



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Gun rights, gun control and mass murder

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If one thing is absolutely predictable about mass shootings, it is that they will spark debate over gun control. In the wake of massacres in Newton, Conn., Aurora, Colo., and elsewhere, public officials and private citizens alike are insisting that we must find a way to keep guns away from our most dangerous element, yet are blinded by passion and anger from confronting the practical limitations.

Most mass murderers do not have criminal records or a history of psychiatric hospitalization. They would not be disqualified from purchasing their weapons legally.

A recent examination of 43 mass shootings over the past three years done by Mayors Against Illegal Guns found no indication that any of the assailants were prohibited by federal law from possessing firearms because they had been adjudicated mentally ill or had been involuntarily committed for treatment. And in just 4 of the 43 cases there was evidence that concerns about the mental health of the shooter had been brought to the attention of a medical practitioner or legal authority prior to the shooting

People simply cannot be denied their Second Amendment rights just because they look strange or act in an odd manner. Besides, would-be mass killers could always find an alternative way of securing the needed weaponry, even if they had to steal from family members or friends.

Then there are those gun control advocates, including former President Bill Clinton who wish to resurrect the federal assault weapon ban that expired nearly a decade ago. Whatever the effect the assault weapon prohibition had on crime generally, it had no discernible effect on the incidence of mass murder.

The overwhelming majority of mass murderers use firearms that would not be restricted by an assault-weapons ban. In fact, semiautomatic handguns are far more prevalent in mass shootings. Of course, limiting the size of ammunition clips would at least force a gunman to pause to reload or switch weapons. Still, there is the complicating fact that plenty of large capacity magazines are already in circulation for anyone determined enough to find one.

Gun control advocates are not the only ones to be exploiting recent tragedies as ammunition for their agenda. Gun rights groups are arguing just as loudly that more Americans, and not just teachers in schools, need to be armed with concealed weapons as a deterrent to would-be mass murderers.

Mass killers are often described by surviving witnesses as being relaxed and calm during their rampages, owing to their detailed level of planning. In contrast, the rest of us are taken by surprise and typically respond frantically. A sudden and wild shootout involving the assailant and citizens armed with concealed weapons would potentially catch countless innocent victims in the crossfire.

As far as deterrence is concerned, it is hard to imagine anyone who is truly bent on mass murder, who is willing to die by police gunfire or by his own hand, will be dissuaded by knowing that their potential targets are armed. Also as a matter of deterrence, gun rights groups also frequently insist that sufficient laws already exist to punish gun crimes, and that we just need to increase the threat of prosecution and punishment. Mass killers typically expect to die, and so nothing in the way of prosecution or punishment would divert them from their mission.

In the final analysis, neither gun rights nor gun control will do much to alter the rate of mass murder. Of course, in the weeks and months following the Newtown shooting, there has been momentum in Washington and in various state legislatures to establish policies and procedures designed to make us all safer. Lots of good things to do, although not necessarily for the best reason to do them. Ironically, the very kind of crime that has motivated these proposals is the kind of crime that is least preventable by these initiatives.

Many of the well-intentioned proposals coming in response to the recent spike in mass shootings may do much to impact the level of violent crime that plagues our nation daily. We shouldn't, however, expect such efforts to take a big bite out of crime in its most extreme form. Of course, taking a nibble out of the risk of mass murder, however small, would still be a worthy goal for the nation.