

Warning Shots

The attempted assassination of an Arizona congresswoman has reignited the long debate over guns in America
By *Patricia Smith*

Jared Loughner was rejected by Army recruiters after he failed a drug test. Following a series of incidents that alarmed teachers and other students, he was suspended from Pima Community College in Tucson, Arizona. To return, he was told, he'd need a letter from a mental health professional saying he was not a threat.

Yet he was able to walk into a Sportsman's Warehouse store in Tucson on November 30 and legally buy a semiautomatic Glock pistol. He was also able to buy high-capacity ammunition clips at Walmart—perfectly legally.

On January 8, Loughner used that gun and ammunition to shoot Congresswoman Gabrielle Giffords in the head outside a Tucson supermarket and then fire into the crowd, killing six and wounding 13, including Giffords, who survived the attack.

The shooting has reignited the debate over guns in America and whether U.S. gun control laws are too weak. Gun control advocates and many law enforcement officials say regulation is critical to keeping the public safe, while gun-control opponents point to the guarantee of the "right to keep and bear arms" in the Second Amendment of the Constitution.

Loughner had two extended ammunition clips that held 31 rounds each when he opened fire. It was only when he stopped to reload his weapon that bystanders were able to tackle him.

"The reason he was able to be tackled was he had to pause to reload," says Dennis Henigan, vice president of the Brady Center to Prevent Gun Violence, a gun control advocacy group. "The problem is, he didn't have to pause to reload until he'd already expended 30 rounds."

Such high-capacity magazines are the focus of gun control advocates in the wake of the Tucson shooting. Congresswoman Carolyn McCarthy of New York, whose husband was shot and killed in 1993 by a deranged gunman on a commuter train, has introduced legislation to prohibit the manufacture and sale of high-capacity magazines.

Gun magazines that hold more than 10 rounds were banned as part of a federal assault-weapons ban until that law expired in 2004. Today, only six states—California, Hawaii, Maryland, Massachusetts, New Jersey, and New York—and the District of Columbia limit the sale of such magazines.

Second Amendment

The debate over guns in America has its roots in the Bill of Rights, the first 10 amendments to the Constitution, adopted in 1791 in response to fears that the Constitution gave too much power to the new federal government in Washington.

Long one of the most disputed passages in the Constitution, the Second Amendment reads, in its entirety: "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."

In 2008, more than 200 years after the Framers wrote it, the Supreme Court finally ruled on what the Second Amendment means: It applies, the Court said, to individuals, not just to militias. That case, *District of Columbia v. Heller*, struck down a hand gun ban in Washington, D.C., and established an individual's right to keep a handgun at home for self-defense.

Then last year, the Court followed up with a similar ruling in *McDonald v. Chicago* that Chicago's ban on handguns violated the Second Amendment. The decision, in effect, applied the individual right to "bear arms" established in *Heller* to the states. (For technical legal reasons, the *Heller* case applied to Washington, D.C., but not to the states.)

These rulings, however, do not mean that all gun-control laws are unconstitutional.

In the 2008 *Heller* decision, Justice Antonin Scalia suggested that all sorts of restrictions might pass Second Amendment muster, including "the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

The story of gun control in the U.S. has been one of notorious crimes and laws passed in response, beginning with the 1968 federal law that followed the assassinations of Martin Luther King Jr. and Senator Robert F. Kennedy, who was running for President. The 1994 Brady law, spurred in part by the 1981 assassination attempt on President Ronald Reagan, created a national system of background checks. (The law was named for James Brady, Reagan's press secretary, who was seriously wounded in the assassination attempt and founded the Brady Center to push for tougher gun control laws.) Also in 1994, Congress passed the assault-weapons ban, which expired in 2004 because there were no longer enough votes in Congress to extend it.

From Safety Locks to Bans

Today, there are 280 million firearms in private hands in the U.S., and about a third of American households report having a gun at home. (Gun-ownership rates range from 5 percent in Washington, D.C., to 63 percent in Wyoming.)

State and local gun-control measures range from safety-lock requirements to outright bans on certain types of ammunition or on gun ownership for felons or the mentally ill.

Some states have recently loosened their gun laws. A 2010 Virginia law allows people with permits to carry concealed weapons in private bars and restaurants that serve alcohol. (Those with permits were already allowed to carry their guns in public.) Last year, Arizona became only the third state (joining Alaska and Vermont) that does not require a permit to carry a concealed weapon.

Arizona's gun laws are among the most permissive in the country. In 2009, a law went into effect allowing people with concealed-weapons permits to take their guns into restaurants and bars. The state also enacted a measure that allows workers to take their guns to work, even if their workplaces ban firearms, as long as they keep them in their locked vehicles. In January, two bills were introduced relating to the right to carry guns on college campuses.

Advocates of gun control say that much has changed since 1791, when people kept muskets to be ready for militia service and to hunt for food. And modern weapons are far deadlier than those of the 18th century: They fire more powerful ammunition and can deliver dozens of shots at a time. In 2007, more than 31,000 Americans died from gun violence, more than in any other country.

Gun-rights groups—the most powerful of which is the National Rifle Association—argue that any restrictions on gun ownership infringe on the rights of law-abiding citizens.

"The average gun owner is saying: 'I didn't fire any shots in Tucson,'" says Dave Workman, senior editor of *Gun Week*. "I just want to go hunting, or protect my family, and this is just going to create more paperwork and more headaches for me.'"

Virginia Tech & Fort Hood

The Arizona shooting is not the only such incident in the last few years. In April 2007, a student gunman killed 33 people at Virginia Tech. In November 2009, an Army major opened fire on a crowd at Fort Hood in Texas, killing 13 people and wounding almost 30 others.

Despite the public outrage following both of these tragedies, there seemed to be little appetite for tighter gun control laws. In fact, support in the U.S. for stricter gun control has dropped over the last couple of decades.

In a Gallup poll the week after the Arizona shooting, just 47 percent of Americans said the laws covering the sale of firearms should be made more strict. (A majority of teens, however, favor stricter gun laws; see graphic, above.) When Gallup first asked the question in 1990, 78 percent of Americans favored stricter laws.

Last month, lawmakers in Washington drafted bills to step up background checks, create no-gun zones around members of Congress, and ban the high-capacity clips that allowed the Tucson gunman to shoot so many bullets so fast.

Congresswoman McCarthy, who introduced the bill banning high-capacity clips, picks her words carefully. "This is not a gun control bill," she says. "I like to use the word 'gun safety bills.' And this one just addresses the narrow issue of these clips."

Despite these initiatives, gun rights advocates and lawmakers on both sides of the aisle say there is little chance the attack will produce significant new legislation or change a national culture that has long been accepting of guns.

"The fact is, Congress has not done any gun legislation in years," says Congressman Peter King, Republican of New York. "Once you get out of the Northeast, guns are a part of daily life."

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