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# Self-Defense: The Equalizer

David B Kopel  
Linda Gorman



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# Self-Defense: The Equalizer

*Experiments in tightening gun-control laws have eroded the right of self defense and failed to stop serious crime.*

BY LINDA GORMAN AND DAVID B. KOPEL

**R**eliable, durable, and easy to operate, modern firearms are the most effective means of self-defense ever devised. They require minimal maintenance and, unlike knives and other weapons, do not depend on an individual's physical strength for their effectiveness. Only a gun can allow a 110-pound woman to defend herself easily against a 200-pound man. Yet despite the superiority of firearms as a means of self defense, citizens in different countries, indeed in the 50 states of the United States, face a wide variety of obstacles—from restrictive licensing to outright bans—to buying, owning, or using guns.

Two competing philosophies govern the private ownership of firearms. In nations where government has historically derived its

powers from the consent of the governed, as in the United States and Switzerland, guns have been relatively lightly regulated and are owned by sizeable segments of the population. In nations where a central authority grants privileges to people, by history or custom, private firearms are subject to strict control or banned entirely.

Because it is impossible to abolish crime, governments that make guns illegal force law-abiding citizens to choose between protecting themselves and their loved ones or obeying the law. Jeffrey R. Snyder, author of "Fighting Back: Crime, Self-Defense, and the Right to Carry a Handgun,"<sup>1</sup> argues that

a state that deprives its law-abiding citizens of the means to effectively defend themselves is not civilized but barbarous, becoming an accomplice of murderers, rapists, and thugs and revealing its totalitarian

nature by its tacit admission that the disorganized, random havoc created by criminals is far less a threat than are men and women who believe themselves free and independent, and act accordingly.<sup>2</sup>

In countries with strict bans on firearms, when people choose to disregard the law and carry guns for self-defense, governments trying to enforce the law tend to turn political disagreements into theater by characterizing this violation of the law as a moral failing. This threatens individual liberty. As the authors of *The Black Book of Communism* document, Communist states invariably degenerated into blood-soaked terror because those who ran them had the power to exclude those who did not agree with them. Anyone who did not agree with the reigning ideology was

first labeled an enemy, and then declared a criminal, which leads to his exclusion from society. Exclusion very quickly turns into extermination....After a relatively short period, society passes from the logic of political struggle to the process of exclusion, then to the ideology of elimination, and finally to the extermination of impure elements. At the end of the line, there are crimes against humanity.<sup>3</sup>

When it's illegal to possess the means to protect one's family, the needs of individuals are subordinated to the political wishes of the government.

## **Fudging Facts**

Many governments are currently experimenting with stricter controls over the purchase, possession, and use of firearms. While these countries have little in common politically or economically with Communist states, they share a

tendency of Communist countries to demonize one segment of society: gun owners. Their gun-control programs portray gun owners as the enemy, criminalize their behavior, and paint those who would defend themselves as beyond the moral pale. Moreover, these governments energetically suppress facts showing that gun possession does reduce crime and that gun control fails to do so. In the late 1990s, the Canadian Department of Justice, for example, squelched an independent report it had commissioned on the efficacy of Canadian gun law because the data from its own report proved that Canadian gun laws had not reduced crime. And in 1996, after a gunman armed with a semiautomatic handgun shot and killed 16 children in a schoolyard in Dunblane, Scotland, the British Home Office misled the Dunblane Enquiry commission with false claims about comparative rates of international gun violence.

Gun-control advocates invariably promise that their measures will reduce crime rates and reduce the incidence of suicides. In the United Kingdom, Japan, Canada, and Australia, which either have or are introducing strict gun bans, the promised benefits have failed to materialize and, in fact, crime has increased. Frustrated governments have reacted by expanding the firearms ban to other weapons, including pocket knives. They have also authorized major expansions in the search and seizure powers of the police. These so-called reasonable gun-control measures progressively erode the traditional limits on police powers.

Such compromises can ultimately corrupt the government itself. Just how far democratic governments will progress down the

slippery slope of eliminating basic civil rights in their quixotic quest to control gun ownership is anybody's guess, but there are few grounds for optimism. In the words of the late Nobel Laureate George Stigler, "government never knows when to quit."

