

Gun control has been a hot topic for very long time. People on the anti-gun control side believe that gun ownership is a Constitutional right backed by the Second Amendment. The anti-gun believe that you should be able to possess and own any firearm. They also believe that gun laws only restrict the law abiding citizens. Pro-gun control believe that guns are the backbone to our crime problem. They also believe that gun laws help keep guns off the street and deter crime.

The Second Amendment reads, "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" (Caplan p32). "Underlying this amendment are two goals of an individual and collective defense from violence and aggression, which have been recognized by Congress" (Caplan P.32). The second amendment should help secure right of the people to have a gun in their home. "The government should not be permitted to declare who would or would not be able to bear arms on the basis of vague religious tests or any other nebulous standard or artifice" (Caplan p.39).

The first infringement on the Second Amendment came on November 30, 1993 when President Clinton signed Brady Bill I. The law required that there be a five day waiting period on all hand gun purchases. The Brady Bill also banned semi-automatic rifles and other military type weapons. (Moore 1994 p.434) The five day waiting period is suppose to stop felons from buying guns. But, Waiting periods do not stop felons from getting guns. Since 1968 it has been illegal for a felon to possess any firearm. (Moore 1994 p 440) Most of the criminals do not get their guns from stores, most get them by theft or on the black market. "While legitimate users of firearms encounter intense regulation, surutiny, and bureaucratic control, illicit markets easily adapt to whatever difficulties a free society throws in their way" (Polsby p.1). A study by Professor James D. Wright and Peter H. Rossi, showed that, fifty percent of criminals expected to get a gun illegaily the same day they get out of prison. (Blackman Aug 1985)

Brady Bill talks about recording and keeping track of guns for safety reasons. When people talk about the militia many people believe that the National Guard is our guarantee for a free state.(Caplan p. 50) People need to realize that the President is Commander-in-Chief of the National Guard, and may federalize it any time" (Caplan p.50). If this happens, the states would hav no protection. The federal government would also know which citizens have guns.

"The President is privy to all data concerning the placement and distribution of all National Guard weapons, thus making possible their quick confiscation by the armed forces. This is precisely the possibility the farmers sought to prevent when they enacted the second amendment" (p.51) "The record-keeping and inspection provisions of the present federal gun-control statues enhance the probability of government-sponsored arm confiscation and usurpation of power" (Chaplain p.52-53).

The pro-gun want people to believe that people who own guns think they have the God-given right to blow someone away. That is one of the reasons they felt registration was necessary. "Dr. Patricia Harris did a study that pointed out, that on average gun owners are better educated and have more prestigious jobs than non- owners... Later studies show that gun owners are less likely than non-owners to approve of police brutality, violence against dissenters, etc" (Snyder p 47).

The latest purposed infringement on the Second Amendment comes in the way of Brady Bill II. This law will require a state license to purchase a gun. To receive a licence you will have a background check and must be at least 21 years of age. (Illinois and New Jersey already have laws like this in place today.) It will increase the waiting period from five to thirty days. It will also require the private sale of a gun be done through a dealer and then require the waiting period. The bill will also ban several types of ammo and several types of guns. The guns that will be banned are of small caliber, .22 short, .25, and .32. (Brady Bill II 103d Congress)

The problem with the new bill is that it does nothing to deter crime. It only affects the law abiding citizens. Criminals will not register their guns

because usually steal they are stolen. " According to Wright felons make it clear that if they can not get the smaller caliber guns, it will stimulate a wholesale shift to bigger more lethal weapons" (Blackman Aug 1985) The study by Wright and Rossi 83% of the criminals questioned said," that if they can not get a handgun then they can always get a rifle or shotgun. (Blackman Aug 1985) Just like the first bill the second bill really does nothing to deter crime. The bills really just keep the honest people honest. If they really want to deter crime they should allow people the right to conceal and carry there own firearm.

Most pro-gun control people want you to believe that, the police are there to protect you. The police are not personal bodyguards. The police there as a general deterrent to crime, they usually act after the crime as occurred. Many court cases have stated that the police have no obligation to protect you. You cannot sue them for failure to protect you. (Snyder p.42&43)

Most criminals will usually not know if one person is carrying a gun, but if several civilians start carrying a gun the criminals will become warier. (Polsby p.2) Dr. Paul H. Blackman did a study of 1,874 imprisoned felons. Eighty-eight percent of the criminals agreed that gun laws only effect law abiding citizens. Fifty-six percent of the criminals agreed that they are not going to mess around with an armed. Seventy-four percent agreed that the one reason they avoid homes were people are there is because they are afraid of being shot. Forty percent also said that they did not commit a crime because they were afraid the victim was armed. (Blackman August 1985)

The State of Florida was one of first states to allow conceal and carry laws. The law required that the applicant be at least 21 years of age, no crminal record, no record of drug and alcohol abuse, no history of mental illness, and complete a firearms safety course by the NRA. The permit must be renewed every three years. The permit is good throughout the, entire state.(Snyder p.49)"The State of Florida shows that from 1987 through June of 1993 160,823 permits have been issued and only 530, or about 0.33 percent of the applicants, have been denied a permit for failure to satisfy the criteria, indicating that the law is benefitting those whom it was intended to benefit" (Snyder p.49).

"A nationwide study by Kates, the constitutional la wyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The "error rate" for the police, however, was 11 percent, over five times as high" (Snyder p.50)

" It is therefore abundantly plain that the founding fathers recognized the type of danger incident to registration of arms; the second amendment seeks to curtail the possibility of widespread or politically selective confiscation" (Chaplain p.51). Thus, any type of gun control legislation, especially at the federal levels, appears to be at odds with the intent of the second amendment.

