

Point

We can choose to enact essentially no limits on handgun access, which has led to this epidemic of gun violence, or we can choose to enact sensible, well-crafted legislation.

By Brian J. Siebel

The case for handgun control is simple and straightforward. Gun violence in America has reached epidemic proportions and is growing, especially among our teens. This public health crisis stems directly from the ready availability of handguns to criminals, to youths, and to well-meaning-but-untrained adults. Sensible, comprehensive handgun laws are the best means to help reverse this deadly trend.

The deadly toll from guns in America is out of control. In 1993, 39,595 Americans lost their lives in gun homicides, suicides, and unintentional shootings, up from 32,195 in 1983.¹ If this trend continues, in a few years firearms will surpass automobiles as the number one cause of injury-related deaths in the United States.² Handguns were responsible for the vast majority of these deaths, including 82 percent of firearm homicides³ and 71 percent of unintentional shootings,⁴ yet there are very few controls limiting access to such weapons. Handguns were also used in 1.1 million violent crimes in 1993.⁵

Among children and adolescents, the trends are even more alarming. On average, 16 children and teens die each day from gunfire,⁶ and the number is growing. Increasingly, teens also are the perpetrators of violent crime. Since 1984, the number of juveniles killing with a gun has quadrupled, while killing with all other weapons has remained virtually constant.⁷ The problem is likely to grow even worse since over the next several years the percentage of the population comprised of teenagers is expected to increase dramatically.

Finally, in sheer cost to society, gun violence is an enormous drain. The cost of health care alone for victims of gun violence was \$4 billion in 1995.⁸ If lost productivity and long-term disabilities are considered, the annual cost rises to \$20.4 billion.⁹ Of course, the greatest cost of gun violence—human suffering—cannot be counted in dollars and cents.

What should be done to address this staggering problem? Handgun Control, Inc. ("HCI") seeks to make guns less accessible to the gun traffickers who supply criminals and youths with guns, and to make handling and storage of guns safer through mandatory licensing and training and passage of child-access prevention laws. To further

these goals, HCI is pushing national legislation called Brady II, which will provide (1) licensing of handgun owners; (2) registration of handgun transfers, both retail and private; and (3) a national restriction on multiple purchases.

In stark contrast, the National Rifle Association's ("NRA") answer to gun violence is to make guns more accessible, with fewer safeguards. For example, the NRA fought hard against Brady I, which mandates background checks and a five-working-day waiting period for handgun purchasers. The Brady Act, however, has been a resounding success. In its two years more than 70,000 felons were prevented from purchasing handguns over-the-counter. The NRA has also fought hard to repeal the federal assault weapon ban which is keeping military-style weapons like AK-47s and Uzis off our streets.

Does the Second Amendment restrict the government's power to enact law restricting handgun access? No. The United States Supreme Court has consistently held that the Second Amendment protects the "well-regulated militia" of the states, not the private ownership of firearms. *United States v. Miller*, 307 U.S. 174 (1939) (the "obvious purpose" of the Second Amendment is to assure the continuation of the state militia); *Lewis v. United States*, 445 U.S. 55 (1980) (legislative restrictions on firearms do not infringe "any constitutionally protected liberties."). There is no question, therefore, that the Constitution permits sensible gun laws.

Enacting reasonable controls like Brady II will help save lives. Licensing and multiple purchase limits will prevent "straw purchasers" from buying large numbers of guns from legal firearms dealers for resale on the black market. Licensing also prevents buyers from using fake drivers licenses to illegally buy handguns. These controls will help curb two of the prime means by which gun traffickers obtain firearms without seriously restricting the ability of law-abiding citizens to obtain weapons. Requiring registration of all sales—which is currently required in Clark County—provides a trace for law enforcement and eliminates anonymous gun transfers. Again, this will hit gun traffickers hardest but will not prevent the average citizen from lawfully purchasing a gun. Limiting purchases

POINT *continued from page 14*

to one gun a month will stop the multiple sales common to illegal trafficking schemes without impacting lawful access. After Virginia enacted this limit in 1993, its share of guns turning up at crime scenes in gun-restrictive Northeast states dropped by 54 percent. Finally, mandatory training for adults and child-access prevention laws, which sanction adults who allow underage children to gain unsupervised access to firearms, will help reduce gun accidents and ensure that guns are kept away from youths prone to violence against others and themselves. For these measures to be truly effective, however, they must be national in scope.

We can choose to enact essentially no limits on handgun access, which is the course that has led us to the epidemic of gun violence we face today, or we can choose to enact sensible, well-crafted national legislation to permit handgun access only by licensed, trained, law-abiding adults. The choice seems obvious. ●

Brian Siebel is a Staff Attorney for Handgun Control, Inc. in Washington, D.C.

1. National Center for Health Statistics, unpublished data from the Division of Vital Statistics, 1996.
2. Lois A. Fingerhut, et al., *Firearm and Motor Vehicle Injury Mortality—Variations by State, Race, and Ethnicity: United States, 1990-91*, Centers for Disease Control and Prevention, National Center for Health Statistics 242 (Jan. 27, 1994).
3. Federal Bureau of Investigation, U.S. Dep't of Justice, *Crime in the United States: 1993*, 18 (1994).
4. General Accounting Office, *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented* 23 (March 1991).
5. Calculated by the Center to Prevent Handgun Violence from figures in U.S. Dep't of Justice, *Guns Used in Crime* (July 1995).
6. National Center for Health Statistics, unpublished data from the Division of Vital Statistics, 1996.
7. J.A. Fox, *Trends in Juvenile Violence: A Report to the United States Attorney General on Current and Future Rates of Juvenile Offending* i (Northeastern Univ. March 1996).
8. K.W. Kizer, "Hospitalization Charges, Costs, and Income for Firearm-related Injuries at a University Trauma Center," *JAMA*, June 14, 1995.
9. T.R. Miller and M.A. Cohen, "Costs of penetrating injury," in *Textbook of Penetrating Injury* (R. Ivatury et al., eds., 1995).