### **The Shogun State**

Gun-control advocates frequently cite low Japanese crime and homicide rates as proof that gun control can work. In fact, they have things exactly backwards. Japanese society is the result of centuries of emphasis on subordinating individual interests to those of society, and an intricate web of social controls has been developed to ensure cooperative behavior.

Those same social controls may also contribute to Japan's extraordinarily high suicide rates—twice the U.S. level.<sup>4</sup> There are indeed tradeoffs implicit in utopian gun-control proposals. And in spite of strict gun-control laws, murder rates in Japan are as high or higher than in Switzerland, where adult males are required by law to keep arms and ammunition for purposes of national defense.<sup>5</sup>

Though American proponents of gun control believe that eliminating one method of suicide will reduce the total number of suicides, the high suicide rate in Japan does not support this claim. In fact, Japan and Switzerland have such high suicide rates that deaths in those countries from violent crime and suicide combined are higher than those of Australia, England and Wales, Canada, and the United States.<sup>6</sup>

Guns were imported into Japan by Portuguese trading ships in 1542 or 1543. By 1575, the dictator Nobunaga had used a peasant army armed with matchlock

guns—the first gun to use a mechanical device to light the gunpowder—to conquer most of Japan. Hidéyoshi, who took control of the army after Nobunaga's death and set about reunifying Japan's feudal states under a strong central government, issued a decree in 1588 banning the private possession of "any swords, short swords, bows, spears, firearms, or other arms." Hidéyoshi apparently understood, like the American Founders, that an armed citizenry would serve as a check on overreaching government. According to Hidéyoshi, "the possession of unnecessary implements makes difficult the collection of taxes and tends to foment uprisings."<sup>7</sup>

By 1650, Japan's *bakuban* system had developed to give the shogun complete control. Villages were required to form five-household groups, essentially neighborhood associations to "foster joint responsibility for tax payment, to prevent offenses against the laws of their overlords, to provide one another with mutual assistance, and to keep a general watch on one another."<sup>8</sup> Families demanded absolute obedience to the household head. Japan's first constitution, completed in 1889, reflects the general reverence for the centralized state. It took the form of a gracious grant by the emperor, and could only be amended by imperial initiative. Rights and liberties were allowed "except as regulated by law."<sup>9</sup> The rewriting of imperial education policy in 1890—making respect for the government part of the curriculum—was designed to guarantee that future generations would never question imperial authority.

With a history like this, it comes as no surprise that Japanese citizens see nothing wrong with laws

that impose onerous licensing requirements on would-be owners of shotguns or air guns and entirely forbid the private ownership of handguns and swords. Rifles have been prohibited since 1971, and existing rifles must be turned in when the owner dies. Obtaining a shotgun or air gun license requires classes and a written test, shooting-range classes and a shooting test, a safety exam, a mental test at a local hospital, and a medical certificate certifying that the applicant is mentally healthy and not addicted to drugs. The classes are offered only during working hours so people must take time off to attend. Police investigate the families and background of license applicants and have unlimited discretion to deny a license for any reason. Membership in certain political or activist groups is deemed an instant disqualifier.<sup>10</sup>

Gun owners who successfully complete the licensing obstacle course must maintain a locker for the gun and a separate safe for ammunition. They must provide police with a map of their apartment giving the location of their gun safe and submit to annual home inspections at the whim of the police. Licenses must be renewed every three years, and renewal requires the owner to spend another day at police headquarters.

Widely respected and blessed with unparalleled cooperation from the citizenry, the Japanese police have few checks on their power. Neighborhood police visit the home of each gun owner twice a year, recording, among other things, how the occupants are related to one another, where they work, how late they stay out, what their finances are, and what kind of car they drive. The police keep lists of girls believed to have en-

gaged in sexual misconduct. Police may search the belongings of suspicious characters at will, illegally seized contraband may be used as evidence, suspects may be detained for 28 days before seeing a judge, and according to the Tokyo Bar Association, the judiciary is uninterested in the fact that police routinely use torture or other illegal means to obtain confessions.

