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## Straight Shooting on Gun Control

*A Reason debate*

**Abigail A. Kohn, Don B. Kates, Wendy Kaminer, and Michael I. Krauss**

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When it comes to rancorous debates in which the two sides routinely talk past each other, gun control ranks up there with abortion and the death penalty. Last year Abigail A. Kohn, an anthropologist trained at the University of California at San Francisco, bravely waded into this battle with *Shooters: Myths and Realities of America's Gun Cultures* (Oxford University Press). A sympathetic portrait of gun enthusiasts in Northern California, the book ends with a plea for a calmer discussion of guns and crime. *Reason* asked Kohn to summarize her argument and invited responses from three people with an interest in this area: civil liberties lawyer Don B. Kates, journalist Wendy Kaminer, and law professor Michael I. Krauss.

### **Beyond Fear and Loathing**

Abigail A. Kohn

When the Department of Justice issues a public statement that the Second Amendment protects an individual right to own a gun, when 35 states pass nondiscretionary carry permit laws, when *New York Times* columnist Nicholas Kristof declares that "gun control is dead," you know the gun debate is over.

But somebody forgot to tell the San Francisco Board of Supervisors and Pizza Hut. Fresh from championing the rights of gays and lesbians to get married, San Francisco's supervisors are trying to curb the rights of all city residents to keep handguns in their homes. Meanwhile, major American corporations such as Pizza Hut and AOL forbid employees to bring even legally owned and transported guns onto company property or to carry them on the job. Pizza Hut recently fired an employee for carrying a gun while delivering pizzas; the company learned of the violation when the employee used the gun on the job to defend himself during a robbery attempt.

Although the Justice Department has practically promised that guns are off the national agenda, state and local gun controls affect millions of Americans. While gun owners have powerful allies such as the Justice Department and the U.S. Court of Appeals for the 5th Circuit, which in the 1998 case *U.S. v. Emerson* found that the Second Amendment guarantees an individual right to armed self-defense, gun control supporters maintain strongholds in the country's biggest cities. Having John Ashcroft or Alberto Gonzales on their side doesn't do supporters of gun rights much good in cities such as New York, Chicago, and the District of Columbia, where it is difficult or impossible to legally keep guns for self-defense. And such cities may be the places where owning a gun for self-defense is most important, particularly for people who live in high-crime neighborhoods.

Given that neither side of the gun debate is going to concede defeat, and given their loathing for each other, I'd like to offer several suggestions for moving the debate forward. I come to these suggestions after several years of anthropological research on gun enthusiasts in the San Francisco Bay Area during the late 1990s. I met shooters at ranges, gun clubs, competitions, and gun shows, where thousands of Bay Area shooters regularly brave the hostility of their local government and their neighbors to enjoy their chosen shooting sports. My research educated me not only about how gun owners think and feel about their guns but also about the assumptions that both sides of the gun debate bring to the table. Until gun control supporters and gun enthusiasts re-examine some of their assumptions, neither will get far in achieving policies that are likely to reduce violence, the stated objective of both sides.

Here's what gun control supporters must do to have any hope of being heard on the national level again:

*Stop trying to destroy the gun culture.* There are more than 250

million guns in public circulation in the U.S. They cannot be wished away. Even if the U.S. government banned gun ownership and stopped all gun manufacturing and importation, it would still need to confiscate all those weapons. Doing so would require wholesale violations of Fourth Amendment rights. The probability of getting rid of guns in America, therefore, is practically zero.

Then there are the people who own all those guns. The gun culture is a multilayered, multifaceted phenomenon made up of diverse, complex subcultures. Contrary to popular stereotypes, members of the gun culture are not all potential terrorists, unemployed skinheads hanging out at gun shows, or menacing warrior wannabes in camouflage gear. Not every gun owner is a member of the National Rifle Association; in fact, some gun owners dislike the NRA. Gun owners come in all colors and stripes: They are police officers, soldiers, farmers and ranchers, doctors and lawyers, hunters, sport shooters, gun collectors, feminists, gay activists, black civil rights leaders. Most of the shooters I know are normal members of their local communities. They have regular jobs; they go to neighborhood picnics and PTA meetings; they have children and grandchildren. They interact with their co-workers, bosses, employees, neighbors, friends, and families in socially positive ways.

