

After San Bernardino - Coming Out for Gun Control
By Bill Durston, MD
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This time of year, most people who have been working hard at their jobs all year look forward to workplace holiday socials where they have a chance to relax, indulge in some holiday treats, and talk with their colleagues about something other than work. That's probably how the staff felt about their holiday luncheon last Wednesday at the Inland Regional Center in San Bernardino, where they care for people with developmental disabilities - until the luncheon was interrupted by two assailants, armed with semi-automatic rifles and handguns, who proceeded to kill 14 attendees and wound at least 17 others. Ironically, the center had recently conducted "active shooter training" for its staff.

Shortly after the horrific mass shooting was announced, San Bernardino Mayor Carey Davis was quoted as stating, "It's not the gun that kills; it's the shooter that kills." Actually, it's the bullets that kill, fired from rapid fire semi-automatic firearms specifically designed for the purpose for which they were employed by the assailants at the Inland Regional Center - to kill and maim large numbers of people in a short period of time.

The San Bernardino shooting occurred just five days after the mass shooting at the Planned Parenthood clinic in Colorado Springs, in which three people were killed and nine wounded. But mass shootings have become so common in the USA that most aren't even reported anymore on the national news. If one defines a mass shooting as one in which at least four people are shot, have already been 351 mass shootings during the first 331 days of 2015.

As the Paris terrorist attacks demonstrated last month, mass shootings do occur in other high income democratic countries, but rarely. And the assault weapons used in the Paris terrorist attacks were brought into the country illegally. In the USA, most mass shootings are committed with rapid-fire semi-automatic firearms that are purchased legally under our lax gun control laws. The single factor that most clearly distinguishes the USA from other high income democratic countries that have much lower rates of mass shootings, as well as much lower overall rates of firearm related deaths and injuries - and overall homicides - is the widespread availability of guns in our country.

Rebecca Peters, who won the Australian Human Rights Medal for the important role that she played in getting a complete ban passed on semi-automatic rifles in Australia within just 13 days of the infamous 1996 Port Arthur Massacre, spoke recently in Sacramento on the topic, *Preventing Gun Violence – An International Perspective*. Following the Port Arthur Massacre, the Australian government bought back and melted down every semi-automatic rifle in the country. Australia already had stringent controls on handgun ownership. The 1996 assault weapons ban virtually eliminated mass shootings in Australia, and overall rates of firearm related deaths and injuries, which were already much lower than in the USA, have declined even further. During her talk, Ms. Peters said that she was “puzzled” why we Americans, who she described as “clever people,” had not enacted similar gun control legislation despite all the mass shootings in the USA.

One obstacle to definitive gun control in the USA is the radical reinterpretation of the Second Amendment by a narrow 5-4 margin of the current Supreme Court justices in the 2008 Heller decision. In Heller, the Court ruled that Washington DC’s ban on new handgun acquisition violated the Second Amendment. This was the first time in our nation’s history that the Supreme Court had ever overturned any gun control law on a Second Amendment basis. The Supreme Court had previously ruled unequivocally in 1939 and again in 1980 that the Second Amendment conferred a collective right of the people to maintain armed “well regulated militias,” such as the current day National Guard, but not an individual right to own guns. In the Heller decision, the Court effectively deleted the first half of the Second Amendment, “A well regulated militia, being necessary to the security of a free state,” from the U.S. Constitution. Even so, the Heller decision relates only to handguns kept in the home, and the majority opinion specifically states that it does not prevent regulation of “dangerous and unusual” firearms.

I believe that a more significant obstacle to definitive gun control in the USA is that our nation is suffering from a collective “Stockholm Syndrome.” We’ve been held hostage so long by the gun lobby that we’ve begun to sympathize with our captors.

Following high profile mass shootings in the USA, it's common to hear statements such as the one made by San Bernardino Mayor Casey Davis to the effect that it's not the widespread availability of guns that is the problem, but rather the bad behavior of individual people. And even those who advocate stricter gun control laws are usually quick to

add that law-abiding citizens should be allowed to keep their guns - and buy new ones. But why? There is no net protective value to law-abiding people from owning a gun. No self-respecting hunter should need a rapid-fire semi-automatic rifle to practice his sport. And most people who kill someone with a gun, including most mass shooters, are law-abiding people up until the moment that they pull the trigger.

I spoke recently with a former Sacramento assemblyman about obstacles to enacting definitive gun control laws in our state and our country. He agreed with me that the Heller decision was a poor one and that there was good evidence to support a complete ban on handguns and semi-automatic rifles, but he said he was pessimistic about us ever overcoming the American "gun culture." When I asked him, though, what he thought was the reason that there had been such a dramatic reversal in public opinion and laws concerning same sex marriage over the past decade, he said that he thought the most important factor was that respected members of our society had "come out" in acknowledging that they were gay or lesbian and/or in advocating legalizing same sex marriage. I told him that I thought the same principle applied to gun control.

It's past time for respectable and responsible Americans to "come out" in support of definitive measures to stop the shameful epidemic of gun violence in our country. These measures include reversing the radical reinterpretation of the Second Amendment in the 2008 Heller decision, banning all handguns, and banning all semi-automatic rifles. These are not radical proposals. As the late Senator Thomas Dodd said in a speech on the Senate floor following the assassinations of Rev. Martin Luther King and Senator Bobby Kennedy in 1968, "Pious condolences will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must enact stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world."