

Of Fear and Freedom: A Personal View of Gun Rights and Gun Regulation

By Kevin D. Cole



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Kevin Cole is Professor and Holling Distinguished Engineering Educator in mechanical engineering at the University of Nebraska. He established the Aerospace Club, whose student members design and build airplanes, rockets, and robots to compete in national and international competitions. His heat-transfer research has been funded by the US Army, NASA, National Science Foundation, and by private industry. He has developed two archival web sites based on his research. The second edition of his book on heat conduction was published in 2011.

He has degrees from Iowa State University, the University of Minnesota, and Michigan State University. His hobbies include hiking, cycling, and choral singing. He and his wife Mary are members of the Episcopal Church, and they have two children living in Minnesota and Virginia.

Kevin has presented three papers at the Tom Carroll Lincoln Torch Club since joining the club in 2003. This paper was presented on November 17, 2014.

My father, Albert Cole, Jr., was a World War II army veteran. After he studied Mechanical Engineering at the University of Vermont under the GI bill, he worked at the Springfield Armory in Massachusetts. He designed manufacturing equipment that produced the M14 rifle, the M16 rifle, and many others. He was proud of his contribution to our nation's preparedness in a dangerous and uncertain world.

Guns were more than a career for my father. He collected guns, and he loved hunting and target shooting. When I was a boy, my friends had fathers that led the Boy Scout troop or coached little league baseball, but my Dad was a Range Officer in the Junior Marksman Program. Dad believed that every nine-year old should know how to field strip a rifle, how to clean a rifle, and how to shoot a rifle.

So, the winter of my ninth birthday, I joined my older brother and sister every Wednesday night at the Armory's indoor shooting range. There I learned gun safety and how to shoot a .22 caliber bolt-action rifle. I can still hear my father's voice: "Ready on the right. Ready on the left. Ready on the firing line. Commence firing." It took several years to work through all the firing positions: first prone position, then sitting, kneeling, and finally standing. When I was older, I learned how to use a shotgun and a handgun, and I was able to go hunting with my father and my older brother.

My title, "Of Fear and Freedom," emphasizes the emotions connected to the public discourse around guns. I

hope to enlarge your appreciation for the motivation and concerns—and yes, the fear--on both sides of this issue. I began with my own upbringing with guns to explore some emotions on the gun-advocate side.

Many of us agree that gun violence is a problem, but what kind of problem is it?

To explore the emotions on other side, let me drop some names: Virginia Tech; Columbine; Aurora; Newtown. These place names have become shorthand for the large-scale death and injury carried out in schools and movie theaters by someone with a gun. Many of us can agree that gun violence is a problem, but what kind of problem is it? The split between the gun rights people and the gun regulation people lies in framing the problem. The gun-regulation people tend to view gun violence as a public health problem.

Table 1 shows some statistics on gun deaths and injury in the USA for the year 2010 (these numbers come from a single source, but the general size of the numbers is in agreement across several sources). There were 8896 gun homicides in 2010, which accounted for about half of all the homicides in the USA, by all methods. There were 19,392 gun suicides in the USA in 2010, which accounted for about half of all the suicides that year, by all methods.

Table 1. Gun statistics for the USA for the year 2010
(gunpolicy.org)

Gun homicides*	8896
Gun suicides	19,392
Gun deaths, other (accident, justifiable homicide, etc.)	3384
Total gun deaths in the USA in 2010	31,672
Non-fatal gun injuries	73,883
Number of guns in private hands in USA (approximately)	270,000,000
Other numbers for comparison purposes	
Homicides, all methods	16,259
Suicides in the USA, all methods (NIH.org)	38,364

*factcheck.org puts gun homicides in 2010 at 11,078

Every day in this country, on average, the number of gun deaths is akin to three Newtown shootings. Three Newtowns, every day. And the number of non-fatal gun injuries is more than twice this many.

In his book *Private Guns, Public Health*, David Hemenway gives some comparisons on gun statistics with other countries. The USA has a far higher rate of suicide, homicide, and violent crimes than other industrialized countries, and Hemenway argues that the difference is due almost entirely to gun suicides, gun homicides, and guns used in violent crimes. Critics of such information (for example, the NRA) complain that such comparisons are made with countries whose crime rate is much lower than the USA (LaPier, 2003). To counterbalance this claim, Hemenway compares the USA to three countries that he calls “frontier” countries, with high gun-ownership rates, with roughly similar crime rates, and where English is spoken: these are Canada, Australia, and New Zealand.

Compared to the USA, Canada’s gun homicide rate is 15 percent of the USA rate; Australia’s rate is ten percent of the US rate, and New Zealand’s rate is only five percent—twenty times lower than that of the USA. Hemenway argues that the difference between the USA and these countries is that these countries have stronger firearm regulations. The public health view is that strong firearm regulations can greatly reduce gun deaths and gun injuries.

