

What are gun free zones and are they safe?

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ABSTRACT

A gun free zone may be an area as small as a school yard or as large as a country where only the police and military have access to firearms and maintain a superior force. Events during the past several decades have raised questions on the safety of individuals in what has been classified as “Gun Free Zones.” These zones are intended to provide a safe environment for individuals without the possibility of firearms being brought into the area and displayed, discharged or used for any purpose. In 1990 the US Congress passed the “Gun-free School Act” which was intended to protect the occupants of schools from any possibility of violence relating to firearms. Prior to Congress passing this act there were violent acts in the school zones and since the 1990 implementation, violent crimes have increased.

Entire countries have had buyback programs of purchasing firearms alleging that if they remove most firearms, the criminal acts will be substantially reduced. The concept of the implementation of safe zones, whether it is school or country, is but a first step on restricting the ownership and rights of individuals to protect themselves from both criminals and the government. Throughout time governments have consistently sought to restrict the availability of firearms as a means to reduce resistance from the population as the government increases its control and mandates. An area, zone, population or country that cannot resist with force, will eventually be controlled by a superior force.

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I. INTRODUCTION

Few events are covered in the news that generate such national and worldwide coverage as multiple shooting in a public area or in an area defined as a safe zone where firearms are not supposed to be brought anywhere near the property. In 1984, a security guard killed 21 people at a McDonald's in California. In 1991, a single gunman entered a Luby's restaurant in Texas and killed 22 people. In 1999, two individuals entered the Columbine high School and killed 13 students before committing suicide. In 2009, an army psychiatrist walked in an army medical processing center and began shooting resulting in 13 killed. In 2012, a man clad in body armor walked into a Colorado movie theatre and killed 13 and in December of 2012 a man went into an elementary school and killed 26 before committing suicide.

Each of these areas were considered to be safe from harm due to being open to the general public, a controlled military installation, or were restricted safe zones not allowing anyone to bring a firearm on the property. It has been widely circulated in the news media that the solution to prevent multiple public shootings is to have restrictive laws that make it increasing difficult to obtain firearms and to reduce the capacity that firearms can fire without being reloaded. This brings in the more controversial regulation of states passing the right to carry laws permitting their citizens to have concealed handgun permits. Individuals' with concealed handgun permits while allowed to carry in most places are banned from some 50 different types of particular locations such as school buildings and parking areas, athletic events, gambling casinos, churches, financial institutions, hospitals, amusement parks, day care centers and any location that the management prefers to deny its employees, patrons or guests from carrying firearms on its property. The penalty for violation varies by states; however in some states it is a felony with a loss of the license whereas in other states the violation varies from a misdemeanor warning to license suspension for multiple years.

II. U.S. GUN LAWS BY STATE

Across the United States, gun laws differ greatly. These laws fall into four categories: shall-issue, may-issue, no-issue, and unrestricted. Some states do not require a state-issued license in order to carry a firearm in public. New Mexico, for example, is a "shall-issue" state. This means that although a permit is required to carry a handgun, the empowered authority must issue the permit if the criteria are met as defined by each state. This is the most common type of gun law in the United States, made popular by Florida's enactment in 1987. By contrast, in "may-issue" states such as Maryland and Connecticut, the power of discretion rests with local authorities to issue licenses to qualified applicants. This often results in little-to-no licenses being issued, "No issue" states like Illinois and Wisconsin prohibit any handguns and therefore do not issue licenses nor honor other state licenses granting the right to carry. Lastly, a handful of states in the U.S. are unrestricted. Alaska, Arizona, and Vermont allow the general public to carry concealed handguns without a proper license or permit.¹

U.S. gun owners must also be wary of state reciprocity laws. For example, Illinois borders six other states with the right to carry, yet it only allows law enforcement officers to possess firearms. Bryan Ciyou's 2012 edition of "Gun Laws by State" is accessible online for

¹ Shall-Issue, May-Issue, No-Issue and Unrestricted States. (2012, November 4). Retrieved from Buckeye Firearms

Association: www.buckeyefirearms.org/node/6744

free; allowing gun owners to determine which states will honor their right to carry.² Even so, for those travelling state to state, carrying a gun offers added protection. In March of this year, the U.S. Senate passed the National Right to Carry Reciprocity Act of 2012, granting “any person with a valid state-issued concealed firearm permit to carry a concealed handgun in any other state that” allows for firearms to be carried. State laws governing the manner in which firearms are carried would still apply, but this law would require states to honor all other state-issued permits.³

Some states have a history of strict gun control, such as California and Washington D.C., which others have been traditionally more lenient, such as Arizona and Texas. In California, obtaining a conceal carry permit (CCW) is generally only obtainable for citizens with inherently dangerous occupations. Due to this strict issuance, only 0.1 percent of the state’s 38 million people may legally carry a firearm.⁴ By comparison, 524,000 Texans currently have their CHLs compared to the 35,000 Californians.⁵

