

Guns or Roses? - The reality of gun control policy in the United States of America

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Abstract

The United States has the highest gun ownership rate in the world, with over 390 million civilian-owned firearms in circulation. The country's gun policy has been a source of controversy and debate for decades, with advocates on both sides of the issue arguing about the best way to balance individual rights and public safety. The Second Amendment of the Constitution of the United States guarantees the right to bear arms. Numerous federal and state statutes regulate who can own firearms, where they can be carried, and what kinds of weapons are permissible. Some of the most contentious issues include background checks, access to assault weapons, and mental health screening for gun owners. Despite numerous mass shootings and other incidents of gun violence, the US has struggled to pass comprehensive gun control legislation due to political polarization and opposition from pro-gun groups. The ongoing debate highlights the complex and deeply ingrained cultural, social, and political factors that shape the country's approach to gun policy. This paper analyzes the gun policy in America and the need for change. This is done by focusing on the recent trends in the world and by forecasting possible solutions to curb the issue of gun violence. Thus, the research question emphasized here is how to control gun violence in America with a focus on gun laws.

Keywords: Gun Policy, Second Amendment, United States

1.1 Introduction

The greatness of the United States of America is revealed in many areas. It is a nation that stands above all nations and continues to have a strong voice in world politics. The world is still considered to be unipolar. The USA stands tall in terms of economy, power, military, media,



entertainment, marketing, etc. making America certainly seem to be a bed of roses. It has its comfort but it also has its thorns. Despite being a country of great fame and glory, USA's internal security is under question. A country very much idealized by the East faces a different reality internally. This dynamic is truly shocking, a country as great as America, a developed nation that topped the world rankings is a country that lacks safety. As of the happiness report in 2021, the USA stands at 19 on the list, despite being a country with a good HDI, other tensions lurk behind the shadows. Racial discrimination, growing gaps between the rich and the poor, internal security problems, etc. are the cause of this state of affairs. This paper seeks to analyze the gun policy in America.

1.2 Background

Guns were legalized in America due to the Second Amendment on 15th December 1791. "*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 protects the right to bear arms, which has been interpreted by many as a fundamental right of American citizens. It was added to the Constitution in response to some concerns held by the Founding Fathers at that time. One of these concerns was the fear that a strong central government could become tyrannical and take away the rights of citizens. The Founding Fathers believed that a well-armed populace would be better able to defend themselves and resist government tyranny if necessary. Another concern that led to the inclusion of the Second Amendment was the need to protect the young nation against foreign invasion or attack. At the time, there was no standing army, and the United States relied on citizen militias to defend itself against external threats. Some argue that it guarantees an absolute right to bear arms, while others believe that the right is limited and subject to reasonable regulation. Overall, this Amendment was added to the Constitution to protect the right of citizens to keep and bear arms as a means of defending themselves and the nation, and to prevent the government from infringing on this right. Its interpretation and application have been the subject of ongoing debate in the United States considering the numerous cases of gun violence. Today it seems like this amendment paved the path for many future crimes to come. Despite having less than 5% of the world's population, according to the most recent Small Arms Survey data (2018), the United States has 46% of all civilian firearms. In terms of the number of firearms per individual, it ranks first. The United States has also the highest incidence of gun-related homicides among the most industrialized nations in the world making many sceptical of the appropriateness of the Second Amendment.

2.1 Literature Review

Gun violence is a major public health issue in the United States, with an estimated 40,000 people dying from gun-related injuries each year (Center for Disease Control and Prevention, 2021). Despite the widespread impact of gun violence, there is significant disagreement on how to address the issue, particularly about gun control policies. The relationship between firearms ownership and gun violence in the United States has been the subject of numerous studies. Higher rates of gun



ownership are associated with higher rates of firearm homicide, according to a study by Miller et al., 2007. Another study discovered that states with stricter gun laws have lower gun mortality rates. (Fleegler et al., 2013). However, other research has challenged the link between gun ownership and gun violence, arguing that other factors, such as poverty and urbanization, maybe more important predictors of gun violence (Kleck & Patterson, 1993). In addition to the debate over gun ownership, there is also disagreement over which gun control policies are most effective in reducing gun violence. Some research indicates that background checks and restrictions on high-capacity magazines can be effective in reducing gun fatalities (Webster et al., 2016). However, other studies have found that certain gun control policies, such as concealed carry laws, may increase rates of gun violence (Donohue et al., 2018). Despite the ongoing debate over gun control policies, there is widespread agreement that gun violence is a significant problem in the United States that requires attention and action. To better comprehend the relationship between gun ownership and gun violence, as well as the effectiveness of various gun control policies in reducing gun deaths, additional research is required.

