians are on the spot and at a loss to explain how no improvement in "safety" has been observed after such monumental effort and expense was successfully expended in "ridding society of guns." Their response has been to "wait longer."

"...The best organization you've got there, the biggest organization you've got there is the NRA. We don't have an organization that size. We didn't have an organization that size, and as a consequence we suffered. And we hope that you don't suffer..'

## HOW GUNS PREVENT CRIME

### Myth: Private ownership of guns are not effective for preventing crime

**Fact:** Every year, more than 2,300,000 people in the United States use a gun to defend themselves against criminals--or more than 6,500 people a day.<sup>33</sup> Of these instances, 15.6% of the people using a firearm defensively stated that they "almost certainly" saved their lives by doing so.

*This means that, each year, firearms are used 60 times more often to protect the lives of honest citizens than to take lives.*

**Fact:** Of the 2,300,000 times citizens use their guns to defend themselves every year, 92 percent merely brandish their gun or fire a warning shot to scare off their attackers.

**Fact:** Less than 8 percent of the time does a citizen kill or wound his or her attacker.

**Fact:** For every accidental death, suicide or homicide with a firearm, 10 lives are saved through defensive use.

**Fact:** When using guns in self-defense<sup>34</sup>:

- 83% of robbery victims were not injured
- 88% of assault victims were not hurt
- Around 5.5% of all victims who used guns in self defense were injured<sup>35</sup>
- 76% of all self defense use of guns never involve firing a single shot

**Fact:** After the implementation of Canada's 1977 gun controls prohibiting handgun possession for protection,[78] the breaking and entering rate rose twenty-five percent surpassing the American rate<sup>36</sup>.

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<sup>33</sup> Fall 1995, Journal of Criminal Law and Criminology

<sup>34</sup> NCVS database, 1979-1985

<sup>35</sup> NSDS

<sup>36</sup> Pat Mayhew, Residential Burglary: A Comparison of the United States, Canada and England and Wales (Nat'l Inst. of Just., Wash., D.C., 1987)

## Myth: Guns are not effective in preventing crime against women

**Fact:** Of the 2,300,000 self-defense cases, more than 192,000 are by women defending themselves against sexual abuse.

**Fact:** The probability of serious injury from an attack is 2.5 times greater for women offering no resistance than for women resisting with a gun. Men also benefit from using a gun, but the benefits are smaller: offering no resistance is 1.4 times more likely to result in serious injury than resisting with a gun.<sup>37</sup>

**Fact:** 27% of women keep a gun in the house<sup>38</sup>.

**Fact:** 37.6 million women either own or have rapid access to guns<sup>39</sup>.

**Fact:** You are far more likely to survive a violent assault if you defend yourself with a gun. In episodes where there was an injury to a robbery victim, the percentage that were injured were<sup>40</sup>:

|                        |     |
|------------------------|-----|
| Resisting with a gun   | 6%  |
| Did nothing at all     | 25% |
| Resisted with a knife  | 40% |
| Non-violent resistance | 45% |

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<sup>37</sup> Department of Justice's National Crime Victimization Survey

<sup>38</sup> U.S. Department of Justice

<sup>39</sup> U.S. Department of Justice

<sup>40</sup> British Home Office – no a pro-gun organization by any means

## POLICE AND GUNS

### Myth: Police favor gun control

**Fact:** 92.7% of law enforcement officials believe that citizens should be able to purchase firearms for self-defense and sporting purposes<sup>41</sup>.

**Fact:** 65.8% believe there should be no gun rationing, such as 'one gun per month' schemes.

**Fact:** 97.9% of officers believe that though *illegal* means, criminals are able to obtain any type of firearm.

### Myth: The police are our protection, and people don't need guns

**Facts:** The courts have consistently ruled that the police do not have an obligation to protect individuals, only the public in general. For example, in *Warren v. District of Columbia Metropolitan Police Department*, 444 A.2d 1 (D.C. App. 1981), the court stated: '[C]ourts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community.'

**Fact:** There are not enough police to protect everyone

Currently, there are about 150,000 police officers on duty at any one time<sup>42</sup>.