The U.S. Centers for Disease Control and Prevention also reported 1,416 firearm homicides in California and a crime rate of 6.1 in the major cities in southern California (Los Angeles, Long Beach, and Santa Ana) and 7.1 in northern California (San Francisco, Oakland, and Fremont) per 100,000 people, which was higher than 5.2, the average of rate of the 50 largest U.S. metropolitan statistical areas. This was according to a study of rates from 2006-2007, the most recent information available.⁶

By comparison, north and central Texas (Dallas, Arlington, Fort Worth, and Austin) reported lower firearm homicide rates of 4.2 and 1.5, respectively. Houston’s rate, however, was significantly higher (12.9), even with Texas’s “shall issue” state status with concealed handguns. One possible explanation for this variation is that Houston has fewer police officers per capita or square mile than the national average.⁷ The power to deny or issue concealed handgun licenses rests with the Texas Department of Public Safety. Applicants must have a clean criminal record and pay a fee ranging from \$25-\$140.⁸ Texas also has a castle doctrine with a “stand your

² Sanders, M. (2008, July). Know your gun laws: Universal weapons laws draw mixed views. Retrieved from The Paducah Sun.

³ National Right to Carry Reciprocity Act of 2012. (2012, March 14). Retrieved from NRA-ILA: <http://www.usacarry.com/national-right-carry-reciprocity-act-2012-introduced-ussenate/>

⁴ Jones, P. (2013, February 23). Targeting gun control laws: California vs. Texas. The Washington Times.

⁵ Id.

⁶ Violence-Related Firearm Deaths Among Residents of Metropolitan Areas and Cities--United States, 2006-2007. (2011, May 13). Retrieved from Centers for Disease Control and Prevention: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6018a1.htm?s_cid=mm6018a1_w

⁷ Olson, B. (2009, August 2). Houston's crime outpaces officers. Houston Chronicle.

⁸ CHL Applicant Information. (2012, November 5). Retrieved from Texas Department of Public Safety: <http://www.txdps.state.tx.us/rsd/chl/documents/chlfeeschedule.pdf>

ground” clause. This clause overturns the English common law “duty to retreat” before attacking an assailant and provides civil immunity to a person who is under attack to defend himself from deadly forces of an attacker in his home, vehicle or place of employment, or against attackers who are committing crimes of kidnapping, murder, sexual assault or robbery.⁹ According to research conducted by Texas A&M University using 21 states which adopted this legislation, however, the castle doctrine was correlated to a 6 to 11 percent increase in the homicide rate.¹⁰ It is also noted, however, that an increase in the murder/homicide rate could be a confounding factor, rather than the doctrine itself.

Until recently, Washington D.C. has had a long history of restrictive gun regulation. In 1976, Congress enacted a bill banning city residents from handgun ownership with the exception of law enforcement and those who registered before the ban took effect. From 1999 to 2005, Congress struck down several attempts to remove the ban. Its firearm homicide rate from 2006-2007 was an alarming 19 per 100,000 people.¹¹

In 2008, the Supreme Court officially removed the D.C. ban on handguns on the basis that “the Second Amendment secures an individual's right to keep and bear arms against the federal government” in its ruling on *The District of Columbia v. Heller*.¹² Since then, D.C.’s assaults with guns fell by 37 percent and the murder rate fell two times faster than the rest of the United States.¹³

In Arizona’s major cities (Phoenix, Mesa, and Arizona), the 2006-2007 handgun homicide rate is 10.6, which is lower than D.C.’s rate, but significantly higher than Texas and California’s average rates.¹⁴ Arizona was previously a “shall issue” state that required a permit or license for concealed carry. In 2010, the state passed a “Constitutional Carry” provision which allows anyone 21 or older to openly carry a handgun without any documentation. There are some restrictions, such as places that serve alcohol or other places off limits even with a permit. This law also extended to residents of Arizona visiting Oklahoma.¹⁵ The Arizona Prosecuting

⁹ Cheng, C., & Hockstra, M. (2012, June). Does Strengthening Self-Defense Law Deter Crimes or Escalate Violence? Retrieved from Texas A&M University Department of Economics: http://econweb.tamu.edu/mhoekstra/castle_doctrine.pdf

¹⁰ Id.

¹¹ See Violence-Related Firearm Deaths, *supra* note 6

¹² Malcom, J., & Rosenthal, L. (2011). Colloquy Debate: *McDonald v. Chicago*: Which Standard of Scrutiny Should Apply to Gun Control Laws? *Northwestern University School of Law Review*.

¹³ Lott, J. (2011, September). Media Silence is Deafening About Important Gun News. Retrieved from Fox News: <http://www.foxnews.com/opinion/2011/09/30/media-silence-is-deafening-about-important-gun-news/>

¹⁴ See Violence-Related Firearm Deaths, *supra* note 6

¹⁵ Arizona. (2012, November). Retrieved from Handgunlaw.us: <http://www.handgunlaw.us/states/arizona.pdf>

Attorneys Advisory Council reported that the state's crime has fallen 38.5% since 2002, or twice the crime rate drop for the U.S. as a whole.¹⁶

