

Synthèse LVA – Concours Blanc n°2

En vous appuyant uniquement sur les documents du dossier thématique qui vous est proposé, vous rédigerez une synthèse répondant à la question suivante :

Why does the question of gun control remain unsolved in the US ?

Votre synthèse comportera entre 450 et 500 mots et sera précédée d'un titre. Le nombre de mots rédigés devra être indiqué à la fin de la copie.

Documents :

1. Une adaptation de l'éditorial de Gun Control Isn't the Answer, publié dans National Review, le 16 février 2018
2. Une adaptation d'un article intitulé Gun Violence is not the Problem, and Gun Control is not the Solution, de Roger Parson, publié dans The Colby Echo, le 22 mars 2018
3. Une adaptation d'un article intitulé Why Red Flag Laws are Not a Good Solution to Mass Shootings, de Diane Loesh, publié dans The Federalist, le 6 août 2019
4. Un dessin humoristique, de Val, publié le 23 mai 1998 dans the Baltimore Sun
5. Deux graphes publiés sur le site internet de la BBC

Document 1 - Gun Control Isn't the Answer, by the Editors, *NATIONAL REVIEW*, February 16, 2018 (abridged and edited)

As usual, it seemed to come out of nowhere. And, as usual, it didn't.

The murderer who took the lives of 17 people at a high school in Parkland, Fl., was on everybody's radar, from the school authorities to the local police to the FBI, which failed to follow its own protocols when a person close to the future killer called to warn the bureau* that he was contemplating a school massacre. Everybody knew, nobody did anything.

What should be done?

Gun control, the Left says, always, offering ideas that range from the trivial to the patently unconstitutional. Whatever the outrage of the day is, the Left's answer is to seek to ban whatever implement was used in it (...)

The Parkland killer didn't use some exotic weapon. He used a ubiquitous .223-caliber AR-pattern rifle, the most common sporting and target-shooting rifle in the United States. Attempts to mythologize the AR as an exotic weapon of war are reliably absurd. Dr. Ernest E Moore, writing in *Time*, displays the usual ignorant fear mongering about the AR: "An assault rifle is designed to deliver fatal wounds to multiple individuals within a short time period; it has no other purpose," he writes. "It's unclear what other purpose it could serve, given how and why it was made." In reality, AR-style rifles are used in everything from small-game hunting to competitive marksmanship. Dr. Moore and other gun-control advocates reliably elide the differences, but the civilian AR rifle is a very different instrument from its fully automatic cousins issued to U.S. armed forces.

What kind of gun control might have prevented the Florida killing? For all the talk of "moderate" and "commonsense" reforms, plausible regulatory approaches to preventing such acts of mass violence are few and far between. The Florida shooter had no criminal record and had not been judged mentally incompetent, and so he was able to purchase rifles and other long guns legally, passing a background check in the process. Given the fact that the local police and the FBI both failed to look seriously into him after receiving credible warnings of his murderous intent, it is difficult to imagine that a clerk at a sporting-goods store is going to be much more effective staging an intervention at the point of sale.

Some gun-control advocates would like to ban the sale of semi automatic rifles and handguns — which is to say, the majority of rifles and the great majority of handguns — but there already are millions of those in circulation. These would have to be confiscated (as they were in Australia) in order to make such a program effective. The prohibition of

most small arms and the seizure of millions of firearms already in private hands might be a lot of things, but it is not “moderate” or “common sense.” It would be a radical step, and one that almost certainly would be found to be unconstitutional.

All long guns combined — from granddad’s duck gun to the scary-looking black instruments that so repulse our progressive friends — represent a vanishingly small share of the weapons used in violent crimes in the United States, something on the order of 2 percent in a typical year. In spite of the media hysteria, violent crimes involving so-called assault rifles are so rare that the FBI data don’t even break them out into a separate category.

There are really two separate questions at work here, one involving ordinary crime and the other involving public spectacles like the one in Florida. When it comes to workaday violent crime, there is room for meaningful gun control — which means prosecuting violent criminals and their enablers rather than harassing hobbyists down at the local gun store. In city after city, the data show that homicides overwhelmingly are committed by people with prior police records, often involving violent crime committed with firearms. In New York City, about 90 percent of the homicides are committed by people with prior records, according to a New York Times survey of police records. Like the killer in Florida, they don’t just come out of nowhere. Dealing with that means most vigorously prosecuting violent crimes short of homicide as well as doing the very hard work of improving the parole and probation systems.(...) Forgive the shopworn phrase, but we really ought to at least try enforcing the laws on the books before we go passing burdensome new ones.

(...) Many cases could have been prevented well before the bullets started flying. Perhaps the gentlemen at the FBI could be persuaded to pick up a phone from time to time in cases such as these. (...). We already have in place protocols for placing people in temporary custody when they are judged likely to be a danger to themselves or others. But we cannot make use of those powers if the relevant law-enforcement and mental-health authorities are unable or unwilling to intervene.

Beyond that, defensive measures are called for. Schools are targets and we should treat them as such, with better gatekeeping and, if necessary, armed guards. We wish it were not the case, but wishful thinking isn’t enough. We also can do more with venue security, especially for wide-open events such as that concert in Las Vegas.