Despite their differences in background and lifestyle, all these individuals have thoroughly integrated guns into their lives. Gun control supporters need to recognize that America's gun culture has deep roots in American history and that pro-gun ideology has deep roots in America's political culture. Even if the NRA were to magically disappear tomorrow, the gun culture would remain. The people who compose it are simply not interested in giving up their arms.

Guns and the gun culture are so intertwined with American culture that many Americans perceive guns as utterly, unremarkably normal. Most gun owners have unexciting, if not entirely banal, experiences with guns all the time. Claiming that gun owners are mentally ill or that the gun culture is a "cult" (as the historian Garry Wills has) will not change the fact that most gun owners are ordinary people.

Speaking of which...

*Stop demonizing gun owners.* Insulting, ridiculing, or attempting to shame gun owners leaves them even more disgusted by the idea of gun control. Gun control advocates and

social critics have rarely missed an opportunity to describe gun owners as “gun nuts,” “gun crazies,” or even “potential terrorists.” If gun control advocates are only trying to rouse the passions of people who already agree with them, they may be accomplishing their goal. But presumably there is an audience sitting on the fence, an audience that includes gun owners who are open to persuasion by a reasonable point of view. Gun control supporters underestimate the ways their rhetoric alienates this reachable group of people.

Discontinuing these tactics of public ridicule would go a long way toward establishing better faith with gun owners. What would happen if politicians who support gun control publicly acknowledged that most Americans who own guns do so legitimately, as part of a well-established tradition of American citizenship? What if they noted that gun owners share their desire to reduce violence and welcomed the opportunity to hear their suggestions for fighting illegal gun sales and making the legal gun market safer? What if they actually meant it? I realize how unlikely it is that liberal politicians would be willing to give up the rhetoric that appeals to the hard-core anti-gun constituency. But if catering to this constituency means consistently losing elections, alienating large groups of voters, or having proposed policies shot down by the courts, surely it makes sense to reach out to moderate gun owners. Toward that end...

*Use local gun owners as a resource.* There are more than 75 million gun owners in the U.S. Chances are that most supporters of gun control are well-acquainted with at least one person who owns a gun and considers him or herself a gun enthusiast. Instead of relying on letters to the editor in the national press or sound bites from the NRA to explain gun enthusiasm or pro-gun ideology, perhaps gun control supporters should simply ask their friends and neighbors. If people begin honest dialogues with others they are predisposed to trust, they might be less inclined to take a hard-line position in the broader gun debate.

Asking local residents who are knowledgeable about guns to give children and teenagers a run-down about what they do, how they work, and why children shouldn't touch them except under adult supervision in controlled circumstances might help dispel the myths and fantasies that are attached to these seductive, powerful icons. The absence of accurate information about guns does not make them less appealing; it only fosters ignorance about their dangers.

*Give up on dead-end gun control proposals.* As the Democrats

have discovered, nothing kills a political career faster than the words *licensing* and *registration*. Al Gore learned this the hard way, and four years later no amount of duck and goose hunting could negate John Kerry's image as a potential gun grabber. It's true that the NRA is very good at painting any Democrat—or the odd Republican—who dares mention gun regulation as an enemy of the people. But the gun control movement has provided bad advice to liberal hopefuls, encouraging them to believe that most Americans want tighter federal gun laws.