Japan's demographic homogeneity and extensive network of social controls may account for a low rate of reported violent crime, although that rate has risen notably in recent years. Yet criminals still have guns, and that concerns the Japanese police. According to the Firearms Division of the National Police Agency, police seize more than 1,000 illegal handguns every year, at least some of which are smuggled in. During the first half of 2000, there were reportedly 87 serious crimes involving guns—a 26 percent increase over the same period in 1999.<sup>11</sup>

Japan's low violent crime rate may also be due to its ability to institutionalize crime. Some observers argue that political corruption in Japan is rampant and that organized crime has close links with legitimate enterprises. Like any other business, organized crime recognizes that random disorder on the streets is bad for profits. In a country where members of criminal organizations carry business cards, crime syndicates may contribute more to the low crime rate than gun control.<sup>12</sup>

### **Crime in the Kingdom**

Unlike the Japanese, the British government has a long history of trusting common citizens to bear arms for their own defense and the defense of the nation. It also has a

long history of taking those arms away from common citizens whenever the government felt threatened. In 1285, in response to rising crime throughout his kingdom, King Edward I enacted the Statute of Winchester requiring all males to own weapons.<sup>13</sup> In 1539, King Henry VIII found that his fear of France outweighed his fear of crime and reversed his earlier command prohibiting anyone but the wealthy from owning a handgun or crossbow, the weapons favored by criminals.

In 1642, a militia loyal to Parliament had prevailed over the King's forces in Brentford. After the Restoration, the monarchy and a compliant Parliament attempted to disarm 95 percent of the population—ostensibly to prohibit hunting by commoners—with the Game Act of 1671. The law authorized daytime searches of any home suspected of containing an illegal gun; nevertheless, people chose to break the law. In 1685, the Catholic king, James II, commanded “a strict search to be made for such [illegal] muskets or guns and to seize and safely keep them till further order.”<sup>14</sup>

After James II was driven from the country in the Glorious Revolution of 1688-1689, the 1689 Bill of Rights reaffirmed that “the subjects which are Protestants may have arms for their defense suitable to their conditions as and allowed by law.”<sup>15</sup> This established a custom that was followed for the next two centuries. The only exception—a response to the tumultuous civil disorder that followed the Napoleonic War—was the Seizure of Arms Act of 1820, which expired in 1822 and applied to only a few counties. British subjects were armed in Britain while the British government, even when

the first police force was established in 1829, was not.

### **Reversal of Fortune**

At the beginning of the 20th century, Great Britain was much like the United States in the 1950s. There were almost no gun laws and almost no gun crime. While the annual homicide rate was much lower than today—between 1.0 and 1.8 per 100,000 people—Parliament developed an interest in gun control because of rising unrest in the working classes and uninformed press hysteria over technological innovations in firearms, such as new revolvers that were “more dangerous than the bomb.”<sup>16</sup> With the Pistols Act of 1903, Parliament once again asserted its authority to control private firearms ownership. The act required buyers to pay a fee to obtain a license at the post office and forbade the sale of pistols to minors and felons.

In the aftermath of World War I and the Bolshevik Revolution, governments around the world took strong steps to secure themselves against revolution. In the United Kingdom, the Firearms Act of 1920 banned CS spray canisters marketed as tear gas for self-defense and allowed British citizens to possess pistols and rifles only if they could show a “good reason” for obtaining a permit. Publicly, the bill was presented as a measure to prevent the criminal misuse of guns. This was the first of many lies to make gun control palatable. In fact, the government was anxious to regulate its subjects because it did not trust them. At a Cabinet meeting on January 17, 1919, the chief of the Imperial General Staff raised the threat of “Red Revolution and blood and war at home and abroad” and sug-

gested that the government make sure the military and police were adequately armed to resist an uprising. The next month, the prime minister wondered if some elements of the army would remain loyal. The Cabinet discussed arming university men, stockbrokers, and trusted clerks—a presumed economic and intellectual aristocracy—to fight any revolution.<sup>17</sup>

Having established the principle that the state was free to regulate firearms and other weapons, the British government proceeded to provide a textbook demonstration of the proposition that government never knows when to quit. In 1936, it outlawed short-barreled shotguns and fully automatic firearms even though no one could cite a single instance of a machine gun being misused in the United Kingdom.