In 2003, Minnesota legalized the right to carry a handgun with a permit, which had been previously illegal both openly and concealed. According to the Minnesota Bureau of Criminal Apprehension, about 2 percent of the population or 109,000 people have been issued licenses since the legalization. In addition, only five deaths have been reported from permit holders, four of which were ruled justified. As of November 2012, Oklahoma instituted an open carry law, also with a state-issued license. The state previously required all handguns to be concealed.¹⁷ Overall, the rising trends in the U.S. point to less regulation and more lenient firearm laws. Compared with a 1959 Gallup poll asking Americans if they favor banning handguns, that percentage has decreased sharply from 60 percent to 26 percent in 2012.¹⁸

III. FIREARM LAWS OUTSIDE THE U.S.

According to the New Yorker, the U.S. contains nearly three hundred million privately owned firearms in the United States; including a hundred and six million handguns, a hundred and five million rifles, and eighty-three million shotguns.¹⁹ According to the Small Arms Survey compiled by the United Nations Office on Drugs and Crime, there are 88 firearms per 100 people.²⁰ Even with such a high ownership rate, the United States still exceeds other countries in terms of gun-related violence and death.²¹ The diverse policies of Australia, Switzerland, Canada, and Mexico and their associated crime rates will also be examined. In Australia, the annual rate of firearm homicides per 100,000 was only .1% in 2009.²² Gun ownership is approximately 15 per 100 people, which is considered higher than the international average of 10

¹⁶ Arizona Crime Rate Dramatically Drops. (2012, January). Retrieved from CTR Guns: <http://www.ctrguns.com/arizona-crime-rate-dramatically-drops/>

¹⁷ Wade, J. (2012, October). Open carry Law goes into effect Nov. 1. Retrieved from Tulsa World: http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20121028_11_A1_Therem296082

¹⁸ Kristof, N. (2012, July). Safe from Fire, but Not Guns. Retrieved from The New York Times: <http://www.nytimes.com/2012/07/26/opinion/kristof-safe-from-fire-but-not-gone.html>

¹⁹ Lepore, D. (2012, April). Battleground America: One nation, under the gun. Retrieved from The New Yorker: http://www.newyorker.com/reporting/2012/04/23/120423fa_fact_lepore.

²⁰ The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems. (2003, August). Retrieved from United Nations Office on Drugs and Crime: <http://www.unodc.org/unodc/en/data-and-analysis/Eighth-United-Nations-Survey-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>.

²¹ Rogers, H. (2012, July 25). An International Comparison. Retrieved from Unfiltered Political News by Independent Contributors: <http://ivn.us/2012/07/25/gun-control-an->

²² See The Eighth United Nations Survey, *supra* note 20

guns per 100 people.²³ In 1996, following a gruesome mass shooting involving military-style semi-automatic rifles and leaving 35 dead, the Australian government created the National Firearms Agreement (NFA) which banned civilian ownership of assault weapons. Even with this legislation, a firearm can be obtained relatively easily for civilians over the age of 18 with a firearms license.²⁴ A “Genuine Reason” must be given, which can include a wide variety of uses such as for pest control, hunting, and target shooting, however, self-defense is not an acceptable reason for obtaining a gun license.²⁵ In a follow up study on the effects of the legislation by Samara McPhedran, University of Sydney academic, the statistics showed that the “hypothesis that the removal of a large number of firearms owned by civilians’ would lead to less gun-related deaths ‘is not borne out by the evidence.’”²⁶ Conversely, the Australian Institute of Criminology claims that homicides have decreased by more than half from 1996-2007.²⁷ In Switzerland, the rate of private gun ownership is 45 firearms per 100 people, making it one of the highest militia gun ownership rates in the world.²⁸ Gun laws in Switzerland are similar to Australia: the possession of arms requires a license and to be over the age of 18.²⁹ In addition, similarly to the U.S., gun ownership is prohibited for those who have a criminal history of violence or repeat offenses, and in a further measure, civilian gun ownership is recorded in an official registry by the government.³⁰ Switzerland has very rigorous militia system consisting of about 2,500 military personnel.³¹ Swiss males, who enter training at age 20 and remain in the reserve until about 30, are issued a personal weapon to keep after their service and in addition can also purchase semi-automatic weapons. Even with this strong prevalence of firearms, Switzerland’s annual homicide rate per 100,000 people is only .7%.³² Canada’s gun laws became increasingly selective following the 1989 school shooting at the Ecole Polytechnique, an engineering school in Montreal involving a semi-automatic hunting rifle. A long-gun registry

²³ Id.

²⁴ Australia--Gun Facts, Figures and the Law. (2013). Retrieved from Gunpolicy.org: <http://www.gunpolicy.org/firearms/region/australia>

²⁵ Williams, D. (2008, May). Australia's Gun Laws: Little Effect. Retrieved from Time World: <http://www.time.com/time/world/article/0,8599,1736501,00.html>

²⁶ Gun Control in Australia. (2009, May). Retrieved from FactCheck.Org: <http://www.factcheck.org/2009/05/gun-control-in-australia/>

²⁷ Karp, A. (2007). Completing the Count: Civilian firearms. *Small Arms Survey 2007: Guns and the City*, 67.

