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# ISSUE



## Should the United States Ban the Sale and Possession of Military-style Assault Weapons?

**YES:** Christopher Ingraham, from "It's Time to Bring Back the Assault Weapons Ban, Gun Violence Experts Say," *The Washington Post* (2018)

**NO:** "Attn. Gun Control Advocates: We Banned Assault Weapons Before . . . And It Didn't Work," *Investor's Business Daily* (2018)

### Learning Outcomes

After reading this issue, you will be able to:

- Discuss whether the text of the Second Amendment to the U.S. Constitution would prevent the government from passing an assault weapons ban.
- Discuss the evidence about whether an assault weapons ban would be likely to reduce the number of people dying from gun massacres in the United States.
- Discuss the level of support by Americans for laws that ban assault weapons and high-capacity magazines.
- Discuss whether laws to permit gun owners with concealed carry permits in one state to carry their guns in every other state are likely to reduce gun violence in the United States.
- Discuss whether the assault weapons ban that was in effect throughout the United States from 1994 to 2004 was an effective law that prevented mass shootings.

### ISSUE SUMMARY

**YES:** Christopher Ingraham argues that assault weapons are a common thread connecting many of the deadliest mass shootings that have occurred in the United States in the last few years. Thus, he believes, it is time to bring back the assault weapons ban.

**NO:** *Investor's Business Daily* editors, in contrast, contend that previous assault weapons bans in the U.S. have been ineffective and did not reveal any clear impacts on gun violence outcomes.

**D**o strict gun control laws help to reduce violent crime? Or, do gun control laws fail to stem violent behavior and help social predators to victimize law-abiding citizens? Does the Second Amendment to the U.S. Constitution give people an absolute right to bear arms? These are interesting questions that have important implications for violence control in U.S. society.

Because the issue of a constitutional right to bear arms has been so controversial, perhaps it is best to begin our analysis here. The Second Amendment states: "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." Throughout our history, the U.S. Supreme Court has held that most of the protections in the U.S. Constitution's Bill of Rights—"fundamental

rights"—apply to state proceedings. In 2008, the Court held that the Second Amendment's "right to bear arms" is a fundamental right. Prior to this important case, the Court's main decision interpreting the Second Amendment was *United States v. Miller*, 307 U.S. 174 (1939), which upheld the National Firearms Act of 1934, the law that required the registration of sawed-off shotguns. The Court stated:

[Without] any evidence tending to show that possession or use of a "shotgun having a barrel of less than 18 inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.

As *Miller* illustrates, the Supreme Court and most lower courts for most of our nation's history had tied the right to bear arms to the maintenance of a "well-regulated militia." They did not construe the Second Amendment to convey a more generalized right of the citizenry to own all types of firearms.

In 2008, however, the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570, recognized a personal right to own firearms based on the Second Amendment to the U.S. Constitution, independent of an individual's participation in a state militia. (This important precedent is considered in much greater detail in Issue 21 of this work.) Under the *Heller* rationale, it would seem inevitable that many state and local gun control laws throughout the United States will be invalidated.

Another important issue, however, is the impact that strict gun control laws focusing on assault weapons would have on the United States. In 1994, the U.S. Congress had passed the "Public Safety and Recreational Firearms Use Protection Act." It included a prohibition on manufacturing for civilian use of assault weapons and large-capacity magazines. Congress permitted the law to expire in 2004; however, the ultimate effect of this law remains somewhat controversial. The authors of the articles in this section have very different views on this issue. Writer Christopher Ingraham argues that while the ban on the sale and possession of assault weapons was in place, the number of gun massacres fell by 37 percent. Moreover, he asserts that the prospect of a new assault weapons ban is highly popular throughout the United States and is supported by approximately 65 percent of the American public.

