

Regulation Needed

D.N. Goldstein, MD

Editor's note: As evidenced is this "Looking Back" feature, the issue of gun control remains as timely today as it was 50 years ago. The editorial below was first published in April 1965 (WMJ, Volume 64, p. 169); the rebuttal—a letter to the editor—was published the following August (WMJ, Volume 64, p. 302).

It's been a year and a half since a lone gunman with a mail-order rifle ended the life of a president of the United States. In all that time, despite the public clamor for effective controls over the sale and use of firearms, Congress has done nothing to prevent a recurrence of the tragedy.

While President Kennedy is probably the best known and, for the nation, the most tragic victim of the present unbridled availability of firearms, medical personnel and police departments are painfully familiar with the day-to-day tragedies resulting from the misuse and malicious use of guns. In an article in *HARPER'S*, December 1964, Carl Bakal reports that more than 17,000 persons are shot to death each year in the United States. This figure includes more than half of the 8,500 reported murders, half of the estimated 22,000 suicides and about 2,000 accident victims.

Shortly after the Kennedy assassination, no less than 18 bills aimed at controlling the sale of firearms were introduced in Congress. By August of last year all of them were buried in committee, and the Congress adjourned without taking any action on the matter.

Most citizens favor some kind of firearms control. J. Edgar Hoover, who should know, favored control legislation; in Congress, support came from both Democrats and Republicans; a January 1964 Gallup poll showed nearly 8 out of 10 persons in favor of a law requiring a police permit to buy a gun. More recently, a survey by a television station in Chicago indicated that over 70 percent of the respondents favored such a law, and more than half of those who owned guns were in favor. Yet the will of what appears to be a majority of citizens of this country, as well as a clear requirement for public safety, has been frustrated by the effective lobbying action of a small group of sportsmen, gun clubs, firearms manufacturers, and "patriotic" organizations.

Those who oppose firearm control legislation base their objection on the second amendment of the Constitution which guarantees "the right of the people to keep and bear arms." Although the amendment

referred to the right to bear arms as members of a militia, as a reading of the *entire* amendment makes clear, the gun-lovers and their friends interpret it to authorize some kind of knight-like posture of individual resistance to tyranny. Nevertheless, using their misconception of the second amendment as gospel, the firearms lobby has struck down any kind of systematic federal control of firearms.

The second amendment should not be used to prevent the establishment of controls that are undeniably necessary for the public welfare. Anyone, nowadays, can buy a shotgun or rifle, either in his own hometown or by mail order. In only 9 states is a permit required to purchase a pistol or a revolver. Although the federal government licenses dealers in firearms who sell interstate, such licenses can be obtained virtually for the asking. In the absence of federal action in this important area, the state of Wisconsin has an obligation to protect its citizens by passage of firearms control legislation. To prevent lethal weapons from falling into the hands of irresponsible, demented, or vicious persons, laws must be passed to license their use and control their sale. Just as the state requires an operator's license of all who drive automobiles, the state must insist that those who use firearms be likewise identified, tested, and qualified. Arms and ammunition should be sold only to those properly licensed and therefore qualified to handle them.

While the establishment of statewide firearms control may not entirely eliminate accidental injury and death from firearms, it would put a brake on the rising rate of such hazard in an increasingly congested society. And while it might mean nothing in statistical terms to the homicide rate in Wisconsin, licensing legislation could deter the one single tragedy that might senselessly turn the whole course of history again.

Firearms control legislation is desirable and necessary, and Wisconsin should take the lead in passing it.

—D.N.G

Guns and Their Control

To the Editor:

While a medical journal is an anomalous place to find an editorial about firearms, presumably the editor of any publication has the privilege of saying what he pleases on any subject. But when he does, he owes his readers the duty of being reasonably well informed about his topic. This Editor Goldstein has failed to do so in his editorial in the April issue of the *JOURNAL* and I request equal space to refute his erroneous statements and specious arguments.

Like thousands of other citizens he has fallen victim to the vicious and vociferous propaganda of the anti-gun crowd whose thesis is, "Guns cause crime and therefore should be prohibited (or controlled, regulated, registered, or whatever)." Even a moment's thought will convince any reasonable person that no gun ever caused any crime by itself. True, guns are used by criminals, but they do not cause crime. Guns are also used by law-abiding citizens to protect themselves and their property from *armed* criminals. Guns, both large *and* small, are used by our government to protect the nation as a whole from international criminals who are armed. Would Dr. Goldstein have the United States throw away its arms just because other nations are misusing theirs?

Dr. Goldstein urges reading the *entire* Second Amendment to the Bill of Rights in order to understand its meaning. Obviously he did not follow his own advice. He says, "Although the Amendment referred to the right to bear arms *as members of a militia*, as a reading of the entire Amendment makes clear, - - -etc." It says no such thing! Here *is* the entire Amendment. "A well regulated militia, being necessary to the security of a free state, the right *of the people* to keep and bear arms shall not be infringed." (Underscoring mine.) I submit that *we*, you and I, are "the people" and unless *we* can keep and bear arms there can be no militia and hence no freedom or security in our state. What Dr. Goldstein proposes would change all this—and not to our advantage—but to that of criminals who would never register *their* arms or voluntarily surrender them. I firmly believe that anything which restricts or prevents access to, or ownership of, firearms by law-abiding citizens is not in the public interest and is a threat to our national security. A disarmed general public would be easy prey for a determined and well armed group of men. While the murder of a president by a demented assassin is a great tragedy, this is a hazard inherent in the office of Chief of State and should not be an excuse for disarming our citizens. We can, and do, replace a president easily, but we can never replace our constitutional government easily. That I am not alone in this idea, I offer the following quotation:

"By calling attention to 'a well regulated militia' the 'security' of the nation, and the right of each citizen 'to keep and bear arms,' our founding fathers recognized the essentially civilian nature of our economy. Although it is extremely unlikely that the fears of governmental tyranny which gave rise to the Second Amendment will ever be a major danger to our

nation, the Amendment still remains an important declaration of our basic civilian-military relationships, in which every citizen must be ready to participate in the defense of his country. For that reason I believe the Second Amendment will always be important."

Who said that? John Fitzgerald Kennedy!

Finally, there is no proof that the regulation, restriction, or registration of firearms will have any material influence on the reduction of the crime rate in this country. Certainly the Sullivan Law in New York has not reduced New York's crime rate, which is nearly as high as any other state in the Union. Furthermore, there is considerable evidence to show that the accessibility of firearms has very little to with the murder rate in this country. A recent FBI report shows that since 1930 the murder rate in the United States has declined 40%. In the same period the number of civilian owned firearms in the United States has increased enormously and since the end of the last war the interest in shooting as a healthful recreation has increased tremendously. There can be no doubt that firearms are used by criminals, but corrective measures should be directed against the criminals and not against the firearms. Congressman Bob Casey of Texas has the right idea when he proposes very severe penalties for using a firearm during the commission of a felony. To support this stand, I submit the following quotation from Police Superintendent Robert V. Murray, Washington DC:

"It may be argued that any legislation that would reduce the number of pistols in circulation would substantially reduce the number of aggravated assaults. The argument rests on two mistaken premises. First, it assumes that restrictive legislation will prevent criminals from obtaining guns. The fact is that experience has shown that legislation such as the New York Sullivan Law does not reduce the number of pistols in the hands of criminals. Second, the argument assumes that guns are used in the most aggravated assaults, whereas the fact is that they used in only a small percentage of such assaults."

If these are the facts then why is the anti-gun crowd so anxious to disarm the civilian population of this land of freedom? I leave the answer to that question to the reader!

—H.M. AITKEN, MD

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