The gun control movement needs to take responsibility for its own poor showing, which is largely due to its reliance on policies that are not only unpopular but unlikely to reduce gun crime. A national licensing and registration system for handguns, for example, would be very costly (just ask Canada), impossible to manage effectively, and likely to generate widespread noncompliance, creating more criminals than it would catch. Records of sale (kept by dealers now in several states, including California) accomplish most of the benefits of registration without nearly as much of the negative fallout.

Why not advocate that approach instead?

Another example of counterproductive gun control is discretionary carry permit laws, which give police the authority to decide who should be allowed to carry firearms. Such laws penalize the poor and disenfranchised, battered women, even gay activists—people whose applications police are likely to reject. By contrast, politicians and local celebrities (who often have well-armed bodyguards anyway) usually have no problem getting permits. Amazingly, such laws are still proposed as solutions for cities plagued by gun crime, where the citizens most often denied permits tend to be the ones most vulnerable to crime. These poorly thought-out policies don't just anger gun owners; they discredit the very notion of gun control.

Gun control supporters should make a real effort to research the gun control policies they support. Even if they think general disarmament is a good idea, are they really interested in policies that selectively disarm people with the least political influence? They need to identify and promote violence-reducing gun control policies that everyone can rally around, including law-abiding gun owners.

And why would gun owners want to get behind any kind of gun control policy? Because gun control is not going away. Despite the lack of evidence, many Americans continue to believe that gun control will prevent gun violence, or at least reduce it. As

long as there are guns around, there will be people who insist on controlling them. No matter how effectively gun owners demonstrate their safety consciousness, or how often they use guns to defend themselves, there will always be gun control supporters who genuinely believe that owning guns causes crime.

To beat gun controllers at their own game, gun owners should:

*Recognize the power of their recent political victories.* The 5th Circuit's ruling in *Emerson*, the election of George W. Bush, John Ashcroft's term as attorney general, and the Justice Department's support for an individual-rights interpretation of the Second Amendment all were important victories for the gun rights movement. What these wins mean is that gun enthusiasts, and in particular the NRA, no longer need to take an absolutist stance against all forms of gun control. The NRA traditionally has argued that most, if not all, gun control is dangerous because it will lead the U.S. down a slippery slope to gun confiscation. But because of the *Emerson* decision and the well-articulated position of the Justice Department, Americans now have a fairly clear Second Amendment right to own guns. American courts are slowly but surely recognizing what gun owners have known all along.

That being the case, the strongest position gun owners can take is to look long and hard at the laws on the books and decide how they can be improved. Gun owners should start thinking proactively and constructively about how they can contribute to a body of law that continues to respect their rights but more effectively prohibits dangerous and criminal gun use, gun dealing, and firearms trafficking. These are the kinds of crimes (the latter two in particular) that are rampant in areas of the nation where gun control laws are strictest. Gun owners should lead the way in championing laws that address these problems. This means they should...

*Rethink what is meant by "gun control."* Until now, gun control has largely been about attempting (generally unsuccessfully) to reduce or eradicate gun crime by controlling legal access to guns. Licensing and registration, bans on "assault weapons," discretionary licensing laws: These are the defining aspects of the contemporary gun control paradigm. Instead we need to start thinking about gun control as an attempt to control the black market in firearms.

A good example is private gun sales, which are largely unregulated. This creates a serious problem, since there is

strong evidence that guns used in crime are purchased through informal, third-party channels. Criminologists such as Joseph F. Sheley of California State University at Sacramento and James D. Wright of the University of Central Florida have documented the ways in which crime guns move quickly through a community by means of informal transactions, a problem that should be addressed by harshly penalizing people who engage in nonprofessional gun transfers and circumvent legal dealers. Straw purchasing—in which a person with a clean background purchases a gun through legal means, then turns around and sells it illegally to a prohibited buyer such as a convicted felon—is a related example of a serious gun crime. Massive amounts of guns can move quickly and easily into the black market through consistent straw purchasing, which should be heavily penalized on both the supply and demand sides.