*Investor's Business Daily* editors, in contrast, disagree. They argue that previous assault weapons bans in the United States have been ineffective and did not reveal any clear impacts on gun violence outcomes. What is your position regarding the ownership of firearms? Should the right to own an assault weapon be a fundamental right of citizenship in the United States? Should states and their municipal subdivisions have the authority to regulate ownership of these weapons? Should and can Americans trust the government to protect them against violent crime? Are taking assault weapons from the population an effective way to reduce homicide rates in the United States? These are important questions that directly impact our quality of life. As you read the articles in this section, try to develop a sense of whether assault weapon ownership should be freely permitted, restricted, or banned altogether.



**YES** **Christopher Ingraham**

## It's Time to Bring Back the Assault Weapons Ban, Gun Violence Experts Say

**T**he perpetrator of Wednesday's horrific school shooting in Parkland, FL, purchased his military-style assault weapon legally. So did the man who shot more than 400 people in Las Vegas in October. So did the man who gunned down 49 people at Orlando's Pulse nightclub in 2016. So did the man who gunned down 26 worshipers at a church in Texas in November.

Easy-to-obtain assault weapons, once banned under U.S. law, are a common thread connecting many of the deadliest mass shootings that have occurred in the past few years. Many gun violence experts believe that it's time to bring back the federal assault weapons ban—or at least something like it.

"You would see drastic reductions in what I call gun massacres" with the return of the 1994 federal assault weapons ban, said Louis Klarevas of the University of Massachusetts at Boston.

For his 2016 book *Rampage Nation*, Klarevas collected data on every gun massacre—which he defines as six or more people shot and killed—for the 50 years before 2016. His aim was to see whether there was any change in the number of gun massacres, while the 10-year federal ban on assault weapons was in place.

He calls the results "staggering." Compared with the 10-year period before the ban, the number of gun massacres during the ban period fell by 37 percent, and the number of people dying from gun massacres fell by 43 percent. But after the ban lapsed in 2004, the numbers shot up again—an astonishing 183 percent increase in massacres and a 239 percent increase in massacre deaths.

Klarevas says that the key provision of the assault weapons bill was a ban on high-capacity magazines capable of holding more than 10 rounds. "We have found that when large-capacity mags are regulated, you get drastic drops in both the incidence of gun massacres and the fatality rate of gun massacres."

The opinion is shared among many researchers who study gun violence for a living. In 2016, for instance, the

*New York Times* asked 32 gun policy experts to rate the effectiveness of a variety of policy changes to prevent mass shootings. The roster of experts included violence prevention researchers like Harvard's David Hemenway as well as more ideologically driven gun rights advocates like John Lott.

On a scale of effectiveness ranging from 1 (*not effective*) to 10 (*highly effective*), the expert panel gave an average score of 6.8 to both an assault weapons ban and a ban on high-capacity magazines, the highest ratings among the nearly 30 policies surveyed.

The killers in recent incidents like Las Vegas, Orlando, and Sutherland Springs were each able to walk into a gun shop in the days and months before their attacks and legally purchase their assault weapons and magazines after passing a standard background check. Under an assault weapons ban, that wouldn't be possible.

Gun rights groups like the National Rifle Association oppose such bans. They point out that most owners of such weapons are law-abiding citizens and that the millions of the guns and magazines in circulation would make enforcement of any such ban a challenge. They also note, correctly, that the overwhelming majority of gun homicides are committed with handguns, making the impact of an assault weapons ban on the overall crime rate minimal.

Supporters of an assault weapons ban, like Sen. Dianne Feinstein (D-Calif.), say that the goal of the bans is to prevent horrific mass shooting incidents, not stop the run-of-the-mill gun violence that kills dozens of Americans each day. Feinstein, along with 22 Democratic colleagues, introduced an assault weapons ban in the Senate after the Sutherland Springs shooting in Texas.

"This bill won't stop every mass shooting, but it will begin removing these weapons of war from our streets," Feinstein said in a statement. "Yes, it will be a long process to reduce the massive supply of these assault weapons in our country, but we've got to start somewhere."

Feinstein's bill would ban 205 specific "military-style assault weapons" by name, and it more broadly bans

firearms containing a detachable magazine and one or more "military characteristics," including "a pistol grip, a forward grip, a barrel shroud, a threaded barrel, or a folding or telescoping stock." Current owners would be allowed to keep their existing weapons.

