

The Gun Laws

Before **Virginia's One Handgun A Month** legislation, guns originally bought in Virginia accounted for 40% of the guns recovered in crimes in New York City. Now, that number is in the single digits. [BATF]

Guns are exempt from virtually all consumer product regulations in manufacturing and distribution. Since the BATF has no industry oversight authority, the gun industry has been by default entrusted with self-regulation without any over-arching authority or formal policies. **No other industry enjoys this level of legislative protection.** It wasn't until the recent Smith and Wesson agreement that a basic code of ethics was even proposed. This effort was ultimately rejected by the bulk of the commercial interests so **there is still no binding code of professionalism** governing industry ethical standards.

Many gun laws are unenforceable, difficult to enforce, or address actions **after the fact.** Few address **proactive measures to reduce illegal gun access and use** and those were passed grudgingly. Without cooperation from all parties and the gun industry's expertise, we are left with technical arguments and polarization rather than progress.

The mentally ill are prohibited from purchasing firearms by law, but **only a few states include voluntary treatment and committal** in the Instant-Check system. This is why Ronald Gay, treated for mental illness since the Vietnam War, could walk into a Roanoke, Virginia gun shop and purchase a pistol without interdiction. This is also a **contributing factor in many gun suicide deaths**, including a personal friend of mine.

Without legal recourse through registration and licensing, gun purchasers can rarely be held responsible for their actions. **Straw purchases by non-felons, including a significant number of women buying for men, are recognized as a rampant problem by the BATF**, but there is no way to effectively prevent them without a system of licensing, registration, and mandatory training to **ensure that the purchaser will be the end user.**

The political interests of urban areas are pitted against the rural, to the current economic advantage of the gun industry, even though the needs of both are vastly different. **In rural areas, guns are a way of life; in the cities, guns are a way of death.** Cities are free to regulate other issues appropriate to their needs such as possession of livestock, utilities, social services, etc. **Why not guns?** Witness the backlash against guns in Maryland, California, and New York when urban interests begin to outnumber the rural in the state legislatures. Without **insistent, ongoing, moderated cooperation from both sides of the issue**, greater harm may ultimately result as the years unfold.

The Gun Industry

The gun industry has been unable to adapt to changing demographics and loss of interest in their products in recent years. They make a product that does not wear out easily, nor is it a quantity item except among collectors and the illegal market. **The legitimate market is quickly saturating with no economic feedback systems in effect as in other industries.** Even so, the illegal gun trade through straw purchasers and unethical dealers seems to be booming. Looking at the numbers, it is quickly obvious that **any wholesale confiscation efforts would be a logistic impossibility** and that this is an empty fear. The following is worth noting:

- There are an estimated **225 to 250 million guns in the U.S.** Of course, no accurate count is possible since there is no established licensing system in effect.
- Gun ownership is justified with untenable studies such as the one which extrapolates 2.5 million yearly defensive uses of guns from a sample of merely **5000** households.
- The combined wholesale value of manufactured firearms and ammunition in 1998 was **\$1.5 billion.** This does not include retail value, nor the sales of clothing, magazines, books, accessories, and used guns. There is a lot of money at stake here.
- Between 1975 and 1997, over **66.3 million guns** have been manufactured in the U.S. primarily for domestic sale. The number of guns legally imported is unavailable.

How can the legitimate market for guns in this country support the industry at this level? Obviously, the criminal element is a mainstay, recognized or not, to the economic health of the gun industry. We victims find this unacceptable and reprehensible.

The Second Amendment – Two Personal Observations

- Despite the qualifying, “A well-regulated militia,” some say the Second Amendment protects individual rights of gun ownership. Even if that were true, **it still does not confer unmitigated Constitutional protection upon an entire industry.** There is no indication that these products should not be subject to safety regulations as are other products in order to ensure that we are not deprived of our lives as my son was.
- Of all the studies of the Second Amendment I have seen, none defines the word “infringe,” so I looked it up myself in the oldest dictionary I could find, Webster's 1830. The word meant something in that day very different from today. **From the French root, *infrangere*, to break, infringe meant to abolish, destroy, or cancel;** not, as it has come into common usage today, to trespass upon, limit, or restrict. **Abolishing firearms altogether** is the Second Amendment's concern, not restricting certain types of weapons or preventing appropriate regulation of an industry that has demonstrated more interest in profit margins than the public trust.