Shooters can help police these problems. In any given community, gun enthusiasts are often quite familiar with the dealers who are not always scrupulously careful about selling only to legal buyers. When I conducted research with shooters in Northern California, I found it was no secret which dealers were selling guns to straw buyers. If such dirty dealing was public knowledge (or quasi-public knowledge), why didn't shooters notify local or state authorities? Why would they keep silent about criminal activities that hurt law-abiding gun owners?

I suspect some shooters distrusted the local office of the Bureau of Alcohol, Tobacco, and Firearms (BATF, now the Bureau of Alcohol, Tobacco, Firearms, and Explosives) or felt a sense of loyalty to the gun-owning community (always beleaguered in San Francisco). Or perhaps they simply didn't care to get involved with the issue, figuring it wasn't such a big deal if it didn't directly affect them. But solid research by criminologists such as David M. Kennedy, Anthony A. Braga, and Anne M. Piehl, all at Harvard University's Kennedy School of Government, has demonstrated that small numbers of dirty dealers can move an enormous number of guns into the black market, thereby making the surrounding areas more dangerous for everyone living there.

Dirty dealing and gun trafficking don't just provide literal weapons to violent criminals; they provide rhetorical weapons to the gun control movement, which never misses an opportunity to stick it to gun owners. If gun trafficking and gun crime increase, anti-gun crusaders will turn the spotlight to the most obvious "cause" of the problem: the legal gun-owning community. Shooters should remember their own stake in

ridding the community of gun crime; it benefits them in every way to get more proactive about reducing crime. Gun owners need to work assertively within the system to accomplish change that ultimately benefits everyone, simultaneously demonstrating their willingness to compromise. Accordingly, shooters need to...

*Support effective violence-reduction policies.* A number of projects developed in the last several years show great promise in reducing youth violence, gang activity, and gun crime generally. One of the most impressive and sophisticated is the Boston Gun Project, also known as Operation Cease Fire. The Boston Gun Project is the invention of a team of Harvard researchers (including Kennedy, Braga, and Piehl) who began in the mid-1990s to collaborate with the Boston Police Department, youth outreach coordinators, and community activists who work with inner-city youth and gang members. By uniting the efforts of these agencies and individuals, they disrupted the gun crime that was contributing to Boston's high homicide rate. With help from the police and the local BATF, the researchers learned that there were several dealers in Massachusetts (as well as surrounding states) who regularly sold guns to straw purchasers, thereby helping to sustain Boston's black market in guns. This was one method by which the project was able to identify and disrupt the sources of guns that were quickly finding their way into dangerous hands.

Working with community activists and gang specialists, project leaders also held meetings with local gang members and youth considered "at risk" for committing violent crime. Community activists and outreach workers discussed with them the ways in which their dangerous behavior was hurting them, hurting their families and friends, and damaging the community, both physically and in terms of morale. Project workers also discussed with these youths the potential consequences of their violent behavior, including seizure of assets and proceeds from drug transactions, harsher prosecutorial attention, and tougher bail terms. All participants in the project were informed that violence would not be tolerated, that in some cases it would be prosecuted in federal court, and that all of the project's separate agencies (the police, the BATF, and community services organizations) would make offenders' lives uncomfortable until the violence stopped. Individuals who were engaging in the most violent behavior were identified by the coordinating agencies, arrested, and prosecuted.

All the youth involved in the project (and in the community) witnessed what happened to those violent individuals, which

helped deter further violence. Ultimately, the Boston Gun Project was credited with helping reduce the youth homicide rate in Boston by nearly two-thirds in the late 1990s. The project received numerous community and national awards for quality and innovation in law enforcement and policing.

It would be difficult to replicate these results without adequate funding, police support, and a community willing to make a strong commitment to its underclass. But this is the kind of program that gun owners in communities across the country should be seeking out and supporting. It jibes with the best ideas that shooters shared with me about reducing violence: better law enforcement, recognition that crime is not simply a matter of guns, programs targeting the people most likely to harm themselves and others, and working with individuals who have appropriate expertise for reducing crime. This program also could easily be considered part of effective gun control: The project discovered dealers who were engaged in illegal practices, attempted to disrupt gun trafficking, and sought to reduce or stop activities associated with gun violence.