The police, who control the permit process, began adding storage requirements, although Parliament had never enacted such a requirement. Today, if a British citizen wants to obtain or renew a gun license, two police officers will visit his home to scrutinize the gun-security system. Although the law, even today, does not order guns to be locked in a safe, the police routinely compel gun owners to purchase safes—sometimes two safes, the second one for separate storage of ammunition. A man buying a low-powered, inexpensive rimfire rifle—commonly used for target shooting or small game—may have to spend 20 times the gun’s value on a safe. A person with five guns may be ordered to add an electronic security system costing thousands. One effect of the heavy security costs is to make it hard for middle-income or poor people to legally own guns—an objective similar to Henry VIII’s

crossbow and handgun ban.

Following the fall of Dunkirk, the British government was so short of firearms it imported thousands from the United States and distributed them to its home defense forces. A fearful government collected and destroyed these weapons after the war, along with any gun brought in by returning servicemen. People caught bringing guns home were punished. In 1946, the home secretary announced that self-defense would no longer be considered a good reason for being granted a firearms certificate.

When three policemen were murdered with illegal handguns in 1966, Home Secretary Roy Jenkins, an ardent opponent of capital punishment, diverted public enthusiasm for the death penalty by initiating legislation to “do something about crime.” The “something” was a licensing system for shotgun owners. Only six weeks earlier, Jenkins had told Parliament that shotgun controls were not worth the trouble.

Besides imposing the licensing system, the 1967 Criminal Justice Act eroded civil liberties by abolishing the requirement of unanimous jury verdicts in criminal trials, eliminating the requirement for a full hearing of evidence at committal hearings and restricting press coverage of those hearings.

The act further constrained legal self-defense by making it illegal to use a firearm against a violent home intruder. In one recent notorious case, in the summer of 2000, an elderly man, who had been repeatedly burglarized and had received no real help from the police, shot a pair of career burglars—killing one—who had broken into the man’s home. The man was sentenced to life in prison.

In 1973, the Heath government proposed even more stringent controls. These far-reaching proposals, which mobilized protests from British shooting associations, were temporarily shelved. Since then, successive administrations have adopted the tactic of advancing most of the 1973 repressive proposals by disguising them as “doing something” during the hysterical reaction that typically follows a particularly sensational crime. In 1988, for example, Michael Ryan shot 16 people to death and killed himself in Hungerford, a small, quiet town in southern England. Ryan, who had permits for a wide variety of firearms, used a Beretta pistol as well as rifles in the killings.

Parliament quickly moved to restrict all types of firearms by passing the 1988 Firearms Act, which made shotgun licenses much more difficult to obtain. Self-loading centerfire rifles were easily confiscated thanks to previous legislation calling for registration and in-house inspection of all rifles and handguns. Home Secretary Douglas Hurd later admitted that the government had prepared the provisions of the 1988 Firearms Act long before Hungerford occurred and was waiting for the right moment of public hysteria to introduce them.

In 1996, this cycle of action and repression was repeated when Thomas Hamilton used handguns to murder 17 people at a kindergarten in Dunblane, Scotland. Hamilton was a licensed handgun owner who retained his license even though the police had investigated him seven times as a pederast and knew him to be mentally unstable. Pandering to a population unaccustomed to using firearms and uneducated about the different types and uses of guns,

the Home Office and the newspapers used bogus statistical arguments to pound away at the theme that, since guns were unnecessary, anyone who owned one was mentally aberrant and presumably dangerous. Opponents of a handgun ban were denounced as accomplices in the murder of school children. All legally owned handguns were confiscated.

### **Rise in Crime**

Unfortunately, the British government’s single-minded devotion to eliminating defensive arms has made life more dangerous for British citizens. In the United States, felons are more afraid of running into an armed homeowner than the police. As a result, the hot burglary rate—the rate of crimes that occur when the householder is home—is 13 percent in the United States and about 50 percent in England and Wales.

