

Handgun control: The real issue is law and order

By Phyllis W. Cheng

Hurray for the U.S. Supreme Court for bringing us out of the 18th century into the 20th century by validating local bans on handgun possession. Its ruling earlier this month upheld the 1981 ordinance of Morton Grove, Ill., restricting ownership of pistols.

The suit's plaintiffs charged that the gun-control ordinance violated the Second Amendment of the Bill of Rights, which guarantees "the right of the people to keep and bear arms." However, the appeals court disagreed, basing its decision on two previous Second Amendment precedents. In an 1886 Supreme Court ruling, the Second Amendment was interpreted to operate only as a limit on federal legislation. In a 1939 decision, the high court rejected a Second Amendment challenge to a federal ban on the transport of sawed-off shotguns in interstate commerce.

For decades now, the National Rifle Association and other groups have touted the archaic language of the Second Amendment. A closer examination of the amendment originally proposed by James Madison reveals that it was not intended to protect private ownership of guns. Madison meant to restrict Congress from interfering with the rights of states to form their own militias, *a la* colonialist farmers against the British Army.

The kind of militias he envisioned do not exist today. Bearing arms today is very different from what it was 200 years ago. In 1981, there were some 55 million registered pistols in the United States. Close to half a million Americans have died from gunshots since 1963 — more Americans than died in World War II. Last year, there were more than 8,000 gun-related deaths, most of them victims of relatives or acquaintances.

Even though the Gallup Poll showed that 62 percent of Americans would like to see stricter controls on gun ownership, handguns are sold at the rate of one

every 13 seconds in this country. Ours is the nation with the highest handgun murder rate in the world, and it is no wonder that other societies view us with alarm.

Cities like Morton Grove and San Francisco should be applauded for trying to curb the proliferation of handguns, which account for 80 to 90 percent of criminally used firearms. Handguns — especially cheap, small-caliber models — are made to shoot people at close range, not to hunt game. Because they are small and easy to conceal, they account for the vast majority of all guns stolen. They are an invitation to criminal violence.

Advocates for handgun control need to pursue three avenues of action through legislation, litigation and ballot initiatives.

First, national legislation to halt handgun possession is imperative. There now are 25,000 disparate gun-control laws on the books, and these piecemeal statutes are conflicting and overlapping. A single standard of gun control consistent with the Supreme Court's interpretation of the Second Amendment should be set at the federal level.

Second, there is a growing trend of product-liability suits against gun manufacturers for harm caused by handguns, although there has been no definitive court ruling on such claims.

Third, a number of gun-control advocates have pushed for state initiatives to restrict handgun possession. In California last year, Proposition 15, which would have required registration of concealable firearms, was defeated by a National Rifle Association media blitz based on the obsolete interpretation of the Second Amendment. While it may take a few more initiatives to limit handguns, a core of support is growing.

The important thing to remember is that supporters of handgun control are on the side of law and order. A 1982 study known as the Figgie Report aptly summarized the debate. The consensus is that the understanding methods in treating criminal behavior have failed and that sensitivity to the rights of the accused should be secondary to concerns for the rights of the victim and society. ■