The gun debate may not be entirely over, but shooters have an increasingly strong edge. Certainly they should be aware of the foolishness going on in places such as San Francisco, and they might even consider a boycott of Pizza Hut, if that's how they want to make their point. But more important than that, they should be actively engaged in promoting a better understanding of why violence occurs. They should be seeking out programs that reduce it, leading the way in this good fight. That is how they can really win the gun debate.

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### **No Room for Compromise**

Don B. Kates

Abigail Kohn's analysis is acute. Her suggestions are equally so—in the abstract. But are they practicable?

Once upon a time, compromise was practicable. In the 1920s the National Rifle Association headed off a nationwide campaign to ban handguns by proposing a set of moderate

restrictions, including bans on gun possession by convicted felons and the insane. These rules were adopted in almost all states to the exclusion of laws requiring a permit to have a handgun.

But anti-gun goals have advanced, thereby eliminating any chance for compromise today. The first thing compromise would require is for the anti-gun movement to honestly admit that the Second Amendment to the U.S. Constitution secures to all law-abiding, responsible adults freedom of choice to keep firearms for the protection of their families and homes. That is the only intellectually serious constitutional interpretation. But anti-gun advocates cannot acknowledge that, for it would foreclose their ultimate goal of banning and confiscating handguns, and eventually all guns, from the general population.

Admittedly, Handgun Control Inc., now known as the Brady Campaign to Prevent Gun Violence, champions the more moderate position that people may have firearms for hunting and target shooting. But these guns either must be locked up in a public armory or, if kept at home, must be unloaded and disassembled. The aim is to keep ordinary people from having firearms readily available for self-defense.

The ultimate goal of the anti-gun movement precludes any compromise. Gun control advocates disingenuously ridicule gun owners for fighting regulation of guns similar to what they readily accept for cars. But drivers too would adamantly oppose controls if they were promoted by people who believed that automobiles are evil instruments no decent person would want to have and that anyone who does desire them must be warped sexually, intellectually, educationally, and ethically. Car registration and driver licensing would be adamantly opposed if advocated on the ground that cars should be made increasingly unavailable to ordinary people and eventually denied to all but the military, police, and the influence peddlers and other "special" individuals whom the military or police select to receive permits.

Gun owners, like abortion rights supporters, know that if their opponents cannot get prohibition outright they are implacably determined to reach the same result through regulation that looks reasonable but can be manipulated by hostile administrators and courts. Long and bitter experience has taught gun owners that the only "compromise" the anti-gun movement offers them is their uncompensated agreement to ever more regulations furthering the short-term goal of multiplying red tape and administrative obstacles so as to make it progressively

more difficult for ordinary people to have firearms for self-defense.

The hostility of groups like the American Civil Liberties Union and the National Association for the Advancement of Colored People makes gun owners even more reluctant than abortion rights proponents to consider compromise. The mere threat of challenge by these groups means most Americans in most situations (abortion rights advocates in particular) can be confident that regulations will be just and fairly administered. But gun owners can have no such confidence because civil liberties groups and judges themselves ardently favor anti-gun goals and see nothing of value in the rights or interests of gun owners.

Sensible though Kohn's suggestions for compromise are, they miss the point that the anti-gun movement's concern is only ostensibly with crime. Its actual purpose has been declared over and over again. According to the Brady Campaign's Sarah Brady, "The only reason for guns in civilian hands is for sporting purposes." The Washington Post editorializes that "the need that some homeowners and shopkeepers believe they have for weapons to defend themselves [represents] the worst instincts in the human character." Former Attorney General Ramsey Clark declares that gun ownership for personal self-defense is "anarchy, not order under law—a jungle where each relies on himself for survival." A *New Republic* editorial asserts that the desire to possess arms for family defense "proceeds from premises that are profoundly wrong. In a civilized society, physical security is a collective responsibility, not an individual one." Historian Garry Wills insists that "every civilized society must disarm its citizens against each other. Those who do not trust their own people become predators upon their own people."