²⁸ Switzerland. (1997). *Obligation to Hold a License to Acquire Arms*. Geneva: Federal Assembly of the Swiss Confederation / Translation for the Small Arms Survey. Graduate Institute of International Development Studies.

²⁹ Id.

³⁰ Switzerland. (2010). *Military Technology*, 34(1), 211-216.

³¹ Id.

³² GunPolicy.Org. (2011). *Calculated Rates--Switzerland Historical Population Data*. Suitland, MD: US Census Bureau Population Division.

requirement mandating the registration of rifles and shotguns came into place soon after with the Firearms Act (Bill 68) in 1995, which also provided for the establishment of a centralized database.³³ The initial setup costs of \$1 billion have also been the center of controversy for stockholders against gun restrictions. This legislation introduced requirements including background and community checks, notification to current and former spouses, and 5 year renewal. In addition, firearm officers can now initiate investigations and revoke licenses.³⁴ As of Jan. 1, 2003, about 75% of owners had registered 5.8 million of an estimated 8 million unrestricted firearms total. According to the most recent statistics available, eighty percent of firearms deaths arise from suicide; 15% are homicides and 4% are classified as “accidents.”³⁵ Canada is ranked number 6th out of the top 50 countries with the highest amount of total crimes. Canada also has a 32% homicide rate per firearm.³⁶ The British Broadcasting Company’s 2010 documentary entitled, “Mexico’s Drug War” revealed the common practice for drug cartels to kidnap targeted citizens (usually cartel drug agents) by entering the home armed and disguised as military officials.³⁷ In Mexico, the majority of families are left defenseless when these drug cartel crimes occur due to strict gun laws. Although gun ownership is possible with a license in Mexico, gun license fees can cost up to \$10,000 annually, allowing protection solely for Mexico’s wealthy elite.³⁸ The historical practice whereby Mexican citizens have accepted protection from the military in exchange for democratic autonomy traces back to the 71-year rule of Institutional Revolution Party, or PRI, following the Mexican Revolution in the earlier part of the 20th century.³⁹ Despite the strict control, Mexico still faces problems with gun smuggling across the U.S.-Mexican border. An AK-47 is the most commonly confiscated weapon from drug cartels, yet this firearm is strictly illegal in Mexico.⁴⁰ Additionally, the Border Patrol currently has only 44 percent operational control of the border and proponents note that in April 2012, the

³³ Austin, I. (2009, December). Gun Control Issue Reveals a Changing Canada. *New York Times*.

³⁴ Reasonable control: gun registration in Canada. (February 2003). *CMAJ: Canadian Medical Association Journal*, 168 (4), 820-3946.

³⁵ *Id.*

³⁶ See *Completing the Count: Civilian firearms*, supra note 27

³⁷ *This World*. (February 2012). *Mexico’s Drug War*. British Broadcasting Company.

³⁸ Hawley, C. (n.d.). Mexico: Gun controls undermined by U.S. Retrieved from USA Today:
<http://www.usatoday.com/news/world>

³⁹ Bussey, J. (2008, September). Drug lords rose to power when Mexicans ousted old government. Retrieved from McClatchy Washington Bureau:
http://article.wn.com/view/2008/09/15/Drug_lords_rose_to_power_when_Mexicans_ousted_old_government/

⁴⁰ See Mexico: Gun controls undermined by U.S., supra note 38

Pentagon removed all but 300 of National Guard troops stationed along the border.⁴¹ It would be reasonable to conclude then, that a lack of military support when faced with competitive technology from the drug cartels poses a safety risk to Border Patrol agents as well as those living along the border. Overall, Mexico's homicide rate from firearms is 20.6%.⁴²

Although this is almost half the U.S.'s rate of 39.6%, Mexico still ranks 17th internationally in terms of gun-related homicides according to a 2001 study conducted by the United Nations.⁴³ In the same study, Mexico is also ranked 8th in terms of total crimes committed in the top 50 countries with the highest crimes.⁴⁴ However, it should be noted that crime statistics in Mexico, which are recorded in every state, are unavailable for public purposes and there is "no method to determine the reliability of these figures."⁴⁵ Clearly, a country's internal corruption plays a significant role in examining the validity of gun-related crime data.

V. NEWS REPORTING

During a 1998 interview with then-governor Mike Huckabee about school shootings, Katie Couric asked Huckabee if he supported the theory that southern culture "might be more permissive of this kind of activity [school shootings] or...encouraged by the acceptance of guns." Contrary to this notion, however, at this time New York City, Chicago, Los Angeles and Washington D.C. accounted for 13 percent of the U.S. murders despite making up only five percent of the U.S. population.⁴⁶

The media presents bias in several forms: lack of factual backing, liberal bias, and a preference for noteworthy coverage. The Media Research Center is a think tank committed to exposing liberal bias in the media and news reporting. Media Research Center analysts reviewed two years of news reports (from July 1, 1997 through June 30, 1999) on gun control policy on four evening shows (ABC's World News Tonight, CBS Evening News, CNN's The World Today, and NBC Nightly News) and three morning broadcasts (ABC's Good Morning America, CBS's This Morning, and NBC's Today). Analysts found the news reporting skewed in favor of gun control. In 653 gun policy stories, those advocating more gun control outnumbered stories opposing gun control by 357 to 36, or a ratio of almost 10 to 1, while 260 were categorized as

⁴¹ Washington, D.C. House Committee on Homeland Security, Subcommittee on Border and Maritime Security. (May 2012). Rec. Candice S. Miller Holds a Hearing on U.S. Border Patrol Strategic Plan. Proquest. CQ Transcriptions, LLC. Retrieved November 15, 2012 at <http://web.lexis-nexis.com.ezproxy.stedwards.edu>.

