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Issues & Controversies

GUN CONTROL LAWS

Should U.S. gun control laws be strengthened?

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SUPPORTERS ARGUE

The widespread availability of firearms has made it easier for criminals and the mentally ill to perpetrate tragic mass shootings. Access to guns must be made more difficult if shooting deaths are to be reduced; gun violence will continue to be a problem if gun ownership is not controlled. The government can regulate the sale of firearms without violating the Second Amendment.

OPPONENTS ARGUE

The vast majority of people in the United States who use or buy guns are law-abiding citizens. They buy guns for sport or for protection. Curtailing Americans' rights to bear arms is a violation of the Second Amendment. Placing strict regulations on gun ownership will only benefit criminals by disarming those who are potential victims.



John Schultz/ZUMA Press/Newscom

A man browses at a gun show at the Mississippi Valley Fair Grounds in Davenport, Iowa, in March 2012.

The Second Amendment to the U.S. Constitution, along with the rest of the Bill of Rights, was adopted on December 15, 1791. It states, "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." The right of individuals to bear arms, however, has been fiercely debated, especially over the last century. While opponents typically cite gun control measures as an infringement on the right to bear arms, supporters maintain that the Second Amendment does not limit the government from regulating the proliferation of firearms in the United States, or from preventing potentially dangerous and unstable people from accessing powerful weapons.

Indeed, the Second Amendment has been the subject of dueling interpretations. The so-called individual rights theory maintains that the founding fathers intended the Second Amendment to protect the gun rights of individual Americans. Advocates of this theory therefore argue that any law that would curb access to guns is a violation of the Second Amendment. Others, however, have pointed to the phrase "a well-regulated militia" and argued that founding fathers actually intended only for the Second Amendment to prevent the federal government from violating states' abilities to defend themselves. Supporters to this so-called collective rights theory of the Second Amendment argue that gun control measures—such as requiring individuals to undergo mandatory background checks before purchasing guns and banning the sale of assault weapons—are therefore not unconstitutional.

Calls for stricter gun control measures typically grow louder following high-profile shootings, such as the attempted assassination of President Ronald Reagan (R, 1981–89) in 1981; the shootings at Virginia Polytechnic and State University (known as Virginia Tech) in 2007; and the attack on a political gathering in Tucson, Arizona, at which Representative Gabrielle Giffords (D, Arizona) was badly wounded and six people were killed in 2011. More recently, just after midnight on July 20, 2012, a gunman walked into a sold-out movie theater prior to a showing of the highly anticipated film *The Dark Knight Rises* and opened fire, killing 12 people and wounding 58. Police arrested the alleged shooter, 24-year-old James Holmes, outside the theater in possession of an assault rifle, shotgun, and handgun, which he had purchased legally.

Four months after that, on December 14, 2012, 26 people were shot and killed in Sandy Hook Elementary School in Newtown, Connecticut, including 20 children who were six and seven years old. The alleged gunman had killed his mother at her house earlier in the day, and killed himself following the shootings. The heartrending scope of the tragedy was expected to prompt the passage of new gun control laws, but none materialized.

The issue of gun control burst into the headlines again in October 2015, when a gunman killed nine people in a classroom at Umpqua Community College in Roseburg, Oregon. The shooter reportedly then killed himself amid a shootout with police. Local officials reported after the killings that the shooter had had access to more than 14 guns, all of which he or a family member had obtained legally. "Somehow this has become routine," President Barack Obama (D) said in a statement from the White House on October 1. "The reporting is routine. My response here at this podium ends up being routine, the conversation in the aftermath of it...We have become numb to this...What is also routine is that somebody, somewhere will comment and say 'Obama politicized this issue.' Well this is something we should politicize. It is relevant to our common life together, to the body politic."

Indeed, despite efforts to make it more difficult to obtain firearms following such highly publicized shootings, no gun control legislation has been passed on the federal level in recent years. While supporters argue that only gun control laws can put an end to incidents of gun violence, opponents insist that such measures would do little to stop mass shootings.

Should the government more strictly regulate access to guns?