Gun-rights advocates, as you can imagine, do not agree that gun deaths are a public health problem, but instead point to the criminals with guns that carry out the gun violence in this country. For them, the problem of gun violence is a criminal-justice problem. Gun-rights advocates have their own facts to support this view. My father had a subscription to *The American Rifleman*, the official magazine of the NRA, which carries a column called “The

Armed Citizen,” based on actual news items. Every month a story is thrillingly retold of how someone acted decisively, gun in hand, to thwart a criminal engaged in assault or robbery.

A review of our federal gun laws will let us further explore the criminal justice side of the gun issue. The touchstone for all gun law is the Second Amendment to the U.S. Constitution, which 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.”

This amendment has two clauses. Gun-control people like the first clause, because the phrase “a well regulated militia” seems to say that the purpose of gun rights is to protect local militias against interference by the government. The gun-rights people focus on the second clause, which contains the phrase “the right of the people to keep and bear arms”, and they generally ignore the first clause.

Since the constitution was ratified, there have been six federal gun laws enacted. In 1934, the National Firearms Act implemented a tax on the making and transfer of fully automatic guns and sawed-off shotguns. The law was prompted by national outrage over the gangster culture that grew up during Prohibition.

In 1968, Congress passed the Gun Control Act to better control interstate traffic of firearms. One motivation for this law is that Lee Harvey Oswald used a mail-order rifle to assassinate President John F. Kennedy.

In 1986, Congress passed the Firearm Owner’s Protection Act, which prohibits felons from owning or possessing guns or ammunition. That same year, the Law Enforcement Officers Protection Act outlawed ammunition that can penetrate a bulletproof vest.

In 1993, Congress passed the Brady Handgun Violence Act, establishing the National Instant Criminal Background Check System that gun dealers are to use before selling a gun. This law was named for James Brady, who was injured during the assassination attempt on President Reagan.

In 1994, the Violent Crime Control and Law Enforcement Act banned 19 types of assault rifles, such as the AK-47. However, this law had a sunset clause, and it expired ten years later in 2004.

That’s six federal laws enacted and five still in force. The remaining five laws are those that the gun-rights people argue should be better enforced before we enact any further infringements upon their second-amendment rights.

Although the gun rights people insist that the second amendment is under threat (LaPierre, 2003), the Supreme Court has ruled directly on the second amendment only two times (Greenhouse, 2012). The first time was in 1939, in a case called *United States versus Miller*, in which the Supreme Court issued a strong ruling (8-0) to uphold the limits on gangster weapons, including sawed-off shotguns. By limiting personal ownership of certain types of guns, the court focused on the first clause of the second amendment, emphasizing a collective right and a “well regulated militia” and de-emphasizing an individual right.

The second time was in 2008, when the Supreme Court ruled in a case called *Heller vs. the District of Columbia*. The District of Columbia had passed a law in 1976 banning residents from owning handguns. Heller sued the District of Columbia after it rejected his application to keep a handgun at his home near Capitol Hill. When the case reached the Supreme Court, the Court struck down the D.C. handgun ban as unconstitutional. The court was split 5-4, with Antonin Scalia writing for the majority. In his opinion, Scalia answered this question: who are the “people” whose right the second amendment is protecting? Scalia decided that these were the same people who enjoyed other individual rights protected by the entire Bill of Rights. Scalia concluded that the second amendment codified a “pre-existing” individual right to self-defense. Thus we have two Supreme Court decisions that highlight the two diverging clauses in the second amendment (Stevens, 2014).

The *Heller* case addressed the use of guns for self-defense, which is another emotional flash point in the gun debate. I want to address this issue through a personal experience.

Before my wife and I had children, we lived in a suburban neighborhood in the Midwest. We had no firearms in

the house. One fall night, soon after we had gone to bed, there was a sound outside the bedroom window. I looked through the curtains and saw that someone was in our fenced-in backyard, right outside our first-floor window. I whispered to my wife to call 911. A few moments later I whispered that he was pulling off the window screen. My wife related all this to the 911 operator, who advised us to leave the house. So, we left the bedroom, stopped briefly at the front closet to grab jackets because it was a cold night, and, as we were leaving the house, heard the bedroom window break. A neighbor took us in until the police arrived. The police walked through the house and declared it free of intruders. Because I had not seen the intruder’s face, the police told us there was nothing more they could do. So we thanked them, swept up the broken glass, put some cardboard over the broken window, and went back to bed. We were frightened and we were angry, but were we angry enough to want a gun for our home?

If you point a gun at another human being you should be prepared to kill that person, and you will be risking your life to do so.