⁴² See The Eighth United Nations Survey on Crime Trends, *supra* note 20

⁴³ *Id.*

⁴⁴ See Completing the Count: Civilian firearms, *supra* note 27

⁴⁵ McDonald, W. (2002). The World Factbook of Criminal Justice System. Retrieved from Bureau of Justice Statistics: <http://www.bjs.gov/content/pub/ascii/wfcejmx.txt>

⁴⁶ Dickens, G. (2000, January 5). Outgunned: How the Network News Media are Spinning the Gun Control Debate. Retrieved from Media Research Center: <http://www.yauponcreek.org/GunControl/Outgunned.html>.

neutral. Anti-gun sound-bites were twice as frequent as pro-gun ones (412 to 209) while 471 sound-bites were neutral.⁴⁷ Gun control advocates appeared on the morning shows as guests on 82 occasions, compared to just 37 for gun-rights activists and 58 neutral spokesmen. When these numbers are combined with the results of a 1997 study of two years of gun policy stories using the same parameters, MRC analysts have found that in 897 gun policy stories for the four year period (1995-1999), the networks have aired 514 anti-gun stories to 46 pro-gun stories, or a ratio of more than 11 to 1.⁴⁸ In addition, a separate study conducted in 1994 to determine the amount of sensationalism in local news reports versus public affairs revealed that the amount of sensationalism/human interest coverage has increased significantly since the mid-seventies' and that 'such coverage comes largely at the expense of information related to local government, politics, and public policy.'⁴⁹ This increasing trend was discovered in both early and late newscasts over a wide range of markets and stations. In an effort to investigate supply-driven media bias and media pluralism between news sources and newspapers, the Institute for Research in Economics compared influences in the supply (journalists) and demand (the buyer) in the news industry. The supply side channels rest on the journalist's private information, media capture by interest groups, and pressure from advertisers. In turn, the demand side channel is comprised of the consumer's prior beliefs.⁵⁰ The paper concluded that higher demand for news independently of the truthfulness of reports tends to increase media bias, given that news organizations lose less by concealing information that hurts the news sources. Also, when readers have biased political preferences, the truth loses the power to reduce media bias.⁵¹ The economic side of reporting is such that consumer preference dictates demand. For news stations such as CNN where America accounts for more than 80% of its revenues, news must cater to the viewer or subscriber. This importance was felt when CNN struggled to be unbiased in the 2012 election and noticed a consequent diversion of its revenue streams to more opinionated stations such as Fox and MSNBC.⁵² Not only that, but opinionated news is also more likely to be remembered. According to a 2008 study, "opinionated news is likely to drive up attention and recall relative to less emotional, objective reporting."⁵³ Prominent gun control researcher John Lott adds that although the "noteworthiness" of news stories in part explains this trend, it does not explain the reporting bias involved in news stories themselves. As an example, he recounts the 2002 Appalachian Law School shooting in Virginia. Although the incident left three dead, what most worldwide news coverage failed to include in their reports was that the attack was stopped by the fast response of two students who had guns in their cars. This measure

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Slattery, K. &. (1994). Sensationalism versus public affairs content of local TV news: Pennsylvania revisited. *Journal of Broadcasting & Electronic Media*, 38(2), 205.

⁵⁰ Pires, A. K. (2011, November 11). News Sources and Media Bias. Retrieved from Institute for Research in Economics (SNF): <https://editorialexpress.com/cgi-bin/conference>

⁵¹ Id.

⁵² Unbiased and unloved. (2012, September 22). *The Economist*, 404, 72. Retrieved November 17, 2012 from <http://www.economist.com/node/21563298>.

⁵³ Valentino, N. H. (2008). Is a worried citizen a good citizen? Emotions, political information seeking, and learning via the Internet. *Political Psychology*, 29, 247-273.

undoubtedly saved lives, yet this prompted a call for “gun-free school zones” and harsher gun control. In fact, out of 208 stories in the week after the event, only four mentioned the intervention by students to successfully stop the shooting, two of which actually mentioned that the students “pointed their guns at the attacker.”⁵⁴ Reports even went so far as to claim that the shooter was stopped by the students “tackling the killer.” In total, there are two million defensive gun uses each year. When the New York Times released its article on “rampage killings,” or “any type of nonpolitical murder of two or more people in a public place,” measures such as higher arrest and conviction rates, longer prison sentences, and the death penalty were all found to reduce murders in general, yet according to Lott, had no consistent impact on mass public shootings.⁵⁵ Furthermore, the article never mentioned concealed handgun laws and their impact on the incidence of mass shootings, despite having access to this research. States that have passed right to carry concealed handguns laws have noticed an 80% reduction in multiple victim public shootings, which makes a powerful case for the passage of this legislation.⁵⁶ In an effort to better educate the public, both sides of the gun control debate must be shown accurately and in full detail. Leaving out such vital statistics can only result in a biased portrayal by the media and, consequently, a skewed perception to viewers.