Feinstein's bill would also ban high-capacity magazines capable of holding more than 10 rounds of ammunition.

A number of surveys show that bans on assault weapons and high-capacity magazines are popular among the general public. A 2017 Pew Research Center poll found that 68 percent of adults favor banning assault weapons and 65 percent support a ban on high-capacity magazines.

More strikingly, substantial numbers of gun owners supported the measures as well: 48 percent of gun owners in that poll said they would support a ban on assault style weapons and 44 percent said they favored a ban on high-capacity magazines. A Quinnipiac poll conducted later in the year showed similar numbers.

While these measures may be popular among the public, Republicans in Congress have effectively stymied the passage of any significant gun control legislation for well over a decade. The last significant gun control measure passed by Congress was a modest package of improvements to the background check system in 2007. It was supported by the NRA.

In recent years, congressional Republicans have been more focused on expanding access to guns, rather than limiting it. In December, the House passed a measure that would allow gun owners with concealed carry permits in one state to carry their weapons in every other state.

The experts polled by the *New York Times* in 2016 rated that as the least effective measure, by far, for dealing with mass shootings.

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**CHRISTOPHER INGRAHAM** is an American writer who focuses on data collection and analysis and worked previously at the Brookings Institution and the Pew Research Center.



Investor's Business Daily



## Attn. Gun Control Advocates: We Banned Assault Weapons Before . . . And It Didn't Work

**G**un Control: Maybe they are too young to know, or have faulty memories, but whatever the reason, all those pushing for a ban on "assault weapons" in the wake of the Florida school shooting ignore the fact that the last time the country imposed such a ban it failed to make a measurable difference.

Gun control advocates were ecstatic when President Trump appeared to support a ban on "semiautomatic assault weapons." The White House later issued a statement that he still opposes a ban.

Nevertheless, Democrats have already introduced two bills that would outlaw the sale of weapons like the AR-15, based mainly on various cosmetic features of the guns, and limit the size of magazines allowed. And the press has been playing up the issue with relentless fervor.

What nobody seems to want to acknowledge, however, is that the very ban being proposed by Democrats was in effect for 10 years—from 1994 to 2004.

It was part of a larger crime bill signed by President Clinton after a spate of shootings created a similar outrage in the public. Like today, polls showed widespread support for the ban, and even President Reagan backed it.

Nevertheless, Clinton barely mentioned the gun ban in his lengthy remarks on the broader crime bill, saying only that "we will finally ban these assault weapons from our street that have no purpose other than to kill."

Like the current proposals, the previous ban forbid the sale of certain menacing-looking semiautomatic rifles and handguns and banned the sale of magazines that could hold more than 10 rounds. Like the current proposals, it grandfathered in "assault weapons" sold before the ban went into effect.

Despite Clinton's apparent effort to downplay the ban when he signed it into law, it had a large political

impact, contributing to the Democrats' losing control of the House in 1994. And so, when the ban's 10-year time limit was up, Congress didn't bother to renew it, despite the fact that President Bush supported renewal.

So, did the previous "assault weapons" ban work?

It turns out that various independent studies came to the same conclusion: the ban had *no measurable impact* on the number of shootings or the number of shooting deaths while it was in effect.

A 2005 report from the National Research Council, for example, noted that "A recent evaluation of the short-term effects of the 1994 federal assault weapons ban *did not reveal any clear impacts* on gun violence outcomes."

A 2004 study sponsored by the National Institute of Justice found that while the ban appeared to have reduced the number of crimes committed with "assault weapons," any benefits were "likely to have been *outweighed by steady or rising use of nonbanned semiautomatics.*"

As a result, the Justice study found "there has been *no discernible reduction* in the lethality and injuriousness of gun violence, based on indicators like the percentage of gun crimes resulting in death or the share of gunfire incidents resulting in injury."

The main reason for the failure of the ban to make a difference: "assault weapons" account for a tiny share of gun crimes—less than 6 percent. Even among mass shootings, most didn't involve an "assault weapon" in the decade before the ban went into effect.