Supporters of gun control argue that the current laws are too lax, allowing dangerous people to acquire deadly weapons with little or no hindrance. Past gun control laws have been allowed to expire, they note, thereby increasing the threat of gun violence. Indeed, supporters insist, if stricter gun laws had been in place, many infamous acts of violence might

never have taken place. Allowing people to carry concealed weapons, advocates of gun control argue, does not help prevent mass shooting deaths.

Opponents of gun control insist that eroding gun rights violates the Second Amendment, which irrefutably protects the right to bear arms. They assert that gun control activists seize upon violent episodes to scare people and promote their own political agendas. Opponents also point to lower crime rates in some states where residents are allowed to carry concealed weapons as proof that taking away law-abiding citizens' ability to defend themselves will not reduce gun violence.

The History of Gun Control in the United States

One of the first pieces of gun control legislation in the United States was the Sullivan Act, passed in New York State in 1911. The law required a permit to carry or own a weapon small enough to be concealed, a rule that still remains in effect in New York. The Sullivan Act was passed after the high-profile shooting in 1911 of novelist David Graham Phillips in what the *New York Times* described as "a brazen early afternoon attack." The shooting spurred public support for some manner of gun control. Supporters of instating the law found a champion in Timothy Sullivan, a corrupt politician and member of Tammany Hall, the Democratic political organization that controlled much of New York City at the time. Some historians have argued that Sullivan supported gun control because he and other politicians had close ties to violent street gangs and wanted to make it easier to control them. As Sullivan biographer Richard Welch has noted, "Hoodlums who forgot who really ran things in the city could easily be arrested if found with a gun—or if one was slipped into their pocket."

Congress passed the first national gun control laws in the 1930s after a spate of high-profile crimes involving the use of fully automatic weapons. The National Firearms Act (NFA) of 1934 imposed a tax on the manufacture and sale of certain firearms, including machine guns, shotguns, and some rifles. The law, according to the Congressional Research Service (CRS), was "designed to make it difficult to obtain types of firearms perceived to be especially lethal or to be the chosen weapons of 'gangsters,' most notably machine guns and short-barreled long guns." Still in effect, the law "taxes all aspects of the manufacture and distribution of such weapons, and," the CRS states, "compels the disclosure...of the production and distribution system from manufacturer to buyer."

In 1938, Congress passed the Federal Firearms Act, which focused on the sale of firearms across state lines or overseas. The law required firearms dealers to obtain a Federal Firearms License and to keep records on everyone to whom they sold weapons. The Federal Firearms Act also prohibited the sale of weapons to people who had been convicted of a crime.

In the 1960s, a series of political assassinations of huge magnitude led to another change in U.S. gun policy. In 1963, President John F. Kennedy (D, 1961–63) was killed by Lee Harvey Oswald, who used a rifle he had purchased through the mail. Five years later, civil rights leader Martin Luther King, Jr., and New York senator Robert F. Kennedy (brother of President Kennedy and former U.S. attorney general) were both shot and killed. These assassinations galvanized the movement to limit gun ownership. In 1968, President Lyndon Johnson (D, 1963–69) signed the Gun Control Act into law. The act heavily regulated firearms in the United States, placed more stringent restrictions on gun sales, and required gun dealers to keep more detailed records. The law also forbade gun sales across state lines, except by licensed manufacturers, dealers, and importers, and prohibited rifles and shotguns from being sold via the U.S. mail. Prior to the act's passage, people seeking to buy guns through the mail only had to sign a statement that said they were over the age of 21. Title II of the Gun Control Act amended the NFA to add regulations on "destructive devices," such as hand grenades, bombs, and rocket launchers.

In 1975, the National Rifle Association (NRA), an organization founded in 1871 to promote the rights of gun owners, created the Institute for Legislative Action (ILA), a lobbying group that sought to increase the NRA's influence with the

government. The ILA celebrated its first victory later that year when it mustered enough support in Congress to defeat an effort by Senator Edward Kennedy (D, Massachusetts)—brother of John and Robert Kennedy—to have handgun ammunition deemed a "hazardous substance" which would, the NRA argued, give the Consumer Product Safety Commission the power to ban its sale and use.

