

12-14-2015

Trending @ RWU Law: Carl Bogus's Post: 'Should We Be Afraid? Absolutely. But Not Only of Crazy Jihadists...'

Carl Bogus

Roger Williams University School of Law

Follow this and additional works at: https://docs.rwu.edu/law_pubs_blogs

 Part of the [Constitutional Law Commons](#), [Criminal Law Commons](#), [Law and Society Commons](#), and the [Second Amendment Commons](#)

Recommended Citation

Bogus, Carl, "Trending @ RWU Law: Carl Bogus's Post: 'Should We Be Afraid? Absolutely. But Not Only of Crazy Jihadists...'" (2015). *Law School Blogs*. 428.

https://docs.rwu.edu/law_pubs_blogs/428

This Document is brought to you for free and open access by the School of Law Publications at DOCS@RWU. It has been accepted for inclusion in Law School Blogs by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Carl Bogus's Post

'Should we be afraid? Absolutely. But not only of crazed jihadists...'

Posted by Carl Bogus on 12/14/2015 at 07:33 AM



We are understandably shaken. The massacre in Paris left not just France but the entire West feeling vulnerable. On Black Friday, Americans rushed out to buy – not only new electronic gadgets and toys for Christmas – but guns. The FBI processed the largest number of gun purchase background checks ever submitted on a single day. Five days later – as if in answer to the question “How long will it be before something similar happens in the United States?” – the mass shootings occurred in San Bernardino, California.

The president of Liberty University urged students to apply for concealed weapons permits. Is that the right response? Should we urge all responsible Americans to carry guns?

Suppose things got so bad that there were mass shootings in the United States nearly every day?

In fact, there are. By September 30th – the 274th day of the year – there had been only eight days during 2015 on which there was not a mass shooting in the United States. Indeed, America averaged more than one mass shooting per day; during those nine months there had been 294 mass shootings that left 380 dead and more than 1,000 injured. (The definition of “mass shooting” for these purposes is at least four people shot, including the shooter.)

Should we be afraid? Absolutely. But not only of crazed jihadists. There are all manner of crazed individuals gunning down Americans. By no means am I diminishing the danger posed by foreign-trained

or inspired terrorists, but in point of fact the danger posed by psychotics and others suffering from homicidal compulsions or mere rage is even greater.

A few paragraphs back I asked, "Should we urge all responsible Americans to carry guns?" But the hard reality is that there is no reliable way to distinguish the responsible from the irresponsible or to discern who is responsible today but will become unhinged tomorrow.

The notion that we should arm the good guys and disarm the bad guys has grown in popularity over the past several decades. It propelled significant changes in concealed carry laws in many states, making it easier to get concealed carry permits. The underlying assumption was that people who obtain permits are law-abiding citizens who can be trusted with firearms. But consider this: Since May 2007, there have been at least 29 mass shootings – resulting in the deaths of 139 victims – committed by people with concealed carry permits. That is just mass shootings. In all shootings, concealed carry permit holders killed at least 622 private individuals plus fourteen law enforcement officers during the same time period.

In September 2013, there was a road rage incident between two drivers in Michigan. They both stepped out of their cars, drew handguns, and fatally shot each other. Both drivers had concealed weapons permits.

We are right to be concerned about terrorist attacks, but we must not let our fear stampede us into foolish decisions. We are not going to be safer if everyone walks around armed all the time. Quite the opposite.

There are some sensible things we can do to make ourselves safer.

First, people on no-fly lists should not be permitted to purchase guns. If someone believes they are improperly on a no-fly list, let him take his case to court.

Second, we should close the legal loopholes that allow people to purchase guns at gun shows and from non-licensed dealers without a background check. No one should be permitted to purchase a firearm without submitting to a background check. There should be no exceptions. This should apply to all gun transfers, including gifts, too. If an uncle wants to give his nephew a hunting rifle for his twenty-first birthday, the nephew should undergo a background check. It is not difficult; an instant background check can be run through a system at any gun retailer for a small fee.

Third and perhaps most important of all, we should not allow private citizens to have large-capacity magazines. It is too easy to cause mass carnage with a semi-automatic that holds thirty rounds or more and can be fired as rapidly as three rounds per second. Eight jurisdictions – including Massachusetts,

Connecticut, New York, and California – limit gun magazines to ten rounds. After a shooter has fired all of the rounds in one magazine, she must replace the empty magazine before resuming firing. That slows a shooter down, allowing victims to escape or tackle the assailant. Jared Lee Loughner, the man who shot Congresswoman Gabrielle Giffords and eighteen other people in Tucson, Arizona, was tackled while he was attempting to replace the empty 33-round magazine in his Glock semi-automatic pistol with a new magazine. Only law enforcement and the military should possess large-capacity magazines.

These proposals will, of course, not prevent all mass shootings. Background checks will not identify everyone who should not own a gun. Nevertheless, they are useful tool, and we should work continuously at finding ways to improve them. The nation should not be talked out of doing what it can to reduce gun violence – whether by terrorists, madmen, criminals, people consumed by rage, or people impaired by drugs or alcohol – because eliminating gun violence entirely is not possible.

We have reached a point where there are mass shootings nearly every day in the United States. No one is immune: not coworkers at a Christmas party, soldiers at a military base in Texas, college students on their campus, or children in their elementary schools. Other Western nations have lower homicide rates not because they have less violence; the rates of violence in many Western countries are the same as ours. They have, however, much less *lethal* violence, and that's because they have stronger gun control laws and fewer guns.

We are right to be alarmed. But let's be levelheaded about the problems that confront us, and do what we can to protect ourselves, our children, and our country.