"Gun policy in America has been a source of controversy and debate for decades. Despite numerous mass shootings and other incidents of gun violence, the US has struggled to pass comprehensive gun control legislation due to political polarization and opposition from pro-gun groups. Comprehensive research indicates that stricter gun laws, such as universal background checks and restrictions on assault weapons and high-capacity magazines, could reduce gun violence in the United States." (Gosselin & Wilkinson, 2021)

"The American gun policy debate is nuanced and multifaceted. Supporters of the Second Amendment argue that it protects individual rights to bear arms, while proponents of gun control argue that stricter laws are necessary to prevent gun violence. Literature suggests that there is a correlation between lax gun laws and higher rates of gun-related fatalities and that stricter gun control measures could reduce gun violence in the United States if implemented. However, numerous factors contribute to gun violence, necessitating a multifaceted approach to addressing the issue." (Rowhani-Rahbar et al., 2021)

The United States has some of the highest gun violence rates in the world, which has been attributed in part to its lax firearms laws. However, the political climate surrounding gun policy in America is highly polarized, and the country has struggled to pass comprehensive gun control legislation. To address this issue, a multifaceted strategy will be required, including not only changes to gun laws but also efforts to address the underlying causes of gun violence. (Kalesan & Vasan, 2020)

The above reviews of literature shed light on several important aspects related to gun policy and gun violence in America. They highlight the prevalence of gun violence in America, its impact on

public health and safety, and the need for policy changes to address this issue. The reviews also provide insights into the different types of policies that have been proposed or implemented, their effectiveness, and the challenges and barriers that exist to enacting meaningful gun policy reform. Additionally, the reviews discuss the role of factors such as politics, culture, and media in shaping public perceptions and attitudes towards guns and gun policy. Overall, the reviews demonstrate the complex nature of the issue of gun policy in America and the need for a multi-faceted approach that takes into account various perspectives and factors.

2.2 Research Gap and Research Question

Based on literature reviews on the need to change gun policy in the United States, it is possible to identify a research gap in the absence of exhaustive studies on the effectiveness of gun policies in reducing gun violence. While some studies suggest certain policies can be effective, there is a need for more in-depth research and analysis to understand which policies are most effective and how they can be implemented in different contexts. Additionally, there is a need for research on the social and cultural factors that contribute to gun violence and how they can be addressed through policy changes. Overall, more research is needed to inform evidence-based policy decisions that can effectively question the issue of gun-based violence in America. Thus, the research question in this paper is: how to control gun violence in America with a focus on gun laws?

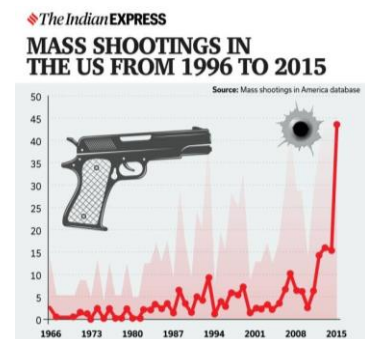
2.3 Objectives

- To analyze the impact of gun policies
- To explore the current problem of gun violence.
- To give suggestions on implementing better policies that suit today's world

2.4 Importance of the Study

This study is important because it portrays the need for reforms in gun policy in the United States. The review of the literature clearly shows the high prevalence of gun violence and the devastating effects it has on individuals and communities. It also highlights the inadequacy of current gun policies and the need for stronger measures to prevent gun-related incidents.

The identified research gap in the literature review further emphasizes the importance of this study. While many studies have been conducted on gun violence and gun policy, there is still a lack of research on the efficacy of specific policy interventions in eradicating gun-related incidents. This study aims to address this gap by examining the impact of background checks and other policy measures on gun violence. By providing evidence-based recommendations for changes in gun policy, this study has the potential to contribute to the development of more effective strategies for reducing gun violence and improving public safety in the United States.





2.5 Materials and Methods

The researcher has looked into government reports, newspaper articles and published opinion polls. The study combines descriptive and analytical elements. Thus, an attempt to use both primary data and secondary data was made. The study's secondary data came from different sources, including articles, websites, reports, journals, research papers, etc.

3.1 Results

It is with this background in mind, that the interpretation of the Second Amendment has been a topic of debate, with some advocating for stricter gun control measures and others arguing that any restrictions on gun ownership are a violation of their rights.

Table 1. Reports of Gun based violence in 2023

SL.NO.	TITLE	DATE
1	Murky Legal path ahead as 6-yr-old accused of shooting teacher in USA	9 th January 2023
2	10 shot dead near LA, shooter on the run	23 rd January 2023
3	3 rd shooting in 8 days in California kills 7	25 th January 2023
4	4 th shooting in California in Jan kills 3	29 th January 2023
5	Man opens fire on US bus, kills 1	3 rd February 2023
6	Gun violence an epidemic says Biden as 6 shot in Mississippi	19 th February 2023
7	Nashville School shooting: six shot dead by former student	27 th March 2023
8	Five dead in Louisville bank shooting were suspects' colleagues, governor's friends	11 th April 2023
9	Four dead in Alabama 'Sweet 16' birthday party shooting	16 th April 2023
10	Man arrested in shootings that killed 4, wounded 3 in rural Maine	18 th April 2023
11	Five dead in Texas shooting, armed suspect on the loose	29 th April 2023
12	Gunman who killed 8 at Texas shopping mall had 'neo-Nazi ideation', official says	6 th May 2023

Source: The Times of India and Reuters

A look at current affairs portrays morbid numbers. According to the national firearms website (ABC News), the United States surpassed 400 mass shootings in 2023. As of August 1, at least