On March 30, 1981, President Ronald Reagan was shot in Washington, D.C. Reagan survived without permanent injuries, but White House Press Secretary James Brady was shot in the head and left disabled. The attack prompted another wave of anti-gun protests. The most vocal proponent of stricter gun legislation was Brady's wife, Sarah. In 1987, she introduced to Congress the Brady Handgun Violence Prevention Act, often known as the Brady Bill.

Six years later, President Bill Clinton (D, 1993–2001) signed the Brady Bill into law on November 30, 1993. The law imposed a mandatory five-day waiting period on the purchase of a firearm and required local law enforcement to carry out a thorough background check on anyone attempting to buy a weapon. In 1997, however, in the case *Printz v. United States* the Supreme Court ruled 5–4 that the U.S. government had exceeded its authority by requiring local law enforcement to conduct federally mandated background checks. The checks, the Court ruled, were unconstitutional under the Tenth Amendment, which states that the federal government cannot exert authority over states unless a particular power is specifically granted it by the Constitution.

Despite this ruling, many local and state law enforcement agencies continued to carry out the background checks. Additionally, other aspects of the Brady Bill remained in force. The law, for example, established the National Instant Criminal Background Check System (NICS), which requires gun dealers to check with a database run by the Federal Bureau of Investigation (FBI) before selling guns to customers. The database includes information on people with criminal records, outstanding arrest warrants, and a history of mental illness.

In 1994, President Clinton signed a second gun control law, the Violent Crime Control and Law Enforcement Act. This comprehensive law included the Assault Weapons Ban, which for 10 years prohibited the manufacture and sale, for civilian use, of semiautomatic weapons with magazines (the cartridges in weapons that hold the ammunition) capable of holding 10 rounds or more of ammunition. The Assault Weapons Ban expired in 2004, and Congress did not renew it.

In 2007, Seung-Hui Cho, a college student at Virginia Tech with a history of mental and emotional problems, used two guns to kill 32 people and wound several others in two attacks two hours apart on the college campus in Blacksburg. Cho, who had a documented history of mental health problems, had nonetheless been able to purchase guns because Virginia state had failed to share his history with the NICS. In response, Congress passed the NICS Improvement Amendments Act of 2007, which attempted to close this loophole. "The NIAA seeks to address the gap in information available to NICS," a fact sheet on the Federal Bureau of Justice Statistics website states, "about such prohibiting mental health adjudications and commitments and other prohibiting backgrounds."

In 2008, in the case of *District of Columbia v. Heller*, the Supreme Court ruled 5–4 that a 32-year ban on handguns in Washington, D.C., was unconstitutional under the Second Amendment. "We are aware of the problem of handgun violence in this country, and we take seriously the concerns raised by the many...who believe that prohibition of handgun ownership is a solution," Justice Antonin Scalia wrote for the majority. "The Constitution leaves the District of Columbia a variety of tools for combating that problem, including some measures regulating handguns.... But the enshrinement of constitutional rights necessarily takes certain policy choices off the table. These include the absolute prohibition of handguns held and used for self-defense in the home." The decision held that the Second Amendment applies to the individual right to bear arms, not just state "militias."

New Gun Control Steps Proposed in Recent Years

The mass shooting that targeted Representative Gabrielle Giffords (D, Arizona) in Tucson, Arizona, in January 2011 spurred renewed interest in gun control. Many linked the expiration of the Assault Weapons Ban in 2004 to the Tucson assassin's legal possession of a handgun capable of firing 33 rounds without reloading during his shooting spree. Lawmakers soon proposed new legislation to limit access to firearms and ammunition. On January 18, 2011, Representative Carolyn McCarthy (D, New York)—a long-time gun control advocate whose husband had been killed by a mentally disturbed gunman on the Long Island Rail Road in 1993—introduced a bill to outlaw high-capacity magazines.

A week later, New Jersey senators Frank Lautenberg (D) and Robert Menendez (D) introduced two pieces of gun control legislation—one, called the Gun Show Background Check Act, would have required gun show vendors to perform background checks on their customers. The other, the Denying Firearms and Explosives to Dangerous Criminals Act, sought to prevent individuals on terrorist watch lists from buying guns or explosives; from 2004 to 2010, according to the Government Accountability Office, people on terrorist watch lists bought weapons or explosives 1,119 times. Neither of these bills was able to overcome Republican opposition.