- This is *on-duty* police. This includes desk clerks, command sergeants, etc. – far fewer than 150,000 cops are cruising your neighborhood.
- There are approximately 271,933,702 people living in the United States<sup>43</sup>.
- Thus *there is only one on-duty cop for every 1,813 citizens!*

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<sup>41</sup> 1999 Police Survey, National Association of Chiefs of Police

<sup>42</sup> US Justice Department

<sup>43</sup> US Census Bureau, 1999 estimate

## Myth: The supply of guns is a danger to law enforcement

**Fact:** The courts kill cops by letting felons out of prison early. Of police killed in the line of duty:

- 70% are killed by criminals with prior arrest records
- 53% of these criminals have prior convictions
- 22% are on probation when the officer is killed

## THE SECOND AMENDMENT

**Justifications clause:** "A well regulated Militia being necessary to the security of a free State, "

**Rights clause:** "the right of the people to keep and bear Arms shall not be infringed."

### Myth: The Second Amendment is a collective right, not an individual right

**Fact:** The second amendment was listed in a Supreme Court ruling as an individual right<sup>44</sup>.

**Fact:** The Supreme Court specifically reaffirmed that the right to keep and bear arms did not belong to the government<sup>45</sup>.

**Fact:** In 22 of the 27 instances where the Supreme Court mention the Second Amendment, the quotes the rights clause, and not the justification clause.

### Myth: The "militia" clause of the Second Amendment reserves the right of arms to government formed armies

**Fact:** The first half of the Second Amendment is called the "justification clause". Justification clauses appear in many state constitutions, and cover liberties including right to trial, freedom of the press, free speech, and more. *Denying gun rights based on the justification clause means we would have to deny free speech rights on the same basis.* See <http://www.law.ucla.edu/faculty/volokh/beararms/testimon.ssi#TOC.I>.

**Fact:** The origin of the phrase "a well regulated militia" comes from a 1698 treatise "A Discourse of Government with Relation to Militias" by Andrew Fletcher, in which the term "well regulated" was equated with "well-behaved" or "disciplined".<sup>46</sup>

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<sup>44</sup> Dred Scott, Casey v. Planned Parenthood, U.S. v. Cruikshank and others

<sup>45</sup> United States v. Miller

<sup>46</sup> This document was widely published during the colonial and revolutionary periods, and was the basis for state and federal 'bills of rights'.

## Myth: The Supreme Court has ruled that the 2<sup>nd</sup> amendment is not an individual right

**Fact:** The Supreme Court has never been asked to decide this issue. All court rulings to date either mention the 2<sup>nd</sup> amendment in passing, or as a reference to other rights.

### US .v MILLER

The Miller case specifically held that a gun might be protected by the 2<sup>nd</sup> Amendment. It depended on whether such guns had a militia use, on which point they wanted evidence, and since there had been no evidence taken at the trial level, they remanded the case for a new trial. If the case had been tried (it wasn't because the government did not re-prosecute). Specifically the court said:

"The signification attributed to the term Militia appears from the debates in the Convention, the history and legislation of Colonies and States, and the writings of approved commentators. These show plainly enough that the Militia comprised all males physically capable of acting in concert for the common defense. "A body of citizens enrolled for military discipline." And further, that ordinarily when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time."

## Summary of various court decisions

### DECISIONS THAT EXPLICITLY RECOGNIZED THAT THE SECOND AMENDMENT GUARANTEES AN INDIVIDUAL RIGHT TO PURCHASE, POSSESS OR CARRY FIREARMS, AND IT LIMITS THE AUTHORITY OF BOTH FEDERAL AND STATE GOVERNMENTS:

U.S. vs. Emerson, 1999, Nunn v. State, 1 Ga. 243, 250, 251 (1846) (struck down a ban on sale of small, easily concealed handguns as violating Second Amendment); State v. Chandler, 5 La.An. 489, 490, 491 (1850) (upheld a ban on concealed carry, but acknowledged that open carry was protected by Second Amendment); Smith v. State, 11 La.An. 633, 634 (1856) (upheld a ban on concealed carry, but recognized as protected by Second Amendment "arms there spoken of are such as are borne by a people in war, or at least carried openly"); State v. Jumel, 13 La.An. 399, 400 (1858) (upheld a ban on concealed carry, but acknowledged a Second Amendment right to carry openly); Cockrum v. State, 24 Tex. 394, 401, 402 (1859) (upheld an enhanced penalty for manslaughter with a Bowie knife, but acknowledged that the Second Amendment guaranteed an individual right to possess arms for collective overthrow of the government); In Re Brickey, 8 Ida. 597, 70 Pac. 609, 101 Am.St.Rep. 215, 216 (1902) (struck down a ban on open carry of a revolver in Lewiston, Idaho as violating both Second Amendment and Idaho Const. guarantee); State v. Hart, 66 Ida. 217, 157 P.2d 72 (1945) (upheld a ban on concealed carry as long as open carry was allowed based on both Second Amendment and Idaho Const. guarantee); State v. Nickerson, 126 Mont. 157, 166 (1952) (striking down a conviction for assault with a deadly weapon,



acknowledging a right to carry based on Second Amendment and Montana Const. guarantee).