25,198 people have perished from gun violence in the U.S. this year, according to the Gun Violence Archive – an average of roughly 118 deaths each day. 879 of the deceased were adolescents, while 170 were infants. At present, the United States regulates firearms predominantly at the state level, with some federal laws also in effect. The federal government regulates firearms dealers and manufacturers, while state laws often determine who can purchase and carry guns, as well as where and how they can be used. However, in 2021 Joe Biden and other policymakers proposed new restrictions on firearm access to address gun violence ranging from rising murder rates in some major cities to mass shootings. In 2022, President Joe Biden signed into law the most substantial American gun control measure in thirty years. It requires more controls on teenage purchasers and incentivizes authorities to take away firearms from those deemed a threat. Following a string of mass shootings, the law was enacted by Congress with broad bipartisan backing.

The changes consist of:

- Background checks are to be more stringent for buyers under 21.
- \$15 billion in federal financing for mental health programmes and upgrading of campus security in educational institutions
- Financial support to persuade states to enact "red flag" laws to confiscate weapons from those deemed a threat.
- Concluding the infamous "boyfriend loophole" by outlawing gun ownership for anybody who has a history of domestic violence, not only those who are married to or reside with their victims.

Thus, we see that there are many efforts from the government's side like the National Firearms Act of 1934 and the Gun Control Act of 1968 that established restrictions and background checks. However, the scenario today is different despite the government's efforts; we still come across mass shootings, gun violence, etc. The question now is, is this law relevant? Is it worth the lives of so many people?

3.2 Discussion

Despite the control measures that have been introduced, gun violence will not disappear. This is seen throughout history- controlling arms did not end war; banning media did not stop the flow of information, etc. Similarly, gun control measures, will not end violence. Though the government appears to have taken measures, one only needs to wait and see as criminals prove them wrong. The restrictions look good on paper but they do not seem to materialize into a reality. Despite restrictions many people already own guns, and there are still easy ways to access guns, there are cultural factors, health factors and socio-economic factors that make gun violence prevalent and these factors cannot be dealt with quickly. Each of these issues needs substantial time and effort to be dealt with or a revolutionary death-gripping event that will lead to calls for better security.



However, this does not exactly provide a remedy for gun violence. One cannot conclude their study by stating the only way out is through revolution or the passing of a century which makes one question the relevance of this study. Thus, the research has looked into other countries that provide public gun policies. The US has the option of prohibiting the possession of firearms or imposing tough restrictions on the possession and use of firearms. Brunei, Cambodia, Comoros, Eritrea, Guinea-Bissau, Maldives, Marshall Islands, Myanmar, Nauru, North Korea, Palau, Seychelles, Solomon Islands, Fiji, Somalia, Timor-Leste, and Vatican City all prohibit the possession of firearms.

Possession of firearms is prohibited in Djibouti unless specifically authorized by the Head of State. In other countries, the law does not always dictate the actuality. In the Central African Republic, for example, only members of parliament may possess firearms of any kind. However, this law is rarely enforced, and there is a robust illegal arms market. Similarly, Somalia has a complete ban on the import, sale, and possession of firearms, but it is widely disregarded.

Possession of firearms in Japan is restricted to hunting and sport shooting, and licenses are extremely difficult to acquire and must be renewed every three years. Included in these requirements are proficiency tests and a mental health evaluation that includes family and friend interviews. Similarly, the sale of ammunition is strictly regulated and additionally restricted as in Canada or Australia. It was a welcome move from the state of California when Governor Gavin Newsom signed two new laws regulating gun control in September 2023. The laws prohibit the carrying of firearms in most public places and double the state's tariffs on firearms and ammunition. Currently, the federal government taxes the sale of firearms and ammunition at a rate of 10% or 11%. The new law applies another 11% tax to sales. According to the gun control advocacy group Brady, this makes California the only state with a tax on firearms and ammunition separately. The new law also prohibits the carrying of firearms in 26 locations, including public parks, public gatherings and demonstrations, amusement parks, churches, banks, zoos, and "any other privately owned commercial establishment that is open to the public."

3.3 Conclusion

Thus, it can be agreed that one of the most divisive issues in the United States gun policy is access to firearms. According to estimates, the country has one of the highest rates of civilian gun ownership in the globe, with approximately 120 guns per 100 people. Gun advocates argue that the ability to own and carry firearms is a necessary measure for self-defense and protection, while those in favour of stricter gun control measures point to the high levels of gun violence in the country as a reason to limit access to firearms. There have been numerous mass shootings in the United States in recent years, leading to calls for stricter gun control measures. Among the proposed measures are universal background checks, restrictions on the availability of high-capacity magazines and assault weapons, and harsher penalties for illicit gun sales and ownership.



However, gun advocates argue that these measures violate their rights and would not reduce gun violence. Gun policy is a highly politicized issue in the United States, with debates frequently divided along party lines. Overall, gun policy in the United States is and continues to be a perplexing issue with polarized opinions. The debate over the right to bear arms and access to firearms will likely continue for many years to come until all the citizens unanimously push for change when they realize that internal security is indeed the need of the hour.

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