While imposing ever-stricter gun-control laws that disarm law-abiding citizens, the British government has done little to punish criminals. From 1981 to 1995, the rate of convictions rose in the United States while falling in England—for example, in the United States, conviction rates per 1,000 allegations for murders rose 43 percent, while in England, conviction rates for murders fell 12 percent.

Additionally, police in England and Wales were far less likely than U.S. police to even record crimes that were brought to their attention. In the United States, police record all of the assaults and an estimated 78 percent of the robberies reported to them. In England, police record just 53 percent of the known assaults and 35 percent of the known robberies.<sup>18</sup>

Although the gun-control cru-

sade has reduced the number of legal firearms in the United Kingdom, criminals can arm themselves from an illegal stockpile estimated to include 3 million weapons. Criminals know that guns in general, and rapid-fire weapons in particular, reduce their risk of failure by giving them better control over unarmed victims than do knives or blunt instruments. One of the more brazen incidents took place on August 3, 2000. Court officials dove for cover as a gang of armed men walked into a magistrate court in Slough, a small town just outside of London, fired at the ceiling, and walked out with the three men who had been in the dock facing charges of burglary.<sup>19</sup>

In some areas like Manchester, called “Gunchester” by the police, criminals aged 15 to 25 years old have easy access to everything from Beretta sub-machine guns to Luger pistols. Detective Superintendent Keith Hudson of the national crime squad believes that increasingly criminals are choosing automatic weapons rather than pistols, since the police “are recovering weapons that are relatively new—and sometimes still in their boxes—from eastern European countries.”<sup>20</sup>

In fact, violent crime has risen steeply as British gun-control law has expanded. In 1981, England and Wales had lower rates of robbery and burglary than the United States. Assault and motor vehicle theft rates were only slightly higher. By 1995, a U.S. Department of Justice study concluded that rates of assault, burglary, robbery, and motor vehicle theft were roughly twice as high in the United Kingdom as in the United States.<sup>21</sup> Homicide rates remained higher in the United States, as they were even before either country

had any form of gun control, but the gap was beginning to close. While U.S. homicide rates are likely overstated by 10 percent—because U.S. homicide data record homicide arrests rather than homicide convictions—rates have declined in recent years as British rates have risen.<sup>22</sup>

The British government has refused to face the fact that crime has become worse as gun control has expanded; instead, it has concentrated on extending the firearms laws to include control of other weapons, even including pen-knives. Law-abiding citizens who violate even the most obscure portion of the increasingly complex firearms law, even when they are defending themselves, are charged and jailed. The criminals go free. One elderly lady, for example, tried to frighten off a gang of thugs by firing a blank from her imitation firearm. She was arrested and charged with “putting someone in fear with an imitation firearm.”<sup>23</sup> Her attackers went free.

In 1996, knife carrying was made presumptively illegal. The government arrested and jailed Dean Payne, a man who worked in a newspaper distribution plant and carried a knife to cut the straps used to hold newspaper bundles, for carrying an “offensive weapon.” In the words of the magistrate, “I have to view your conduct in light of the great public fear of people going around with knives....I consider the only proper punishment is one depriving you of your liberty.”<sup>24</sup>

With hindsight it is easy to see how the United Kingdom’s approach to gun control brought it to the point where an individual newspaper cutter can be jailed for adding to public fear. Successive government officials began with

the false proposition that certain “reasonable regulations” controlling guns in the hands of the law abiding would reduce the criminal use of guns. When the expected results failed to materialize, the governments used the standard argument to defend any failing program—to see results, we need stiffer regulations and more resources. When the public resisted increased regulation, gun-control advocates ignored research that undermined their position, used horrific anecdotes to stoke public fears, and manipulated the resulting public hysteria. Gun ownership for self-defense is prohibited, handguns confiscated, and rifles and shotguns severely restricted; yet there is no reduction of crime in sight, and innocent people are now imprisoned as a frustrated bureaucracy continues to extend its reach.