**DECISIONS THAT RECOGNIZED THE SECOND AMENDMENT GUARANTEES AN INDIVIDUAL RIGHT TO POSSESS OR CARRY FIREARMS, BUT ONLY LIMITING THE FEDERAL GOVERNMENT'S AUTHORITY:**

U.S. v. Cruikshank, 92 U.S. 542, 552 (1876) (limiting use of the Enforcement Act of 1870 so that Klansmen could not be punished for mass murder and disarming of freedmen); State v. Workman, 35 W.Va. 367, 373 (1891) (upholding a ban on carry of various concealable arms); State v. Kerner, 181 N.C. 574, 107 S.E. 222 (1921) (overturning a ban on open carry of pistols based on North Carolina Const., but acknowledging Second Amendment protected individual right from federal laws).

**DECISIONS IN WHICH THE SECOND AMENDMENT WAS ARGUED OR RAISED AS A LIMITATION ON STATE LAWS, AND IN WHICH THE COURT RULED THAT IT ONLY LIMITED THE FEDERAL GOVERNMENT, TACITLY ACKNOWLEDGING THAT THE RIGHT WAS INDIVIDUAL IN NATURE:**

Andrews v. State, 3 Heisk. (50 Tenn.) 165, 172, 173 (1871); Fife v. State, 31 Ark. 455, 25 Am.Rep. 556, 557, 558 (1876); State v. Hill, 53 Ga. 472, 473, 474 (1874); Dunne v. People, 94 Ill. 120, 140, 141 (1879); Presser v. Illinois, 116 U.S. 252, 265, 266 (1886) (upholding a ban on armed bodies marching through the streets); People v. Persce, 204 N.Y. 397, 403 (1912); In re Rameriz, 193 Cal. 633, 636, 226 P. 914 (1924) (upholding a ban on resident aliens possessing handguns).

**DECISIONS IN WHICH THE SECOND AMENDMENT WAS IMPLIED TO GUARANTEE AN INDIVIDUAL RIGHT, THOUGH UNCLEAR AS TO WHETHER IT LIMITED ONLY THE FEDERAL GOVERNMENT OR STATES AS WELL, BECAUSE THE TYPE OF ARM IN QUESTION WASN'T PROTECTED:**

English v. State, 35 Tex. 473, 476, 477 (1872) and State v. Duke, 42 Tex. 455, 458, 459 (1875) (upholding a ban on carrying of handguns, Bowie knives, sword-canes, spears, and brass knuckles); People v. Liss, 406 Ill. 419, 94 N.E.2d 320, 322, 323 (1950) (overturning a conviction for carrying a concealed handgun and acknowledging that the right in the Second Amendment was individual); Guida v. Dier, 84 Misc.2d 110, 375 N.Y.S.2d 827, 828 (1975) (denying that "concealable hand weapons" were protected by the Second Amendment, but acknowledging that an individual right protects other firearms).

**DECISIONS IN WHICH THE SECOND AMENDMENT HAS BEEN CLASSSED WITH OTHER INDIVIDUAL RIGHTS, WITH NO INDICATION THAT IT WAS NOT AN INDIVIDUAL RIGHT:**

Robertson v. Baldwin, 165 U.S. 275, 281, 282, 17 S.Ct. 826, 829 (1897); U.S. v. Verdugo-Urquidez, 110 S.Ct. 1056, 1060, 1061 (1990).

**DECISIONS THAT COULD HAVE BEEN VERY MUCH SHORTER IF THE COURT HAD SIMPLY DENIED THAT THE SECOND AMENDMENT PROTECTED AN INDIVIDUAL RIGHT:**

U.S. v. Miller, 307 U.S. 174 (1939) (upholding the National Firearms Act of 1934, after district judge released defendants on the grounds that it violated Second Amendment).

# GUN OWNERS

## Myth: Gun owners are a tiny minority

**Fact:** In 1997, the federal government estimated that there were over 65 million gun owners in the U.S., and more than 1/2 were handgun owners<sup>47</sup>.

Myth: Most American favor gun control

**Fact:** Few "surveys" conducted in this country on the subject of gun control are unbiased. Surveys from both Harris and Gallup have been criticized by survey designers for their construction that is designed to reach a desired conclusion<sup>48</sup>.