Physicians, educators, social service providers, parents, media representatives, victims, community leaders, clergy, and law enforcement are all lining up and calling for gun safety and reasonable regulation. In opposition to this movement are primarily those who have a **vested financial interest** in making and selling these products that they are having increasing trouble defending. I hope that our voices may be heard. As I and others have found, **there is no application process to be a victim of gun violence.** Let us set the stage for **reasonable, proactive measures** to stem the tide of violence in our society which the industry's intransigence and continued proliferation is only abetting.

Self-defense for those who legitimately fear for their safety is not at issue here nor is the pursuit of sport. The safety of the unarmed in our society whether by choice or by age; the right to be free from intimidation or threat of death or injury by firearm use and misuse; and **effectively reducing easy access to firearms by criminals** while protecting the legitimate gun purchaser are **reasonable and attainable goals.**

Certainly, the industry's profits are at risk if we have the courage to place sensible and desperately needed regulation upon them. **Even more certainly, our lives, health, and safety are at risk if we don't.** My son's death is a testimony to that basic truth.

As you become involved in the gun debate, I hope you will take a moment to examine this issue from the perspective of those of us who are victims of gun use and misuse, for **we are the unwilling experts on the effects of gun violence in our society.**

The Victims

(The following figures are found in Centers for Disease Control reports.)

Of the 32,436 victims of gun violence in 1997:

- 17,566 were suicides
- 13,252 were homicides
- 981 were unintentional shootings

Of these:

- 191 were ages 0-9
- 439 were ages 10-14
- 3,593 were ages 15-19
- 14,747 were ages 20-39
- 13,466 were 40 and over

(Contrary to stated opinions, as evidenced in my son and many others, all 15-19 year-old gun victims are not gang members who voluntarily engaged in risky behaviors.)

Medical spending for each of these victims averaged **\$25,000, 80% of which was paid for through taxpayer dollars.**

For every firearm fatality, it is estimated that three additional people are injured each year. Therefore, **approximately 120,000 people are killed or injured each year** from firearm use and misuse.

If present trends continue, the CDC estimates that **firearm-related injuries will become the leading cause of death attributed to injury by 2003**, ultimately surpassing motor vehicles.

Finally, from the Consumer Product Safety Commission, the following products have been **recalled or redesigned** accordingly following the public outrage generated by the number of deaths cited:

- Lawn Darts – **3 deaths**
- 40 million Torchère lamps – **12 deaths**
- 9.6 million playpens – **8 deaths**
- 14 million Firestone tires – **100 deaths**

Neither this agency nor the Bureau of Alcohol, Tobacco, and Firearms has any authority to control product safety issues regarding guns as they are manufactured and distributed. **The gun industry has shown itself to be responsive only to those who use their products, not those of us who are grievously affected by them.** We, the public, deserve better. **Doesn't our loss and outrage deserve more attention than it has received?**

Thank you for your time. If you wish to discuss my position further, I may be reached by e-mail at my website, **www.willsworld.com**.

WHAT I HAVE LEARNED **ABOUT GUNS THE HARD WAY**

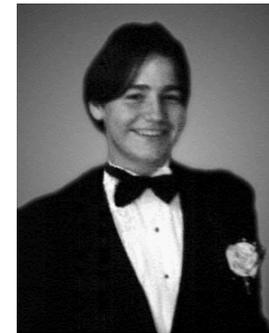
Bill Jenkins

Northfield, IL

Author, *What to do When the Police Leave: A Guide to the First Days of Traumatic Loss*

Father of 16 year-old **William Jenkins**

17th homicide victim of Henrico County, VA in 1997



This is my son, William. He was 16 years-old when he was shot and killed during a robbery at the restaurant where he was working in suburban Richmond just a few miles from the Capitol. The robber carried an Accu-Tek .380 semi-automatic handgun which he had obtained from his accomplice who had received it from her boyfriend who we believe had purchased it legally.

There was no paper trail of ownership registration or licensing to hold the original purchaser responsible for his irresponsible actions. Only the murderer and his accomplice were prosecuted on firearms charges along with the robbery and murder.

Since that day, I have researched the gun industry's standards and practices, relying primarily on government and independent data rather than interpreted statistics from organizations. I have looked at the laws both as one familiar with guns, and as a gun violence victim. I try to be fair to the interests of all involved.

I learned to shoot when I was young, grew up in a house with guns, and have family members who enjoy shooting sports. But what I have found has put me in opposition to an industry I formerly implicitly trusted. This is not my father's gun industry anymore.

Here is a very small part of what I found...