In other words, the aim is to produce a citizenry deprived of all means of self-defense so as to be abjectly dependent on a supposedly all-wise, and certainly ever more powerful, government for its security. What compromise with this can there be for people who believe in a strong and independent citizenry, as gun owners do?

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**You're Too Easy on Gun Rights Supporters**

Wendy Kaminer

Efforts to prohibit popular behaviors are bound to be futile at best. Prohibition offers simple lessons in the power of the market that both liberals and conservatives ignore when their fear or loathing of particular behaviors is stronger than their logic (or their respect for individual liberty). Black markets predictably arise to fill illegal demands, even when the cost of satisfying them, for suppliers and consumers, is high. That helps explain why prisons are filled with low-level drug offenders.

So Abigail Kohn is right to confront gun control advocates with the simple fact that efforts to ban firearms are bound to fail. Regardless of how scholars or judges interpret the Second Amendment, the Fourth Amendment may make seizures of guns difficult, as Kohn observes. (The Fourth Amendment has been greatly eroded by the drug war, but confiscation of guns from private homes would generate much more resistance than confiscation of drugs.) I suspect she is also correct in asserting that recent legal and political victories by gun rights advocates should ease their concerns about the prospect of prohibition and make them more amenable to regulation.

But while Kohn exhorts both sides of the gun debate to re-examine their assumptions, she seems to expect more compromise from proponents of gun control. How many assumptions must gun enthusiasts re-examine, after all, in order to support strategies for shutting down black markets and reducing juvenile violence? I'm not inclined to let them off this easily.

If gun rights advocates want to gain credibility with advocates of gun control (and others not enamored of right-wing Republicanism), they might re-examine the politics of the National Rifle Association. It is not only a gun rights organization; it is effectively a right arm of the GOP, promoting the party line on issues having nothing to do with guns. Check out its Web site ([nra.org](http://nra.org)), and you'll find pages and pages of links to articles in the partisan press, including attacks on the U.N., John Kerry, trial lawyers, Tom Daschle, and Clintonomics.

What you are less likely to find in the NRA is a consistent concern for individual rights, including the rights of criminal suspects. I'm not suggesting the NRA should transform itself into the Cato Institute, much less the American Civil Liberties Union. But an organization that promotes gun ownership partly as a means of controlling or deterring crime and partly as a

check on repressive government should at least avoid supporting criminal justice policies that increase the arbitrary power of government at the expense of individuals, particularly those involved in nonviolent crime.

While the NRA has sometimes rallied to counter direct threats to Fourth Amendment rights, recognizing their value to gun owners, it has been AWOL, at best, in the battle to protect the Fourth Amendment from the War on Drugs. In fact, the NRA lent support to some of the most abusive criminal justice practices in effect today. During the 1990s, to counter rising concern about violent crime and gun violence in particular, the NRA advocated harsh mandatory minimum sentences, including California's notoriously draconian three strikes law. According to Families Against Mandatory Minimums, the NRA helped derail congressional efforts to alleviate the effects of mandatory minimums on nonviolent offenders. In the mid-1990s, when former Harvard researcher David Kennedy was helping to establish the Boston Gun Project (justly praised by Kohn), the NRA was helping to ensure that unarmed, nonviolent offenders would spend most if not all of their lives in prison.

The NRA also was busy opposing the Brady Bill. Inside the bubble of the gun rights movement, waiting periods for gun purchases have been treated as worse deprivations of liberty than life sentences for shoplifting. The federal waiting period expired in the late 1990s, and researchers have concluded that waiting periods have only marginal effects on gun violence; but marginal effects can have enormous significance to individuals. In any case, waiting periods also have only marginal effects on gun purchases. Kohn does not press gun rights advocates to rethink their categorical opposition to modest regulations such as waiting periods, but if they don't like being viewed as gun nuts, they might consider doing so.