### **Canadian Confiscation**

Although firearms regulations in Canada and Australia have historically been moderate, both nations in recent years have aggressively implemented the British model, with similar results. In 1920, in the midst of public hysteria over a Winnipeg general strike in which one marcher was killed and 30 were injured, the Canadian Parliament passed a bill mandating that residents obtain a permit to purchase any kind of gun. In 1921, when things had calmed down, the law was modified. Permits were required only to carry or purchase handguns. Handgun registration was imposed in 1934.

Long guns—rifles and shotguns—in Canada were subject to hardly any control at all.<sup>25</sup> In 1940, a government effort to register long guns, under the pretext of World War II, failed. No more

than one-third of gun owners cooperated and registered their guns. The effort was abandoned in 1945.

The first modern round of regulation occurred in response to two incidents in 1976 in which boys with rifles ran amok in public schools. A 1977 law required that gun purchasers get a Firearms Acquisition Certificate from the police. Changes in the law in 1995 gave the police the discretion to reject any applicant. Various types of arms were prohibited entirely, and the prime minister, acting through the governor in council, was given the power unilaterally to ban any firearm or other weapon he wishes.

As in the United Kingdom, Canadian legal authorities reject the idea of armed self-defense in any form and have used the gun laws to classify even small canisters of Mace, intended for self-defense, as prohibited weapons.

As a result of two new laws in the 1990s—one pushed by the Progressive Conservative government, the other by the succeeding Liberal government—approximately half of all registered handguns are to be confiscated without compensation upon the owner’s death. A large number of shotguns and self-loading rifles have been banned or subjected to highly restrictive regulation. And all firearms must be registered with the police. The latter requirement is causing massive civil disobedience. The unpopular registration law has spurred the provincial governments of Alberta, Saskatchewan, and Manitoba to stop the administration and enforcement of all federal gun-control laws. Official estimates placed the cost of the new registration system at CA\$85 (US\$56) million.<sup>26</sup> Independent estimates con-

servatively estimate the cost at CA\$500 (US\$330) million.

In addition, the Criminal Code prohibits “careless” storage of a firearm, and gives the government the authority to create storage regulations. Some incidents from 1996 and 1997 illustrate the practical effect of the law.

Hearing suspicious sounds, perhaps from a burglar, a husband took his unloaded rifle with him one night as he looked around his house. A few days later, the wife told a friend about the incident. Aghast, the friend called the police. The police arrived at the couple’s home and bullied their way in. Searching the home, they found the unloaded rifle under a mattress in the bedroom. No children lived in the home. The couple was charged with careless storage of a firearm.

Another incident, involving a single woman who ran a small boarding house in Ontario, demonstrates the difficulty under restrictive regulations for a citizen to protect herself. A male downstairs tenant began harassing and stalking her. Worried that the woman might pose a threat to the tenant, the police searched her apartment and found several unloaded guns in her closets. She was convicted of storing a firearm in violation of regulations. She had been attending school and studying to become a paralegal, but her conviction bars her from a job in the legal field.

As David Tomlinson, President of Canada’s National Firearms Association points out, safe storage laws are unenforceable without random police searches of the home. The new Liberal Party gun law, which was enacted in 1995, gives the police the authority to inspect private homes, without a warrant, to ensure that storage laws

are being complied with.

Researchers differ about the efficacy of Canadian gun control. Some find that controls have led to increased crime against an ill-defended population. Notably, the Canadian Justice Department worked diligently with only partial success to suppress an independent research report, which had been commissioned by the Justice Department. The report showed the 1977 gun-owner licensing law had been a failure.

### **Problems Down Under**

In contrast to Japan, the United Kingdom, and Canada, Australian gun laws are made at the state, not the national, level. In the 1920s and 30s, the eight Australian states enacted pistol and revolver registration. Long guns, including shotguns and rifles, remained lightly regulated, although controls began increasing in the 1980s.