V. GUN CONTROL AND GUN-RELATED DEATHS ON COLLEGE CAMPUSES

The right to carry firearms in the United States has faced increasing regulations since its adoption in the U.S. Constitution in 1791. In an effort to regulate machine guns and short barreled shotguns of the Prohibition Era, Congress passed the National Firearms Act in 1934. This legislation required all firearms to be registered. Furthermore, a firearm was defined as “a shotgun or rifle having a barrel of less than eighteen inches in length or any other weapon other than a pistol or revolver from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person.” Regulation increased again in 1968 with Lyndon B. Johnson’s signing of the Gun Control Act, which states that persons wishing to possess a handgun must be at least 21 years of age and possess a license to carry. In addition, gun owners must comply with Federal, State, and local law. Congress placed further limitations on gun ownership with the Gun-Free School Zones Act of 1990, which declared it “unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.” Although this act has since been declared unconstitutional, Congress made minor changes which have allowed the act’s continued existence. Although this law does not extend to college campuses, it embodies the overall stance taken by most colleges in the U.S. Also, private colleges possess private property rights. This means that no state legislation can mandate or ban concealed weapons on private college campuses. In 1986, the brutal rape, torture, and murder of Jeanne Clery in her own dorm room at Lehigh University led to the passage of a federal law known as the Clery Act in 1990. This piece of legislation “compels all colleges to report violent crimes, murders, and burglaries to the Department of Education and to make yearly annual

⁵⁴ Lott, J. (2003). *The bias against guns: why almost everything you've heard about gun control is wrong* (pp. 23-25). Washington, D.C.: Regnery Publishing.

⁵⁵ *Id.*

⁵⁶ *Id.*

reports available to the public.” Colleges must also keep a daily incident report in the form of a public crime log as well as issuing timely warnings to the community about crimes considered to be a threat to other students and employees. The consequences for violating this mandate include civil penalties of up to \$27,500 per violation can be imposed as well as suspension of federal student financial aid funding. Even with these powers, however, the Department of Education has done little to enforce this law, levying only three fines in total between 1990 and 2007. Some college investigations also point to underreporting, such as the Philadelphia Inquirer interrogation of West Chester University, which unveiled unreported multiple sexual assaults and burglaries.⁵⁷ In 2011, Yale received scrutiny for failing to properly compile and disclose crime statistics including sex offenses from 2001 to 2006. The University has also been found guilty of failing to give adequate warning to the campus community when crimes occurred.⁵⁷ The Clery Act orders that “reportable incidents that may constitute an ongoing threat must be disseminated campus-wide”.⁵⁸ Recently, in a case regarding the deaths of Erin N. Peterson and Julia K. Pryde at Virginia Tech in 2007, the jury found the university “negligent for not issuing timelier warnings of an active threat” and awarded \$4 million to each family. The U.S. Department of Education also charged the university with a \$55,000 fine.⁵⁹ However, this fine has been reversed by an administrative law judge and the awarded amount to families is expected to be reduced to \$100,000 in accordance with the Commonwealth of Virginia.⁶⁰ According to crimes reported from 2005-2008 in compliance with the Clery Act at both public and private, two and four-year institutions, murder and non-negligent homicides comprise the second smallest percentage of crimes documented by campus officials. Yet the percentage of direct assaults at post-secondary institutions has been steadily increasing at an average rate of 5% over the past several decades, starting in the 1950s and resting at the 30.5% in the 2000s.

In addition, the most common method of attack was firearms at 54 percent (n=148).⁶¹ There is also a strong correlation between anti-gun legislation and the incidence of violence in schools. Between 1997 and 1998, five public school shootings took place after a 1995 federal

⁵⁷ Kingsbury, A., Brush, S., Green, E., & Schulte, B. (2007). Toward a Safer Campus. *U.S. News & World Report*, 142(15), 48-52.

⁵⁸ Rosenfield, E. (2011, May 27). DOE cites Yale for underreporting crime, sex assault. *Yale Daily News*. Retrieved October 28, 2012.

⁵⁹ Lipka, S. (2012). Jury's Verdict Against Virginia Tech Sends Strong Message to Colleges. *Chronicle Of Higher Education*, 58(29), A32.

⁶⁰ Moxley, T. (2012, March 31). Virginia Tech wins appeal of \$55,000 in Clery Act fines. *The Roanoke Times*. Retrieved October 20, 2012.