Finally, gun rights advocates who indulge in quasi-survivalist rhetoric should reconsider the highly anachronistic insistence that gun ownership is essential to mounting successful insurrections against an oppressive state. If David Koresh had been taken alive instead of incinerated by federal agents, he might testify to the uselessness of firearms to a small group besieged by officers of a large government. Today that uselessness is only increasing. Invisible surveillance techniques are proliferating, privacy is history, and the notion that guns guarantee liberty is increasingly ridiculous. Second Amendment rights are relatively secure today, but as restraints on government, they're also less important.

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### **It Isn't Safe Yet**

Michael I. Krauss

Abigail Kohn clearly has come to a nuanced understanding of gun owners. That would be unremarkable for the majority of Americans who already understand gun owners (because they are, or are closely related to, gun owners). The fact that Kohn finds her understanding noteworthy is an indication of the ignorance that prevails among those who have a negative attitude toward guns, among whom I assume Kohn once counted herself. In that sense, her essay reads much like an article urging people not to fear the Jews because they don't really drink the blood of Christian babies: Reading it makes one sad that it's needed, but perhaps it will do some good. So two cheers for this essay.

It's hard to give *three* cheers for it, though, because Kohn pulls her punches on many occasions, presumably to avoid offending her gun-phobic readers. For instance, she might have pointed out, in more than a fleeting half-sentence, that there is *no* evidence gun control reduces crime; that gun control has distinctly racist origins (the desire to disarm freed slaves); and that gun control is most constraining precisely in areas (such as Chicago and the District of Columbia) where descendants of freedmen are trying to build safe lives for their families.

I am myself a victim of gun control. I work in (and for) the Commonwealth of Virginia, but I live in neighboring Maryland. Maryland is surrounded by Pennsylvania, West Virginia, Delaware, and Virginia, each of which affords law-abiding citizens the right to carry a concealed weapon, provided they have taken appropriate training courses. Maryland statutes *appear* to grant such a right, but in fact the superintendent of police vetoes every "carry application," except for those of politicians and celebrities, just as Kohn describes. The Democrat-dominated Maryland legislature fears mayhem if the state's nonpolitician, noncelebrity citizens are afforded this basic right of self-defense. Yet Maryland consistently has a considerably higher crime rate than any of the neighboring "concealed carry" states. It is this kind of madness that makes gun owners conclude gun controllers are immune to rational argument.

End of rant; back to Kohn. Contrary to her insinuation, the National Rifle Association is *not* an extremist organization, any more than the American Civil Liberties Union or the Anti-Defamation League. Kohn may not know that several organizations have split from the NRA because, in their view, it is *insufficiently* protective of Americans' Second Amendment rights. By her insinuation, Kohn reinforces silly stereotypes instead of debunking them.

And let's talk about those Second Amendment rights that Kohn assures her readers are so clearly secured. As I write, citizens of our nation's capital are fully denied these rights: If they use a firearm to defend themselves against a criminal, they are rewarded with confiscation of their weapon, for only criminals may possess firearms inside the District. Would Kohn feel the 13th and 14th amendments were firmly anchored if the country still included one slave-holding jurisdiction? Many jurists retain the deluded view that the 1939 Supreme Court case *U.S. v. Miller* sterilized the Second Amendment. *Miller* did *not* vacate the individual rights protected by the amendment, and it could not do so even if it tried, since the Supreme Court cannot modify the Constitution. Until citizens across the United States are assured of respect for their Second Amendment rights, it is outrageous to suggest these rights have been secured.