Police licensing discretion is not always exercised reasonably. Politically connected individuals have been known to get handgun licenses without meeting the standard criteria, while in one major city the senior police officer unilaterally decided that no one except the police should have a firearm. And in New South Wales the police decided that only an approved steel safe bolted to the structure of the house constituted reasonable safe storage.<sup>27</sup>

In April 1996, Australia’s gun-control policy changed radically 12 days after a deranged gunman murdered 35 people in Port Arthur, Tasmania.<sup>28</sup> At a May 10 meeting, the police ministers from the Australian states announced that all Australian governments had agreed to a 10-point plan for firearms regulation. All firearms were to be registered, and the sale,

resale, transfer, ownership, possession, manufacture, and use of a variety of commonly owned firearms were banned. A buyback plan to compensate the owners of confiscated arms was announced at an estimated cost of AU\$500 (US\$275) million. Recreational shooters and hunters were required to get a series of licenses and permits. The only reasons for owning firearms were narrowed to permitted hunting, officially authorized vermin control, and participation in shooting sports such as those recognized by the International Olympic Committee. South Australia and Victoria still allow the arms used in paintball games, though South Australia requires their owners to obtain a license.

Though paintball—a game in which contestants shoot each other with harmless capsules of paint—is allowed, self-defense is not. Personal protection is not considered a justifiable reason to have a firearm in any jurisdiction.<sup>29</sup> As far as the Australian governments were concerned, the actions of the murderer in Port Arthur had rendered Australians unfit to defend themselves against criminals. As in the United Kingdom, homeowners who use guns against violent home invaders are often charged with attempted murder.

In many ways, Australia’s experiment with gun control is a solution in search of a problem. Even though an estimated one in five Australian households contained a gun before the 1996 legislation, Australia has always had relatively few problems with firearms. According to a 1995 report done for the Canadian Department of Justice, Australian homicide rates were very low by worldwide standards, and only 18 Australians died in accidents with firearms in 1993.<sup>30</sup>



Evidence that surfaced after the legislative push indicated that Australian firearms control legislation had been ready for some time. Gun-control advocates, knowing that their utopian solution would be difficult to pass when people were unemotional about the subject, had been waiting until some horrific event created the requisite public hysteria.

In March 1997, Daryl Smeaton, the director of the Office of Law Enforcement Coordination, Commonwealth Attorney-General's Department, said that firearms control had been a regular item on the Australasian Police Ministers' Council agenda since 1981. In November 1995, the council resolved to release a working paper "as the basis for consultation with firearms interest groups."<sup>31</sup> Promising the usual reductions in crime, suicide, and homicide, the substance of this working paper became law on May 10, 1996, a timetable that left no time for any substantial discussion.

By 1999, Inspector John McCoomb, the head of the Weapons Licensing Branch in Queensland, considered Australia's gun legislation a failure, saying that the gun ban had sent the weapons trade underground.<sup>32</sup> Gangs and organized crime syndicates now run trade in firearms, and only a small fraction of the weapons in the country were turned in during the buyback.

Since restrictions deemed reasonable by the government have failed to eradicate crime, Australian authorities have resorted to the familiar pattern of extending government control to anything that could possibly be used as a weapon. As of May 1, 1998, New South Wales banned the sale of knives to anyone under 16. Possession is also illegal, a move that

theoretically extends government control to children's hobbies since the ban included fishing knives, electric knives, and hobby knives.<sup>33</sup> Victoria officials also planned to ban sales of knives to teenagers in early 2000. As part of the legislation, police would be armed with hand-held metal detectors while on patrol and would be given expanded powers to search for and confiscate knives.<sup>34</sup>

### **The Cost of Gun Control**

Modern British, Canadian, Australian, and Japanese governments have now spent uncounted billions and many decades attempting to ban and restrict firearms. It has been a century of failure. Though banning firearms may reduce suicides and homicides committed with firearms, there is little evidence that a ban on firearms lowers the overall suicide or homicide rate. As defensive guns have been banned, overall violent crime rates have risen. People who want to kill themselves use another method, and criminals who want the control that firearms create readily circumvent firearms bans.

Moreover, prohibition has created a lucrative new criminal market in illegal weapons. Criminals by definition do not obey the law. Without firearms, most law-abiding citizens are no match even for unarmed criminals skilled in street fighting. Banning firearms reduces the risk and thus the cost to the perpetrator of crime. As basic economics would predict, when the cost falls, the supply rises.

