

THE LEGAL FRONT

THE SOCIAL UTILITY OF FIREARMS

Looking down the wrong end of a telescope gives you an entirely mistaken perspective on the universe.

The Los Angeles Daily News allowed Tim Rutten to publish an opinion piece (The dangerous illusion of Americans and their guns, May 30, 2014) that displayed just such an inverted perspective on the topic of the social utility of guns in American society.

Rutten correctly noted that nearly two thirds of all gun deaths are suicides. But Rutten's political bias inverted the cause and effect perspective. Rutten claimed that "a Californian who purchases a gun is four times more likely to take his own life [with a gun] over the next year as someone who does not."

Nevermind that if you buy a gun to kill yourself you are probably going to use it to do just that. The reality is that suicidal people find a way, whether a gun is available or not. America and Canada share many cultural similarities and have nearly identical suicide rates, but suicidal Canadians – who own fewer guns than Yanks – choose to swallow poison instead. Lithuanians have less than 1% of the guns per capita than Americans do, but Lithuanians kill

themselves three times as often, typically by hanging.

So while some depressed people buy a gun as their specific choice of suicide method, for others the presence of a gun simply gives them a first choice. But the absence of a gun just makes them choose a different mode. Guns are not the cause of suicides. The trigger does not pull the finger.

Gun control laws don't prevent suicides either. Suicides are typically committed using legally acquired handguns, like the ones most gun owners keep in their bedside night stands. "Assault weapons" or extra-capacity magazines are not required, nor are they common in suicides.

No law, including any gun law, will stop someone bent on self-destruction. But the fact that suicides do constitute the overwhelming bulk of all gun deaths in America is significant because, while tragic, suicide is an entirely different problem than gun accidents or the illegal misuse of firearms to commit crimes like homicide.

The rate and treatment of mental health issues among suicidal people should drive this discussion, not the

method of committing the act.

Rutten also noted that the criminal misuse of firearms accounts for the second largest number of gun misuse (after suicides); 35% of gun deaths. Nearly two thirds of mass public homicides are committed by people with documented histories of mental illness. But again Rutten gets things backwards. He claims that "The ubiquity of guns in our society also fuels the real crime crisis."

Really? The mere presence of a firearm spontaneously generates criminal sociopathy?

The sources of criminal intent are reasonably well known, having been over-studied by working criminologists. Nowhere in the literature are guns shown to instigate crime. Criminals and murderers are predisposed to wanting to rob, rape or murder. Once this course is set, only then does the option to misuse a firearm enter their minds.

Criminals choose their trade first, then acquire the tool to practice it. Again, the trigger does not pull the finger, and no law will prevent criminals from accessing a firearm on



C.D. Michel
CRPA Litigation Counsel

the black market or making one themselves. Prohibition didn't work for alcohol, doesn't work for drugs; it wouldn't work for guns either.

Upwards of half of all households own at least one gun in America, and these are used far more often to deter or prevent crime than to commit one. Most gun crime (between 20-66%) is connected with violent inner-city street gangs and the drug trade, depending on how broadly you define "gang-related."

So the real problem isn't the number of guns in circulation, or their availability, but the inability of politicians to control the criminals who misuse guns. Take out inner city gang violence, and our pro rata gun violence rate could drop to 1.5 per 100,000 people, more than Switzerland but less than Liechtenstein.

Fortunately, Californian voters have themselves shown a political will to address the cause rather than the symptom of gun violence.

In 1994 they voted for Proposition 184 (popularly known as the Three Strikes Initiative). As a result, California gun homicides went down from 45% above the national averages, to nearly equal with the current national average.

Voters also imposed firearm sentencing enhancements (commonly called 10-20-Life) that had nearly instant results. Gun violence in California dropped steeply for the first seven years after enactment, then leveled off as California gun violence levels fell to meet national norms.

In the first decade, nearly 100,000 well-known repeat violent offenders were charged

as second- and third-strikers, 17,000 alone from L.A. County. Taking a gun-wielding criminal off the streets for at least a decade keeps them from committing more violence, and also removes their bad influence from the poorer neighborhoods to where criminals economically devolve.

This contributed to the 39% drop in gun homicides nationally between 1993 and 2011, and the 69% plunge in nonfatal firearm crimes.

Everybody agrees that suicides and criminal homicides make up 97% of gun deaths. If we focus on the causes – mental health and out of control criminals – America could have a society nearly free from bodies catching bullets.