Finally, let it be known that I'm not a "gun enthusiast" myself, though Kohn's essay seems to assume all Second Amendment supporters are. I do not enjoy guns the way I enjoy cars, for example. I feel firearms are serious, dangerous items that happen to be great equalizers, enabling individuals to defend themselves against stronger assailants and citizens to defend their rights against tyrannical governments. I'll be glad if Kohn's debunking of the equivalent of the Jewish blood libel gains traction among the deluded. If and when that happens, maybe we all can sit down and *really* consider ways to enforce the Second Amendment and reduce violent crime.

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### **The Makings of a Bargain**

Abigail A. Kohn

Considered together, these three replies neatly demonstrate why the gun debate is at a standstill. What is a patent truism to one side is an obvious falsehood to the other. Wendy Kaminer

argues that gun enthusiasts need to recognize that the NRA has become so virulent and unreasonable that it does a disservice to the gun-owning community, while Michael Krauss insists it is a much-maligned civil rights organization that has become almost soft in its politics, to the point that splinter groups are forced to take up the battle for our (perennially deteriorating) gun rights. Is it any wonder the gun debate has lost even the pretense of civility?

This leads me to one of Kaminer's most trenchant questions: Why am I not harder on gun enthusiasts? Krauss' and Don Kates' comments illustrate the reason perfectly: There isn't much point. According to Kates, shooters won't compromise because they view the gun control movement as fundamentally untrustworthy. Why should shooters make deals with the devil? Gun controllers undoubtedly would use any good-faith efforts by shooters to push for yet more gun control, which eventually would pave the way for their true goal: confiscation. Or so the argument goes. And as Krauss amply demonstrates, some gun rights advocates now approach the very idea of debate, much less compromise, with such thinly veiled hostility that just having a discussion seems unlikely. If Krauss expresses this much contempt for people who ostensibly agree with him, heaven help those who dare to disagree.

These two factors—distrust and hostility—are the primary reasons the gun debate goes nowhere. As I point out in my book, this is true for *both* sides, not just for gun rights advocates. But here's another reason why shooters are unlikely to consider any form of gun control: They don't need to consider it. For the most part, at least on the national level, they now hold the winning hand. Why tinker with success?

This is the point on which I feel most compelled to disagree with Krauss. As someone who conducted her research during the Clinton administration, which was genuinely hostile to gun owners, I see it as obvious that gun owners and gun rights groups enjoy far more political power now than they have in years. As the elections of 2000 and 2004 have clearly established, gun control is a losing proposition for Democrats, and the gun control movement is in more disarray today than it has been for decades. Some gun owners may still feel like victims, and may live in enclaves where their ability to carry openly, for example, is not allowed (yet), but on a national scale gun owners are in a far stronger political position than they were 10 years ago. Period.

Hence my question: What are they going to do about it?

Couldn't they take this opportunity to actively seek out and promote legitimate violence-reducing programs and policies? Whether one chooses to label the Boston Gun Project an experiment in gun control or not, the fact remains that this program substantially reduced gun-related fatalities in Boston, at least while it was well-funded and operational. The bottom line is that it greatly improved people's lives. Is Kaminer the only one willing to recognize this point?

So yes, of course, shooters should remain vigilant against the obvious prejudice evidenced in places like San Francisco, where politicians will try (again) to enact bigoted and unenforceable laws banning handguns. And shooters should address the profoundly problematic policies of corporations like Pizza Hut. But equally important, shooters should openly applaud programs and policies that are genuinely capable of reducing violence. Imagine how empowering it would be for shooters to say to their critics: "Well, no, I don't support a ban on handguns, primarily because it doesn't work. However, I do support [Project X or Program Y] because it has demonstrably reduced gun-related violence in several crime-ridden cities across the U.S. I reserve my support for policies that actually reduce crime and violence." This could be the basis for a grand bargain if both sides are willing to compromise and work to reduce gun violence: Shooters would support reasonable and effective programs, and gun control advocates would give up the goal of disarming the American people.