As crime rises and illegal arms flood the country, governments react by making the possession of any weapon illegal, vastly expanding their powers of search and seizure and instituting zero-tolerance policies that make many ordinary

activities illegal—such as carrying a knife to cut newspaper bundles or gut fish. Governments demonize anyone who argues that such policies go too far and often distort the meaning of official statistics in an effort to save face.

In short, gun control has corrupted the modern governments that have tried to institute it. Because gun control applies only to the law-abiding, governments who institute it deprive their productive citizens of the means to defend themselves effectively. Governments indirectly become the accomplice of murderers, rapists, and thugs.■

*Linda Gorman is a senior fellow and David B. Kopel is the research director at the Independence Institute, Golden, Colorado.*<sup>35</sup>

### **NOTES**

1. Jeffrey R. Snyder, "Fighting Back: Crime, Self-Defense, and the Right to Carry a Handgun," Cato Policy Analysis No. 284 (October 22, 1997) <<http://www.cato.org/pubs/pas/pa-284.html>>.

2. Jeffrey R. Snyder, "A Nation of Cowards," *The Public Interest* 113 (Fall 1993), p. 53.

3. Stéphane Courtois et al., *The Black Book of Communism: Crimes, Terror, Repression*, trans., Jonathan Murphy and Mark Kramer (Cambridge, MA: Harvard University Press, 1999), pp. 747-748.

4. For a discussion of this, see David B. Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo, NY: Prometheus Books, 1992), pp. 43-44; Mamoru Iga and Kichinosuke Totai, "Characteristics of Suicide and Attitudes toward Suicides in Japan," in Normal L. Farberow, ed., *Suicide in Different Cultures* (Baltimore, MD: University Park Press, 1975), p. 273; see also David B. Kopel, "Japanese Gun Control," *Asia-Pacific Law Review* 2 (1943), pp. 26-52 <<http://>

www.2ndlawlib.org/journals/dkjc.html>.

5. Kopel, *The Samurai, the Mountie, and the Cowboy*, p. 45.

6. *Ibid.*, p. 407.

7. Stephen R. Turnbull, *The Samurai: A Military History* (New York, NY: Macmillan, 1977), p. 100, quoted in Kopel, *The Samurai, the Mountie, and the Cowboy*, pp. 29-30.

8. *Encyclopedia Britannica*, "Japan," 22 (1995), p. 291.

9. *Ibid.*, p. 299.

10. Kopel, *The Samurai, the Mountie, and the Cowboy*, p. 21.

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17. Olson and Kopel, "All the Way down the Slippery Slope," pp. 399-456.

18. Patrick A. Langan and David P. Farrington, *Crime and Justice in the United States and in England and Wales, 1981-96*, U.S. Department of Justice, Bureau of Justice Statistics (1999), pp. 12 and 37.

19. "Smoking Barrels," *The Economist* online edition (August 14, 2000).

20. Jon Ungeod-Thomas, "Killings Rise as 3m Illegal Guns Flood Britain," *The London Times* (January 16, 2000) <<http://www.the-times.co.uk/news/pages/sti/2000/01/16/stinwenws02004.html>>.

21. Langan and Farrington, *Crime and Justice* p. 5. The actual rates, as measured by crime victim surveys, were 1.4 times the U.S. rate for robbery, 2.3 times the U.S. rate for assault, 1.7 times the U.S. rates for burglary, and 2.2 times the U.S. rate for motor vehicle theft.

22. There is evidence that a substantial fraction of U.S. "murders" are justifiable homicides or excusable homicides. American homicide statistics are based on arrests, not convictions. A killing, in which a householder who shoots a burglar and is arrested on suspicion of murder but is later found to have acted in self-defense, is counted in crime statistics as a murder. Criminologist Gary Kleck suggests that 1,400 to 3,200 American "murders" each year are really justifiable homicide. See Gary Kleck, *Targeting Guns: Firearms and Their Control* (New York, NY: Aldine de Gruyter, 1997).

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34. Paul Conroy, "Crackdown on Sale of Knives to Teens," *The Age*, Melbourne (December 2, 1999) <<http://www.theage.com.au/news/19991202/A10879-1999Dec1.html>>.

35. See <<http://independenceinstitute.org>>.