**Fact:** A recent and well-constructed survey by Time Magazine (hardly a conservative publication) showed some interesting results. From 33,202 adult Americans surveyed in 1998:

|  | Yes    | No                   |
|--|--------|----------------------|
| Should the U.S. have stricter gun control laws?  | 6.73%  | 92.25%               |
| Do you believe that allowing people to carry concealed weapons reduce crime?   | 92.22% | 7.76%                |
| Do you believe that U.S. cities should sue gun manufactures to recoup money spent dealing with gun-related crime?                          | 1.96%  | 98.01%               |
| How would you rate the effectiveness of the Brady Bill and the assault weapons ban in preventing the illegal use and distribution of guns? | 0.52%  | Very effective       |
|  | 3.79%  | Somewhat effective   |
|  | 6.19%  | Somewhat effective   |
|  | 87.27% | Not at all effective |
|  | 2.23%  | Don't know           |

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<sup>47</sup> Bureau of Alcohol, Tobacco and Firearms

<sup>48</sup> Often these surveys use questions like "If it reduced crime, would you favor stronger gun control laws". These questions are rephrased in headline to read "Americans demand gun control" while ignoring the leading goal of reducing crime. These surveys also fail to ask counter balancing questions to prove/disprove any bias in questions. For example, a counter-balancing question might be "If it were shown that gun control laws were ineffective in preventing crime, would you favor enacting more gun control laws?"

And a 1999 survey by CBS (hardly a pro gun organization) found these responses:

- Only 14% of Americans believe that gun control can prevent violence with guns.
- 56% of people said enforcement is the better way to reduce violent crime than new gun control laws.
- Only 4% said gun control should be a top issue for the government.

And a 1999 survey by the Associated Press showed:

- A plurality of American (49%) felt enforcement of existing laws was the key to reducing violent crime.
- 52% felt that background checks did not help reduce the number of crimes committed with guns.

**Fact:** CNN survey of 100,528 respondents in the summer of 1999:

Should gun manufacturers be held liable for gun violence?

|           |            |                    |
|-----------|------------|--------------------|
| Yes       | 10%        | 9589 votes         |
| <b>No</b> | <b>86%</b> | <b>86064 votes</b> |
| Sometimes | 5%         | 4875 votes         |

# FAMOUS GUN BANNERS

## Politicians

### ADOLPH HITLER

"This year will go down in history. For the first time, a civilized nation has full gun registration. Our streets will be safer, our police more efficient, and the world will follow our lead into the future."<sup>49</sup>

### BILL CLINTON

"Only the police should have handguns."

**Fact:** Wang Jun, son of the late Chinese President Wang Zhen, who is chairman of the China International Trade and Investment Company and president of Polytechnologies Corp., attended a White House coffee with Clinton in February 1996 and was granted a meeting with Commerce Secretary Ronald Brown the next day.

He also was connected to more than \$600,000 in illegal campaign contributions to the Democrats, the report said. Polytechnologies is an arms-trading company indicted for trying to smuggle 2,000 Chinese AK-47 assault rifles into the United States and the largest of the corporate structures owned by the People's Liberation Army<sup>50</sup>.

### HOWARD METZENBAUM, FORMER U.S. SENATOR

"No, we're not looking at how to control criminals ... we're talking about banning the AK-47 and semi-automatic guns."

### PETE STARK, U.S. REPRESENTATIVE FROM CALIFORNIA

"If a bill to ban handguns cam to the house floor, I would vote for it."<sup>51</sup>

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<sup>49</sup> Reported in *Times* magazine, 1935, three years before Kristallnacht ('Night of Broken Glass') refers to the organized anti-Jewish riots in Germany and Austria.

<sup>50</sup> CNN 5/25/99

<sup>51</sup> Town Hall Meeting, June 199, Fremont California

**WILLIAM CLAY, U.S. REPRESENTATIVE FROM MISSOURI**

"...we need much stricter gun control, and eventually should bar the ownership of handguns"

**JOSEPH BIDEN, U.S. SENATOR FROM DELAWARE**

"Banning guns is an idea whose time has come."

**DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA**

"Banning guns addresses a fundamental right of all Americans to feel safe.<sup>52</sup>"

"If I could have gotten 51 votes in the Senate of the United States for an outright ban, picking up every one of them: "Mr. and Mrs. America, turn 'em all in," I would have done it.<sup>53</sup>"

"The national guard fulfills the militia mentioned in the 2nd amendment. Citizens no longer need to protect the states or themselves."