Let’s play the “what if” game. What if I had had a gun handy? My father kept a Colt .45 semi-automatic pistol in his bedside table. He kept the ammunition clip separate from the gun, but he could load that clip and work the slide to chamber the first round in about three seconds, even in the dark. Our

intruder had approached a dark house, so he probably thought no one was home. He probably wanted our stuff, which was no reason for me to threaten him with a gun. I have thought very carefully about this point because of this experience. If you point a gun at another human being, you raise the stakes to deadly force. Now that person has a reason to kill you that they may not have had before. If you point a gun at another human being you should be prepared to kill that person, and you will be risking your life to do so.

Let’s play the “what if” game another way. What if when I heard the noise that night, I had turned on the light and shouted, “There’s someone in the yard. Go let the dog out!” (We had no dog, but I *could* have said that). That might have frightened off our intruder and avoided a broken window. That night, when my emotions were running high, perhaps I did not make the best decision. I choose to have no gun in my home today, in part, because I fear that I could make a poor decision worse, because of a gun.

I have a great deal of freedom around this no-gun decision. I can live in a neighborhood that I perceive to be safe. Not everyone has the financial freedom to choose as I do. If I felt unsafe in my home and had no other recourse, first I would get a dog. If I still felt unsafe, I would get a 12-gauge shotgun, pump-action. A shotgun provides something that my father called knock-down power. A shotgun at close quarters is likely to knock someone down, perhaps never to get up again.

My focus in this paper has been on emotions, primarily fear, because the topic has seemed to require it. However my training as an engineer did not prepare me to grapple with emotion in place of facts. Is there any role for rational discourse in the gun debate?

I found a partial answer to this question in a book by Randy Olson

entitled *Don't Be SUCH a Scientist*. Olson started out as a biology professor, but he changed his career to filmmaking, because he wanted his work to have more impact on the public. Olson describes a theory of mass communication that goes like this: there are four body organs that are important in communication with an audience: head, heart, guts, and gonads. Olson contends that if your message is factual and rational, that is a head message, and your audience will be very small. To increase the size of your audience, you have to move your message down from the head into the heart with sincerity or sympathy, into the gut with humor (or fear), and, if you get lucky, into the gonads with sex appeal. Because sex attracts the largest audience of all.

Suppose we apply Olson's schema to gun policy. The people interested in gun control will tell you that gun injuries in the USA are many times that of developed countries with strong gun regulations. This is a head message that only reaches a small audience. Then they move the narrative to the heart with stories about families torn by gun violence at Columbine and Newtown. Moving lower, they use these stories to evoke fear for the safety of our children.

Let's look at the other side. The pro-gun people have their rational arguments, for example, that when gun ownership goes up, gun crime goes down by deterrence. Then they have heart-warming stories about parent-child bonding over the shooting sports such as my own childhood experiences. There is heart-swelling pride in the colonial minuteman whose muster and musket delivered us from tyranny in Revolutionary times. Pro-gun people are also skilled at moving the discussion below the heart. For example, gun control is the first step toward taking away your guns, and then only criminals will have guns, and you won't be able to protect your family in your own home. This is gut-level fear. Finally,

for some people, guns are sexy. In her book *Gun Show Nation*, journalist Joan Burbick describes men "fondling" the guns displayed at gun shows, and there is sensuality to be found in disassembling and oiling a powerful firearm.

My own view of gun policy is that gun violence is a serious public health problem. The USA would be a safer place with strict controls on handguns. Large-capacity ammunition magazines should be completely banned, because these have featured prominently in many mass shootings. Generally, long guns are fine even if they are semi-automatic—but no individual needs a fully automatic gun.

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This type of gun control may be out of reach in America today, because the pro-gun lobby has had greater success in connecting with voters at the gut level and at the groin level. Change will come only when American gun-control advocates find a message that is equally compelling. Perhaps a start on that message could come from a part of the US Constitution that the second-amendment boosters seem to have forgotten. The Preamble of the Constitution reads as follows:

We the People of the United States, in Order to form a more perfect Union [that is, we're all in this together], establish Justice, insure domestic Tranquility, provide for the common defense [not just the defense of one's personal citadel], promote the general Welfare [not just the welfare of angry guys with guns], and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Because my worldview is centered on the scientific method, I am sad that our public discourse on guns is primarily emotional. I have no ill will for gun owners themselves. I have sympathy for those that keep a gun in their home for self-defense. I understand the passion for hunting and target shooting. I even understand passion for the hardware itself because there is intrinsic beauty in a well-designed weapon. I am an engineer like my father, after all. Which is why, some years ago when my son turned nine years old, I asked my father to teach my children how to field strip a rifle, how to clean a rifle, and how to shoot a rifle.

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