Mass shootings didn't stop during the ban, either—there were 16 while the ban was in effect, which resulted in 237 deaths or injuries. In fact, it was while the ban was in effect that the Columbine High School massacre happened, in which 13 students were killed and 24 injured.

What's more, gun deaths have steadily declined since 1994, even though the rate of gun ownership has climbed.

Democrats pushing for an "assault weapons" ban today know that getting it approved in an election year by a Republican-controlled Congress is a fantasy. This is nothing more than a political ploy.

But the bigger and more reprehensible fantasy is the one being peddled by gun control advocates: namely, that such a ban would have any meaningful impact on gun deaths or mass shootings.

Playing on the emotions of the public while offering them false hopes is the exact opposite of responsible leadership.

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**INVESTOR'S BUSINESS DAILY** is a U.S. newspaper and website that focuses on financial issues, the stock market, and economics.

## EXPLORING THE ISSUE



# Should the United States Ban the Sale and Possession of Military-style Assault Weapons?

### Critical Thinking and Reflection

1. Discuss briefly the U.S. Supreme Court's decisions in *United States v. Miller* (1937) and *District of Columbia v. Heller* (2008).
2. What is the relationship between gun usage and violent crime?
3. Describe the relationship between gun ownership and suicide rates.
4. Does the wording of the Second Amendment actually prohibit the government from passing a ban on assault weapons?
5. Can our government be trusted to be beneficent and just and if not, should we ban assault weapons?

### Is There Common Ground?

Violent crime is an unfortunate fact of life in the United States. According to a study published in June 2005, by the U.S. Bureau of Justice Statistics (BJS), 16,204 murders were committed in the United States in 2002.<sup>1</sup> The study also included information about the types of weapons used in these crimes. For all murders in 2002 in which the type of weapon used was known, 64.0 percent were committed with firearms. Interestingly, 51.7 percent of the murders were committed with handguns, 4.3 percent with rifles, 4.3 percent with shotguns, and 3.6 percent were not specified. Moreover, knives were used in 16.5 percent of the cases and blunt objects were used 5.7 percent of the time.

Similar patterns were observed in family violence cases. In the 1,958 murder cases involving family members, 50.1 percent used firearms: 36.8 percent involved handguns, 4.4 percent used rifles, 6.1 percent used shotguns, and 2.9 percent were not specified.

What then, do these statistics tell us about murder in the United States? First, a majority of murders and suicides are committed with firearms. Moreover, a large percentage of all murder cases involved handguns. In 2002, murder cases involving family members were somewhat less likely to involve firearms; however, a large number of these murders involved guns as well. Moreover, in many of the mass shooting incidents in the United States, the perpetrators

have used military-style assault weapons, which are far more deadly than traditional firearms, such as a hunting rifles, shotguns, or pistols. The murderers in several mass shootings over the past several years in the United States have one central thing in common: the Las Vegas shootings, the Parkland, FL, school shootings, and the Sandy Hook Elementary school shootings as well as a number of other incidents all used military-style assault weapons to cause massive numbers of casualties.

Based on these findings, do you believe that states should pass laws to remove assault weapons from the population? The authors of the articles in this section would be likely to answer this question in very different ways. Writer Christopher Ingraham contends that easy to obtain assault weapons are a common thread connecting many of the deadliest mass shootings in the United States and that many gun violence experts believe that it's time to bring back the federal assault weapons ban. Conversely, an editorial published in *Investor's Business Daily* asserts that previous assault weapons bans in the United States have been ineffective and did not reveal any clear impacts on gun violence outcomes.

After reading the articles in this section, are you more or less likely to support restrictions on assault weapon ownership in the United States? Is there a middle ground in this debate that you would support, such as a ban on armor piercing ammunition and multishot magazines?

<sup>1</sup>Bureau of Justice Statistics, "Family Violence Statistics." Washington, DC: United States Department of Justice (June 2005).

## Additional Resources

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