## Anti-freedom political activists

**THE COALITION TO STOP GUN VIOLENCE**

"It is our aim to ban the manufacture and sale of handguns to private individuals.<sup>54</sup>"

**PETE SHIELDS, CHAIRMAN EMERITUS, HANDGUN CONTROL, INC.**

"...the final problem is to make the possession of all handguns and all handgun ammunition except for the military, policemen, licensed security guards, licensed sporting clubs, and licensed gun collectors -- totally illegal.<sup>55</sup>"

"Yes, I'm for an outright ban (on handguns)<sup>56</sup>."

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<sup>52</sup> Associated Press, Nov. 18, 1993

<sup>53</sup> CBS-TV's "60 Minutes," 2/5/95

<sup>54</sup> Recruiting flyer

<sup>55</sup> "The New Yorker", July 26, 1976

<sup>56</sup> 60 Minutes interview

**SARAH BRADY**

"...I don't believe gun owners have rights.<sup>57</sup>"

"To me, the only reason for guns in civilian hands is for sporting purposes.<sup>58</sup>"

"Our main agenda is to have ALL guns banned. We must use whatever means possible. It doesn't matter if you have to distort facts or even lie. Our task of creating a Socialist America can only succeed when those who would resist us have been totally disarmed.<sup>59</sup>"

**ELLIOT CORBETT, SECRETARY, NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY**

"Handguns should be outlawed."

**PATRICK V. MURPHY, FORMER NEW YORK CITY POLICE COMMISSIONER**

"Let us take the guns away from the people."

**AMERICAN CIVIL LIBERTIES UNION (ACLU)**

"We urge passage of federal legislation . . . to prohibit . . . the private ownership and possession of handguns.<sup>60</sup>"

**The media**

**MICHAEL GARDNER, PRESIDENT OF NBC NEWS**

"There is no reason for anyone in this country . . . to buy, to own, to have, to use a handgun ...The only way to control handgun use in this country is to prohibit the guns.<sup>61</sup>"

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<sup>57</sup> Hearst Newspapers Special Report, "Handguns in America" October 1997

<sup>58</sup> Tampa Tribune, Oct 21, 1993

<sup>59</sup> The National Educator, January 1994

<sup>60</sup> Board of Directors in September 1976

<sup>61</sup> USA Today, January 16, 1992

## **THE MEDIA IN GENERAL**

A two-year study by the Media Research Center concluded that television reporters are overwhelmingly opposed to Second Amendment rights. For broadcasts from major networks from July 1, 1995 to June 30, 1997, covering 244 gun policy stories:

- ✓ The ratio of anti-gun to pro-gun bias was a 16:1 ration (31% were considered neutral).
- ✓ Anti-gun spokespeople (Sarah Brady, etc) were given three times the number of sound bites than pro-gun spokespeople (NRA, etc).

**For more quotes from public officials wanting to violate your constitutional rights, see <http://members.xoom.com/rebuttal/banners.html>**



## **PRO-FREEDOM/GUN QUOTES**

### **HUBERT HUMPHREY**

"Certainly one of the chief guarantees of freedom under any government, no matter how popular and respected, is the right of citizens to keep and bear arms.... The right of citizens to bear arms is just one guarantee against arbitrary government, one more safeguard against tyranny... "

### **THOMAS JEFFERSON**

"No man shall ever be debarred the use of arms. The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

### **OLIVER STONE**

"I like automatic weapons. I fought for my right to use them in Vietnam."

### **MALCOLM X**

"It is criminal to teach a man not to defend himself when he is the constant victim of brutal attacks. It is legal and lawful to own a shotgun or a rifle. We believe in obeying the law."

### **THOMAS PAINE**

"Arms, like laws, discourage and keep the invader and plunderer in awe and preserve order... "

### **GEORGE WASHINGTON**

"Firearms stand next in importance to the Constitution itself. They are the American people's liberty teeth and keystone under independence. The very atmosphere of firearms everywhere restrains evil interference."

### **MAFIA INFORMANT SAMMY "THE BULL" GRAVANO**

"Gun control? It's the best thing you can do for crooks and gangsters. I want you to have nothing. If I'm a bad guy, I'm always gonna have a gun. Safety locks? You will pull the trigger with a lock on, and I'll pull the trigger. We'll see who wins."

## **MISCELLANEOUS STATISTICS**

**Number of guns in America:** 240,000,000<sup>62</sup>

**Number of guns used in crimes:** 450,000

**Percentage of guns used in crimes:** 0.09%

**Violent crimes committed daily by paroled prisoners:**

|                   |     |
|-------------------|-----|
| <b>Murders:</b>   | 14  |
| <b>Rapes:</b>     | 48  |
| <b>Robberies:</b> | 578 |

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<sup>62</sup> 1996 FBI Uniform Crime Statistics