The murder of 26 people, including 20 children aged six and seven, by gunman Adam Lanza at Sandy Hook Elementary School in Newtown, Connecticut, in December 2012, prompted further calls for new gun control measures. Law enforcement officials stated at the time that Lanza had used a semiautomatic rifle during the attack and committed suicide with a handgun as police arrived at the scene. Lanza's guns had been purchased legally and registered by his mother, Nancy. Lanza had shot and killed her at the house they shared before traveling to Sandy Hook.

On December 19, President Obama launched a White House task force led by Vice President Joseph Biden (D) to make policy recommendations on stemming gun violence. According to a January 6, 2013, *Washington Post* report, the panel was considering measures such as universal background checks for gun buyers, the implementation of a national database to track the sale and movement of weapons, and toughening mental health checks for gun buyers, in addition to banning assault weapons and high-capacity gun magazines.

Meanwhile, after a week of silence following the shooting, National Rifle Association (NRA) spokesperson Wayne LaPierre held a press conference on December 21 in which he argued that more guns, not fewer, were necessary to prevent gun violence. LaPierre argued in favor of installing armed guards at all schools, contending, "The only thing that stops a bad guy with a gun is a good guy with a gun." LaPierre's statement prompted widespread criticism from legislators and education officials, who insisted that increasing the presence of guns in schools was not the answer to school shootings.

Despite polls that showed an overwhelming majority of Americans supported mandating universal background checks, the U.S. Senate failed to pass a measure expanding such checks. In an April 17 vote, Senators voted 54–46 against universal background checks, 54–46 against limits on the size of high-capacity ammunition magazines, and 60–40 against a ban on the manufacture and sale of assault weapons. Following the vote, President Obama blasted the powerful gun lobby, accusing lobbyists of "spreading untruths" about the background check expansion. "All in all," he said, "this was a pretty shameful day for Washington."

A string of shootings in 2015 revived calls for gun control. In June, Dylann Roof shot and killed nine people while they were worshipping at Emanuel African Methodist Episcopal Church in Charleston, South Carolina. While much of the coverage of the event focused on Roof's motives in the shooting—Roof, a white man, stated that he had targeted African Americans in hopes of starting a race war—many noted that Roof had been able to purchase a gun despite having an arrest record that should have precluded that purchase. FBI spokespersons blamed a breakdown in communication between local and federal authorities in the background check system for the mistake.

Later that summer, in August, TV reporter Alison Parker and cameraman Adam Ward were shot and killed in Hardy,

Virginia, while they were interviewing a local official. The alleged gunman was a disgruntled former colleague of the victims. After the shooting, Parker's father made headlines by calling for stricter gun control measures.

Calls for gun control measures were renewed in October 2015, after nine people, ranging in age from 18 to 67, were killed in a classroom in Umpqua Community College in Roseburg, Oregon. Supporters of gun control insisted that such incidents of violence were a result of the ease of obtaining a gun in the United States. Opponents, however, claimed that the shooter was likely mentally ill, and that relaxed gun regulations were not to blame for the violence. The following week, on October 9, a shooting at Northern Arizona University in Flagstaff left one person dead and three wounded; the suspect, who was apprehended, was 18 years old. The same day, a shooting at a housing complex at Texas University killed one and wounded another.

The debate over gun control has been exacerbated by the number of mass shootings in recent years. According to *Washington Post* reporter Christopher Ingraham, there are many such incidents each year beyond the few that receive large amounts of media attention. (The *Post* considers a mass shooting any incident that results in more than three shooting deaths.) "[B]eneath the steady drumbeat of these high-profile cases lie the hundreds of daily mass shootings that most of us never hear about," Ingraham wrote in October 2015. "Eleven wounded in a Georgia barroom. Six shot outside a Tulsa nightclub. A pregnant mom and grandmother killed, an infant wounded in Chicago. We've gone no more than eight days without one of these incidents this year. On six days in September, there were three mass shootings or more."

While such incidents are almost universally condemned, their causes—and potential solutions to the problem—remain a source of debate.