There are many distinct kinds of violent crime. The drug murders on Chicago street corners are phenomena distinct from the killings in high schools and other public places, with different patterns of behavior, different kinds of perpetrators, different kinds of weapons, different motives, etc. The desire for a simple — “commonsense” — solution to

these horrifying crimes is easy to understand. But it is stupid and dishonest to pretend that changing the rules for private transactions at gun shows is going to stop that, or that similar measures are likely to have any meaningful effect at all. Policing criminals is harder work than policing the legal commerce of federally licensed firearms dealers, but it is the work that we are paying for, and the work that we need done.

* the bureau = the FBI

Document 2 - Gun Violence is not the Problem, and Gun Control is not the Solution, March 22, 2018, by Roger Parson in *The Colby Echo*, (abridged and edited)

As I am writing this, it has been just under a week since the #ENOUGH walkout was held to protest the alleged lack of action by Congress to address the “public health crisis” of “gun violence.” The official demands released by Women’s March include an assault weapons ban, not passing concealed carry reciprocity, and not passing “any legislation that would aim to fortify our schools with more guns.” (...) The claims of the walkout’s organizers are inaccurate, and their policy proposals are both misguided and ineffective. The reasoning behind the current advocacy for gun control is flawed, and this anti-gun push will do nothing to stop more tragedies like the Parkland shooting.

The flawed arguments are illustrated by the word choices in the anti-gun community. Their choice of language is focused on firearms, to the exclusion of any other problems or solutions. “Gun violence” includes homicide, suicide, accidents and police brutality. Each of these categories of violence can be further subdivided by motivation and contributing factors. However, the choice of measuring “gun deaths” rather than total deaths serves to cleave incidents involving guns from the wider context of violence and suggests that these disparate kinds of violence are a part of a unified phenomenon of “gun violence.” The problem of violence is thereby framed as a “gun problem” without demonstrating any causal link. The obvious solution to a gun problem is gun reform. However, the overall violence problem is not with guns: study after study has failed to identify any significant link between gun laws and overall violence. (...) Their goal is not reducing violence, with gun control as a possible means to that end. Their goal is gun control.

Even if we accepted the premise that the solution to violence in the United States lies with gun control, the specific policy proposals of the walkout are clearly not useful. Consider the proposed assault weapons ban. Firstly, there is no such thing as an “assault weapon,” except as defined by gun-control laws. The term is a politicized derivative of the military term “assault rifle,” and it is used to falsely conflate some of the most popular firearms in the country with a particular and narrowly defined set of military rifles.

(...) The AR-15, of course, would be covered by the law. Strangely, the Ruger Mini-14, which fires the same round as the AR-15, and which was used in the 1986 FBI Miami shootout, is specifically exempted from the bill. (...) The bill makes arbitrary distinctions between functionally equivalent weapons (...). Finally, it places only the barest of restrictions on handguns, which are used in the vast majority of crimes involving guns. The proposed law is absurd and would accomplish nothing more than creating obnoxious

restrictions for law-abiding gun owners.

The opposition to concealed carry reciprocity is perhaps the best example of the narrow anti-gun focus of this movement. If passed, the law would allow those who can legally carry concealed firearms in their own state to also do so when travelling to other states. Many states already have reciprocity with each other, but there are a few holdout states claiming that universal reciprocity would set back their “safe” gun laws. The demand is justified on the grounds that those holdout states have some of the lowest gun death rates. And yet, states like Vermont, Maine, and New Hampshire (with very liberal gun laws) have lower overall homicide rates. Gunspecific statistics are chosen over ones that provide a holistic view of this situation because those are the only statistics that give the impression that there is a gun violence problem. Concealed carry permit holders commit crimes at a very low rate even compared to police. There is no danger to a state from allowing us to travel there. Concealed carry laws have never prompted an increase in violent crime, and I find it hard to believe that this time would be different. What is most offensive is how this policy choice is linked to a protest against school violence. This is political opportunism at its most blatant.

What is meant by the demand for “action”? In the aftermath of the Parkland shooting, gun control advocates have called for new gun laws, ignoring any possible alternative. It has recently been discovered that school officials had recommended that the shooter be committed under the Baker act, which would have barred him from buying firearms. We have known for weeks that dozens of concerned calls were made to police without effect, and that the FBI failed to follow procedure. But enforcing these laws is not considered “action,” and neither are proposals that would provide additional resources for preventing school violence. The anti-gun lobby is laser-focused on the red herring of guns and gun violence. If we really want to stop violence, we have to look at the bigger picture, beyond simply looking at proposed gun control measures.

Document 3 - Why Red Flag Laws* Are Not A Good Solution To Mass Shootings, by Diane Loesh, in *The Federalist*, 6 August 2019, (abridged and edited)

(...) Red flag laws, also known as Extreme Risk Protection Orders (ERPOs), have passed through a number of state legislatures across the country; Sen. Marco Rubio has a somewhat new legislative proposal titled the Extreme Risk Protection Order and Violence Prevention Acts. Sen. Lindsay Graham joined Sen. Richard Blumenthal to co-sponsor red flag legislation; even Rep. Dan Crenshaw has mentioned ERPOs for potential consideration.