⁶¹ Drysdale, D., Modzeleski, W., and Simons, A. (2010). *Campus Attacks: Targeted Violence Affecting Institutions of Higher Education*. U.S. Secret Service, U.S. Department of Homeland Security, Office of Safe and Drug-Free Schools, U.S. Department of Education, and Federal Bureau of Investigation, U.S. Department of Justice. Washington, D.C., 2010

⁶² Lott, J. R. and Landes, W. M., Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement (April 1999). *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 73*. Available at SSRN: <http://ssrn.com/abstract=161637>

law banned guns within a thousand feet of schools, even with a license to carry a concealed handgun.⁶² In their working paper on multiple victim public shootings, William Landes and John Lott reported that the “economic model of crime” is such that “a shall issue law [a state law permitting the right to carry a concealed handgun] changes the net benefit from positive to negative” for potential perpetrators, serving as a deterrent to mass public shootings.⁶³ The authors further explain that the probability that a perpetrator will be confronted with an armed victim increases in public areas (where concealed handguns are permitted). For example, if the probability of an individual carrying a handgun is .10, then the chance of encountering an individual who is armed is only 10 percent. However, if there are 10 individuals in a public place, this probability increases to .65, or 65 percent ($= 1 - (.9)^{10}$).⁶⁴ Thus, the negative net benefit in this case outweighs the positive. Additionally, “Crime, Deterrence, and Right-to-Carry Concealed Handguns” used cross-sectional time-series data for U.S. counties from 1977 to 1992 to discover if permitting citizens to carry concealed weapons deters violent crimes without increasing accidental deaths. The results revealed that “shall issue” laws coincide with fewer murders, rapes, and aggravated assaults.⁶⁵ In March of this year, The National Rifle Association (NRA) held an open meeting in Tucson, Arizona to explain the benefits of passing SB 1474, which would allow guns on the University of Arizona’s campus.

Opposition to this bill argues both the dangers of guns and the potential costs associated, estimating \$13.1 million needed if the proposed legislation passed to enforce safety measures, including gun lockers.⁶⁶

By contrast, those in support of the right to carry guns on campus such as the NRA, Members of College Republicans, and Students for Concealed Carry on campus contend that applicants must go through an in-depth background check and classes in order to obtain a concealed weapon permit. This refers to the 1993 Brady Act, which requires federal background checks on firearms purchased in the United States. Firearm purchases are denied to the mentally ill, convicted criminals and those dishonorably discharged from the Armed Forces. The NRA has launched a program called NRA University (NRA U) which provides a two-hour training course in the history of the Second Amendment and the use of guns for self-defense, and proposed solutions to reducing gun crime and accidents. NRA U has currently visited 27 schools in 16 states.⁶⁷

VI. CAMPUS MENTALITY

Although gun control and safety on school campuses has become the center of media attention in the wake of the Virginia Tech, Columbine, and Sandy Hook shootings, this far from a new issue for Americans. Before Virginia Tech, the most violent school shooting had been in

⁶³ ID (page 6)

⁶⁴ ID (page 8)

⁶⁵ Lott, J. R. and Mustard, David B. Crime, Deterrence, and Right-to-Carry Concealed Handguns (1996). *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 41*. Available at SSRN: http://www.law.uchicago.edu/files/files/41.lott_final_.pdf

⁶⁶ NRA explains benefits of guns on UA campus. *Daily Wildcat*. Retrieved October 29, 2012.

⁶⁷ NRA University. *National Rifle Association of America. Institute for Legislative Action*. Retrieved October 28, 2012

Bath, Michigan, when 600 pounds of dynamite were wired to a local school, killing 45, 38 of which were children. Parents, students, teachers, and politicians seek to implement what they think will be the best strategy for deterring on campus violence and ensuring the safety of others.⁶⁸ In recent news, Senator Brian Birdwell filed a bill called the Campus Personal Protection Act, which if passed would allow for concealed carry on public university property on January 17th similar to one which almost became law in 2011. Commenting on the bill, legislative director for the Texas State Rifle Association, Alice Tripp, adds that “a gun free zone is not a violence-free location”.⁶⁹

Many campuses institute a college policy on guns, such as the Lone Star College North Harris campus in Houston, Texas where three people were injured by stray gunfire in January of this year. The college policy of guns typically reads as it does with Lone Star College that: “[it] is the policy of this [college] System to prohibit the carrying of firearms, knives, or clubs into any of the System’s facilities. The possession of firearms, illegal knives, and prohibited knives on System facilities including parking areas and publicly accessed facilities is a violation of criminal law and Board policies.”⁷⁰ An article published by the Christian Science Monitor revealed that, “Since the Virginia Tech shooting, campus-carry laws have been introduced and stymied more than 50 times in seven states. Even Texas, a famously a pro-gun state, narrowly defeated a campus-carry law in 2011.”⁷¹ In general, most universities themselves oppose campus-carry laws and look to non-violent measure such as new e-mail and phone alert systems, electronic message signs in classrooms, and campus loudspeakers. At UT in Austin, resolutions were passed against concealed carry on campus. The overall student consensus on gun control is a mixed one. Campaign groups such as Keep Guns off Campus and Students for Gun Free Schools clearly oppose more lenient laws, while Students for Concealed Carry on Campus (SCCC) and Students for the Second Amendment favor legalizing campus carry. Some stakeholders believe that the shooters are seeking public attention through the media for their actions. Jimmy Williamson, the Chief of Police at the University of Georgia comments that, “If you think about it, it's like reality TV. People go on shows and do all kinds of things to get notoriety, and to me, the shooters do the same thing. I'm not saying the story shouldn't be covered, but I think it should be covered in a sense that we cover this person's name only. I mean, we don't talk about this person at all.”⁷²

Supporters of campus carry claim that only students aged 21 or older would be eligible

⁶⁸ Timeline: Major U.S. School and College Shootings. (2012, April 3). *Reuters*. Retrieved January 15, 2013 from <http://www.reuters.com/article/2012/04/03>.