Supporters Argue: Congress Should Pass New Gun Control Measures

Supporters of gun control laws argue that such measures are necessary to curb mass shootings and decrease gun violence. "Gun control ends gun violence as surely as antibiotics end bacterial infections," *New Yorker* journalist Adam Gopnik wrote in October 2015. "[N]ot perfectly and in every case, but overwhelmingly and everywhere that it's been taken seriously and tried at length. These lives can be saved."

Advocates of gun control argue that research shows that the prevalence of guns in society is directly correlated with homicide rates. *Vox* journalist German Lopez noted in October 2015 that a number of studies conducted by researchers at Harvard University's School of Public Health show a relationship between the number of guns in a community and the level of gun violence in that same area. "The truth is that there *is* something Americans can do about gun violence," Lopez wrote. "The empirical research shows that reducing the number of guns—by reducing access to them, or by immediately cutting the supply of them through, for example, buyback programs—would lead to fewer deaths."

Supporters of gun control reject the notion that problems other than gun use—such as mental illness—are primarily responsible for the frequency of mass shootings in the country. "We are not the only country on Earth that has people with mental illnesses or want to do harm to other people," President Obama said at a press conference in October 2015. "We are the only advanced country on Earth that sees these kinds of mass shootings every few months."

The constant opposition that lawmakers have faced when trying to pass gun control measures, supporters argue, is directly responsible for the deaths of victims of mass shootings. "Republican legislators across the country refuse to consider common sense measures to prevent the horrific gun violence that kills our loved ones each and every day. By refusing to act, they are aiding and abetting domestic terrorism," Andy Parker, whose daughter Alison Parker was shot and killed during a live news broadcast in August 2015, wrote for the *New York Daily News* in early October. "Shame on them for being the cowards that they are. Is the support of a fringe element of the NRA so important that they are

willing to accept our children as collateral damage?"

Supporters argue that gun control advocates must focus on weakening the NRA before any new measures can be passed to effectively curb gun violence in the United States. "[U]ntil we tame the power of the NRA, we can expect more killings like this," Peter Dreier, a professor of politics at Occidental College, wrote for *Salon* after the shootings in Oregon in October 2015, "a part of the deadly daily diet of murders throughout America committed by angry gun-toting people whose 'freedom' to own weapons of mass destruction...the NRA defends."

Gun control advocates take issue with the argument, often made by opponents, that arming more people makes society safer in general. Journalist Timothy Egan noted in 2011 that during that year's shooting in Tucson, some of the onlookers were carrying weapons, yet no one was able to prevent the ensuing massacre. In fact, Egan noted, one person present almost shot a bystander who was trying to disarm the gunman. "It defies logic, as this case shows once again, that an average citizen with a gun is going to disarm a crazed killer," Egan wrote. "For one thing, these kinds of shootings happen far too suddenly for even the quickest marksman to get a draw. For another, your typical gun hobbyist lacks training in how to react in a violent scrum."

Supporters of gun control also dispute opponents' assertion that the spread of gun ownership has led to a decrease in crime. Statistics, they point out, show that in most areas, gun restrictions have led to a decrease in violent crime. "Where it's easier to get guns, you have higher rates of lethal violence," Harvard University professor Matthew Miller told the *New York Times* in 2011. "That's clear."

Opponents Argue: Congress Should Not Pass New Gun Control Measures

Opponents of gun control argue that individual Americans have a constitutional right to bear arms. They contend that gun violence is the fault of the perpetrators of violent deeds, not the guns themselves, and that criminals would have access to guns even if they were illegal. "Gun violence is a problem in this country," former Arkansas governor and Republican presidential nominee Mike Huckabee argued in October 2015, "but it's not the fault of the Second Amendment, it's the fault of evil people doing evil things."

Indeed, critics insist that gun control measures will do little to curb gun violence. "You can strip all the guns away but the people who are going to commit crimes or have problems are always going to have the guns," Ohio governor John Kasich (R) told NBC news after the Oregon shooting.

There are typically underlying causes of mass shootings, opponents argue, that have little to do with the ease of obtaining guns. "We have a serious societal problem," Senator Marco Rubio (R, Florida), a candidate for the 2016 Republican presidential nomination, argued during an appearance on conservative commentator Mike Gallagher's radio show in October 2015. "[W]hether it's mental illness...whether it's family break down and the lack of values being taught at a young age, or a combination of all these things—we do have serious problems in America.... But we're focusing too much on what it is people are using to commit violence, and not enough on why it is that people are committing violence."