There is nuance to be had here, for sure, but realize that it is an abrogation of due process to invert the order of “innocent until proven guilty” to “somewhat guilty until proven innocent.” The question isn’t whether these laws do this, the question is whether you feel comfortable giving up a cornerstone of our republic for a safety dependent upon enforcement by a government that has failed at this before.

The murderers in Parkland, Florida and Dayton, Ohio, are two recent examples. These two monsters were walking red flags with access to firearms and yet, with all of the laws available to adjudicate them ineligible to carry or purchase guns, they continued unabated until the unthinkable. They weren’t stopped.

In fact, the Parkland murderer was coddled by a school district that pretended a refusal to report crime (thereby suppressing their criminal statistics) was the same thing as reducing crime, and they received federal dollars for it. That murderer’s violent behavior (beating his adoptive mother, sending death threats to fellow students, and putting a gun to another person’s head, to list a few offenses) was so well known, teachers had a backup plan in case he decided to become threatening, and he was searched every morning after arriving at school.

We didn’t need red flag laws to get either of these individuals before they committed their crimes. According to numerous local reports, had the previous Broward County sheriff performed his duties, case number 18-1958 would not have been able to legally purchase the rifle he used to carry out his evil. From everything reported on the Dayton murderer, it seems barring him from legal purchase or possession of firearms by adjudicating him mentally unfit was entirely possible.

None of this is to say that nothing can be done. To the contrary: I and others have spoken for some time about the need to ensure that the systems upon which we rely to stop heinous would-be criminals at the point of sale needs to be up-to-date with timely reporting of ineligible, violent cases. (...) For the system to properly work requires

information. For us to properly address why these awful tragedies keep occurring, we need to ask why and give that every effort instead of only ever focusing on the how, with no considerations for anything else.

We have a society that champions disrespect for life, abandons responsibility for one's actions, a society that redefines criminal activity by calling it a "loophole" instead of what it is, a criminal act; a culture that is slowly accepting violence as a legitimate form of disagreement, a society where male role models are hard to find and there is a crisis among young men that isn't attributable to video games (are Republicans seriously entertaining the idea of exchanging gun control for game control?). We need to fix these problems for our society to work properly.

I hope that those promoting red flag laws address these concerns and answer questions like: What do red flag orders offer that our current legal options (...) do not? Why a long 14-day waiting period (Rubio's bill) to defend oneself in court? Where are confiscated firearms to be kept — and if the answer is with local law enforcement, how are local enforcement agencies empowered to both store confiscated firearms and assume liability for that storage?

For friends of mine who have proposed Gun Violence Restraining Orders (GVRO), how soon are respondents able to defend themselves against claims (...)? And with either ERPOs or GVROs, will any considerations be given to women defending themselves against domestic abusers who might misuse the system to render their victims defenseless? How will GVROs be lifted — and doesn't that still require the respondent to prove his or her innocence? Is anyone concerned that both of these proposals still invert the presumption of innocence until proven guilty?

We all want to save lives and prevent terrorists, dangerously mentally unstable, or just plain evil people from carrying out horrific intentions. If preserving innocent people's right to defend themselves with force equal to that of their potential attacker is off the table, then how?

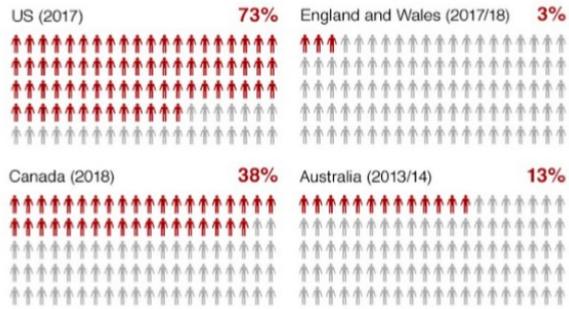
[Red Flag Laws : In the United States, a Red Flag Law is a gun violence prevention law that permits police or family members to petition a state court to order the temporary removal of firearms from a person who may present a danger to others or themselves. (Source = wikipedia)]*

Document 4 - *The Baltimore Sun*, Cartoon by Val, 23 May 1998



Document 5

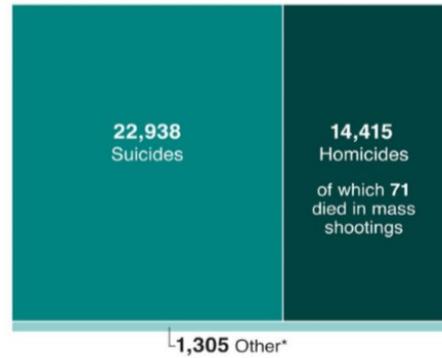
An international comparison of gun-related killings as a % of all homicides



Source: FBI, Homicide Index Home Office, Statistics Canada, Australia Crime Statistics

Mass shootings account for a tiny proportion of all gun deaths

Of the total 38,658 who died in 2016 there were...



*Other includes accidental deaths and war casualties

Source: CDC/Mother Jones. All figures 2016