⁶⁹ Texas: Senator Birdwell Introduces Senate Bill 182: Campus Personal Protection Act. (2013, January 18). *NRA-ILA*. Retrieved January 22, 2013 from <http://www.nraila.org/legislation/state-legislation/2013/1>.

⁷⁰ Hawkins, Awr. (2013, January 22). Another gun free zone, another shooting, this time at the Lone Star College North Harris campus in Houston, TX. *Breitbart*. Retrieved January 22, 2013 from <http://www.breitbart.com/Big-Government/2013/01/22>.

⁷¹ Johsson, Patrik. (2012, March 15). Gun control: Will campus carry get boost from Virginia Tech ruling? *The Christian Science Monitor*. Retrieved January 20, 2013 from <http://www.csmonitor.com/USA/2012/0315>.

⁷² Schoone, Emily. (2013, January 24). Campus safety concerns remain in remembering fallen Athenian. *The Red and Black*. Retrieved January 24, 2013 from <http://www.redandblack.com/ugalife>

for the license and training program required by Texas law.⁷³ So far, the only Texas institutions whose presidents have signed the College Presidents for Gun Safety's open letter are Trinity University, Schreiner University, Southwestern University, Austin College and University of Dallas. This makes up a negligible part of the population since less than 5 percent of the 90,000 Texans with concealed handguns are between the ages of 21 and 25.⁷⁴ The National Conference of State Legislatures revealed in August of 2012 that only 5 states have provisions allowing the carrying of concealed weapons on public post-secondary (college) campuses: Colorado, Mississippi, Oregon, Utah, and Wisconsin. Of these 5, only Utah allows unrestricted campus carry.⁷⁵

VII SUMMARY

Gun free zones are the promise of a safe environment that may be an area as small as a school yard or as large as a country where only the police and military have access to firearms and maintain a superior force. History has shown that criminals with the desire to commit mass carnage have always found a way to inflict mass murders. Removing the threat of a balanced response provides both an unrestricted and non-confrontational audience to commit the heinous act. At the July 20, 2012 Shooting at the Cinemark Century 16 theatre in Aurora, Colorado the killer had a pick of 7 movie theaters showing the "Dark Knight Rises" within 20 minutes of the killer's apartment. The theatre selected was not the closest however the Cinemark was the only one of the 7 theaters that had a sign posted at the theater entrance not allowing firearms.

Most movie theaters allow permit holders to carry guns inside the theatre.⁷⁶ People often believe that because college campuses are a gun free zone they are safe. However, one of the most violent crimes in American history took place on the quiet campus of Virginia Tech one April morning in 2007. VT senior Seung-Hui Cho killed 32 people and injured 25 more before he took his own life. At the University of Texas campus on Aug. 1, 1966, Charles Whitman began sniping students, professors, and police killing 13 people and wounding another 32. At the Cal State Fullerton library in July 1976 the library custodian, Edward Charles Allaway killed 7 students and wounded 2 in the library lobby. On Feb. 14, 2008 Steven Kazmierczak was fascinated by the Virginia Tech and Columbine school shootings armed himself with guns, ammo, and a knife and proceeded to the NIU campus where he opened fire on a professor and students, killing five and wounding 21. On April 2, 2012 the sixth-deadliest school shooting in American history happened at Oikos University in Oakland, Calif. One Goh claims to only remember parts of what he fired indiscriminately around the room, killing seven people and

⁷³ Ramshaw, E. (2009, February 24). Some see danger in Texas bill that would allow concealed weapons on college campuses. *Dallas Morning News, The (TX)*. Retrieved January 20, 2013 from

<http://www.dallasnews.com/news/education/headlines/20090224>.

⁷⁴ Fechter, Joshua. (2013, January 15). UT President William Powers Continues to Oppose Concealed Carry on Campus. *Daily Texas*. Retrieved January 28, 2013.

⁷⁵ Guns on Campus: Overview. (August 2012). *National Conference of State Legislatures*. Retrieved January 18, 2013 from <http://www.ncsl.org/issues-research/educ/guns-on-campus-overview.aspx>.

⁷⁶ The 10 Most Violent Acts Committed On a College Campus

<http://collegestats.org/articles/2012/09/the-10-most-violent-acts-committed-on-a-college-campus/>

injuring three.⁷⁷

All of these tragedies happen in areas where politicians and administrators strongly feel that the students do not have a right to protect themselves. Yet when individuals elect to commit harm to others, they frequently select gun free areas where they are safe from resistance. Safe zones may actually mean that they are areas that are safe for criminals to commit crimes with no resistance from the occupants.

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⁷⁷ id.

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