Opponents argue that laws restricting access to guns would probably not prevent mass shootings. "Rampage killers tend to be meticulous planners," *New York Times* columnist David Brooks wrote in 2012 after the shooting at a movie theater in Colorado that left 12 people dead. "If they can't find an easy way to get a new gun, they'll surely find a way to get one of the 200 million guns that already exist in this country. Or they'll use a bomb or find another way."

Gun control critics insist that broadening gun ownership in the United States has actually decreased violent crime. "Forty states have Right-to-Carry [laws that allow people to carry concealed firearms], and 48 states prohibit cities from imposing gun laws more restrictive than state law," a 2010 article published by the NRA and the ILA noted. "And, since

1991, the total violent crime rate has declined over 40% to a 35-year low, and the murder rate has declined by half to a 45-year low."

Opponents of stricter gun control laws also oppose the reinstatement of the Assault Weapons Ban, arguing that many semiautomatic weapons, such as the M1 Garand, once popular with the U.S. Army and Marines, are used recreationally. "These types of firearms, which are erroneously called assault weapons," Steve Sanetti of the National Shooting Sports Foundation told the *Los Angeles Times* in 2009, "are used by millions of Americans for hunting, sporting, and personal defense purposes."

Critics of gun control argue that having more guns, not fewer, is the solution to gun violence. They note that shooters tend to target areas, such as churches and schools, where they know their victims will not be able to fight back. "Every public mass shooting since 1950, except for two, has occurred in a gun-free zone," Erich Pratt, communications director for the gun rights group Gun Owners of America, wrote in *USA Today* in October 2015 after the shooting in Oregon. "This shooting is no different. The Umpqua Community College is a gun-free zone, as are the locations of many recent shootings.... Guns were outlawed at all these locations, and yet the killers ignored the bans.... And that is why Gun Owners of America agrees with the 86% of police who say these types of incidents would be prevented if the potential victims were not disarmed."

Controversy over Gun Ownership Likely to Continue

The debate over the Second Amendment will not likely subside anytime soon. Whether legislation is passed either strengthening or weakening the present gun laws, debate over gun control has become a feature of American political life.

Some observers predict that a substantial amount of new legislation will be proposed and fiercer activism will continue to arise after shootings that capture the public's attention. Still, they caution lawmakers about hastily passing any new laws. "Anytime in the immediate aftermath of something, there's usually not a silver bullet," Connecticut representative John Larson (D) has said. "The more you listen, the more you synthesize, perhaps you come up with some common sense ideas."

Discussion Questions

- 1) What do you think the founding fathers originally intended when they wrote the Second Amendment to the Constitution?
- 2) Do you think that legislators should rush to pass gun control legislation in the wake of high-profile shootings or wait until emotions settle to draft bills that will affect average Americans for years to come? Explain your position.
- 3) Even though there are laws in place that are supposed to prevent mentally ill people from buying weapons, they still manage to do so. What can be done to ensure that troubled people are barred from obtaining weapons?
- 4) Imagine that you are either the victim of gun violence or a staunch advocate for Second Amendment rights. Write a speech for or against gun control reform that you would give at a rally.

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Contact Information

Information on how to contact organizations that either are mentioned in the discussion of gun control or can provide additional information on the subject is listed below:

The Brady Campaign to Prevent Gun Violence
1225 Eye St. N.W., Suite 1100
Washington, D.C. 20005
Telephone: (202) 898-0792
Internet: www.bradycenter.org

Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Public and Governmental Affairs
99 New York Ave. NE, Room 5S 144
Washington, D.C. 20226
Telephone: (800)-800-3855

Internet: www.atf.gov

National Rifle Association of America
11250 Waples Mill Rd.
Fairfax, Va. 22030
Telephone: (800) 672-3888
Internet: www.nra.org

Keywords

For further information about the ongoing debate over gun control, search for the following words and terms in electronic databases and other publications:

Brady Handgun Violence Prevention Act
Federal Assault Weapons Ban
National Rifle Association
Second Amendment
"Stand Your Ground" laws

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