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High-profile tragedies tend to drive the contemporary gun control debate. Between 1999 and 2005, for example, a wave of schoolyard shootings stunned the nation. The most shocking shooting occurred in 1999 in Littleton, Colorado, where two Columbine High School students killed 12 fellow students, one teacher, and then themselves. The shootings sparked a general rise in outrage from both sides of the firearms debate, generated dozens of state and federal legislative proposals to tighten up gun laws, and even inspired a documentary film by Michael Moore.

The United States has a huge number of guns, perhaps as many guns as there are adults (well over 200,000,000). It also has weak national gun laws in comparison with almost all other economically developed, democratic nations. And compared to these countries, U.S. gun violence is very high. To gun control advocates, these social facts are causally connected: the more firearms circulating in a society, and the weaker the regulations governing their possession and sale, the greater the likelihood of violent crime, suicide, and accidental firearm-related death. However, gun rights advocates argue that the United States would be a violent and bloody society with or without the huge number of guns currently in circulation. This argument is not groundless: when all of the firearm-related homicides for the United States are eliminated, its murder rate is still higher than the entire rate (gun- and nongun-related) of a typical peer country.

Both sides of the contemporary gun control debate use history selectively. Gun rights advocates point out that in colonial America, all able-bodied men were legally mandated to own firearms to protect the community as part of the local or state militia. However, gun control advocates observe that from the early 19th century onward, as frontier settlements became "civilized," local officials were quick to put controls on guns. Prohibitions against concealed weapons were commonplace by the mid-1800s, as were laws against the discharging of a weapon in public places or within city limits.



The courts have traditionally rejected challenges to such laws.

Most challenges have been based on Second Amendment rights, either as detailed in the Bill of Rights, or as reformulated in various state constitutions. However, both state and federal courts have routinely ruled that the Second Amendment guarantees the right of a state to arm a militia, not of an individual to own a firearm unfettered by regulation. The U.S. Supreme Court broke from this routine in *District of Columbia v. Heller* (2008), in which the Court essentially ruled that federal law (the District of Columbia is under the jurisdiction of the federal government alone) could not restrict individuals from owning handguns under the Second Amendment. In *McDonald v. Chicago* (2010), the Court ruled that Chicago's ban on handgun ownership is unconstitutional because the Second Amendment's protection of an individual's right to own guns applies to state and local regulations under the Fourteenth Amendment.

The first serious federal gun control legislation was enacted on the heels of the gang violence associated with Prohibition. The U.S. Congress eventually responded by passing the National Firearms Act of 1934 and the Federal Firearms Act of 1938. This legislation restricted the sale of "gangster-type" weapons—including machine-guns, sawed-off shotguns, and silencers—and imposed the first federal limitations on the sale of ordinary firearms. Manufacturers, dealers, and importers of guns and handgun ammunition were mandated to obtain a federal firearms

license. Dealers were required to maintain records of the names and addresses of persons to whom firearms were sold. Gun sales to persons convicted of violent felonies were prohibited.

The 1960s assassinations of President John F. Kennedy, Rev. Martin Luther King Jr., and Sen. Robert F. Kennedy, as well as the urban riots that exploded in hundreds of cities, combined to increase national attention on gun violence and motivated the U.S. Congress to pass the Gun Control Act of 1968 (GCA). More recent federal guns laws, including the Brady Law (1993) and the 1994 federal assault weapons ban, have been generally enacted as amendments to the GCA statutes.



The GCA placed severe restrictions on the importation of firearms and on the sale of guns and ammunition across state lines. It also created a "prohibited persons" list of those barred from possessing guns, including convicted felons and drug users. In 1996, the list was expanded to include those convicted of domestic violence or subject to a domestic violence restraining order.

In 1991, George Hennard Jr. plowed his truck into Luby's Cafeteria in Killeen, Texas, and used two handguns to coldly kill 23 people. One of the surviving patrons, Suzanna Gratia, normally traveled with a handgun for self-protection, but kept it in her car to comply with Texas law, which at the time did not allow ordinary citizens to carry concealed weapons. She testified ruefully at a public hearing that she might have been able to save some of the patrons if she had had her gun. Gratia's testimony became instrumental in changing the political climate in Texas and many other states regarding right-to-carry laws. And in the following decade, dozens of states, including Texas, adopted right-to-carry laws—making it relatively easy for an ordinary citizen to get a permit to carry a concealed handgun.



In the fall of 2002, John Allen Muhammad and Lee Boyd Malvo used an assault rifle to murder 10 people and injure three others in the Washington, D.C., area. The shooting spree prompted gun control advocates to call for the creation of a national ballistic fingerprinting database, in which all firearms would have on file digital images of their shell casing and (in the case of rifles and handguns) bullet markings. They contended that such a database would have helped authorities to identify the snipers much sooner. To date, no such database has been created.

This inaction is typical of the federal government in recent years regarding gun control. Indeed, under the Republican Party's philosophy that the Second Amendment protects the right of law-abiding individuals to possess and bear firearms, the U.S. Congress has stymied the agenda of gun control advocates for the past decade. For example, in 2004, it allowed the 1994 federal assault weapons ban, originally enacted to last for 10 years, to expire. And in 2005, it passed the Protection of Lawful Commerce in Arms Act—which protects gun dealers and manufacturers from being sued for any harm caused by the criminal misuse of any firearms or ammunition they have sold.

Mass shootings at a rally for Gabrielle Giffords in 2011 and at an Aurora, Colorado, movie theater and Sandy Hook Elementary School in 2012 renewed the gun control debate. But, while calls for Congress to take action increased in response to those events, most of the legislative action has taken place at the state level.

Gregg Lee Carter

Further Reading

DeConde, Alexander. *Gun Violence in America: The Struggle for Control*. Boston, MA: Northeastern University Press, 2001. ; Utter, Glenn H. *Encyclopedia of Gun Control and Gun Rights*. Phoenix, AZ: Oryx Press, 2000.

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