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Elizabeth Gingerich

Valparaiso University, elizabeth.gingerich@valpo.edu

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A Crisis in Leadership in the United States

— ELIZABETH GINGERICH, JVBL EDITOR-IN-CHIEF

On May 14, 2022, a mass shooting was reported, once again, in America. This time, 10 people were killed in what appeared to be a racially-motivated slaying at the Tops Friendly Market grocery store in Buffalo, New York.



The perpetrator, a New York teen, was armed with a military assault weapon, an AR-15. Less than two weeks later, on May 24, 2022, this time from within an elementary school in Uvalde, Texas, 19 children and 2 adults were massacred, again by a teen armed with an AR-15.

This repeated horror is uniquely American. Other countries have experienced gun violence and mass shootings and have responded with immediacy and efficacy. And many of the acting officials in those countries were up for reelection.



On May 25, 2022, the *New York Times* published the article, "Other Countries Had Mass Shootings. Then They Changed Their Gun Laws," describing how Canada, Britain, Australia, New Zealand, and Norway have all had a former culture of gun ownership, but managed to tighten gun restrictions regardless, resulting in mass casualty statistics widely divergent than those of the

U.S. The article further details how leaders in those governments moved quickly after a

particular mass shooting, levied new laws, and greatly decreased the number of gun-related fatalities in their respective countries.¹

Though such restrictions have always generated a certain level of controversy, most have been broadly embraced by each country's voting public. Even in Australia, where conservative-leaning politics had long favored gun ownership, citizens broadly accepted the buyback of guns. Some even surrendered their weapons without further prodding, in a galvanized demonstration of support for their country's more stringent gun laws. And after the change in legislation, the results were clear: when a nation tightens its gun control laws leading to fewer guns in private citizens' hands, there was less gun violence and fewer mass shootings in those impacted jurisdictions.

So why such a different narrative here in the US? Is this really all about the construct of rights granted under the 2nd Amendment? Or are we simply being steered by those in power accepting money from powerful lobbyists? A crisis of leadership occurs when power and greed take precedence over morality and community security. Our representatives are not protecting us; and many are sacrificing humanity for individual gain.

However, in the aftermath of the most recent mass shootings have been multiple incidents demonstrating real authenticity of purpose and messaging from certain members of the entertainment and sports world. On May 25, 2022, Golden State Warriors' head coach Steve Kerr broke from the usual discussion about basketball and commented on what had just happened in Uvalde. He said:

I'm not going to talk about basketball. Nothing's happened with our team in the last six hours. We're going to start the same way tonight. Any basketball questions don't matter.

Since we left (practice), 14 [19] children were killed 400 miles from here, and a teacher [2]. In the last 10 days we've had elderly Black people killed in a supermarket in Buffalo. We've had Asian churchgoers killed in Southern California. Now we have children murdered at school.

When are we going to do something? I'm tired. I'm so tired of getting up here and offering condolences to the devastated families that are out there. I'm tired of the moments of silence. Enough.

There are 50 senators right now who refuse to vote on HR8, which is a background check rule that the House passed a couple years ago. It's been sitting there for two years. There's a reason they won't vote on it: to hold onto power.

I ask you, Mitch McConnell, all of you senators who refuse to do anything about the violence, school shootings, supermarket shootings, I ask you: Are you going to put your

¹ See <https://www.nytimes.com/2022/05/25/world/europe/gun-laws-australia-britain.html>: "After a British gunman killed 16 people in 1987, the country banned semiautomatic weapons like those he had used. It did the same with most handguns after a 1996 school shooting. It now has one of the lowest gun-related death rates in the developed world. In Australia, a 1996 massacre prompted mandatory gun buybacks that saw, according to some estimates, as many as one million firearms melted into slag. The rate of mass shootings plummeted from once every 18 months to, so far, only one in the 26 years since." And after a mass shooting in Canada in 1989, that country's government also tightened its gun laws as did Germany in 2002 and New Zealand in 2019 – only days after carnage was committed in several mosques.

own desire for power ahead of the lives of our children and our elderly and our churchgoers? Because that's what it looks like. That's what we do every week.

So I'm fed up. I've had enough. We're going to play the game tonight. But I want every person here, every person listening to this, to think about your own child or grandchild, mother or father, sister, brother. How would you feel if this happened to you today? We can't get numb to this. We can't sit here and just read about it and go, well, let's have a moment of silence. "Go, Dubs." "C'mon, Mavs, let's go."

That's what we're going to do. We're going to go play a basketball game.

Fifty senators in Washington are going to hold us hostage. Do you realize that 90 percent of Americans, regardless of political party, want background checks, universal background checks? Ninety percent of us. We are being held hostage by 50 senators in Washington who refuse to even put it to a vote, despite what we the American people want.

They won't vote on it because they want to hold onto their own power. It's pathetic.

I've had enough.

A week later, Uvalde native and firm star Matthew McConaughy gave an impassioned 22-minute speech directly from the White House, describing the horror, carnage, and utter fear that the children experienced as well as the trauma for those who survived the ordeal and for those family members who will have lifelong grief. Yet, only a few days later, the National Rifle Association's (NRA's) convention in Dallas went on as scheduled. And then on June 13, 2022, rock star and Indiana native, John Mellencamp, described how attitudes about the Vietnam War in the 60s and early 70s changed dramatically when people actually saw the bodies of deceased teenagers on the war field. He believes that the visual carnage of that day in Uvalde needs to be shown to help stir those sitting on the sidelines; that we should see exactly what a military-style assault weapon does to the body of an 8-year-old.

How did we get here? Where is the leadership? Where is the humanity?

The Second Amendment

Taking a purely historical, judicial, and legislative review of the 2nd Amendment, it still tends to shock many that its text is so concise and that its meaning is derived from the events of that era. The framers crafted: ***"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."***

The interpretation of the 2nd Amendment to the U.S. Constitution has fostered heated debate, especially within the last decade, as the number mass shootings² has greatly escalated. Certain phrases constituting the Amendment are particularly at issue: "well regulated," "militia," and the "right to bear arms" have found various meanings in both public discourse and in judicial opinion. Any interpretation cannot be disassociated, however, from the historical era during which it was written. The 2nd Amendment was added in 1791, only 8 years after the conclusion of the American Revolutionary War which pitted Great Britain against the 13 colonies. At the time of its creation and adoption, the weapons of war included Flintlock pistols, muskets, and canons and the framers were leery of states not having

² According to the U.S. Department of Justice, a "mass shooting" refers to where four or more people are killed indiscriminately, not including the perpetrator.

sufficient military force to suppress rebellions within their borders. This was also a time that there was no federal government standing army.

Modern-day groups like the NRA – one of the strongest political lobbyists in the U.S. – have adopted a theory of “absolutism” in their interpretation of this Amendment. The NRA believes that citizens of the United States have an unfettered right to own any type of weapon, regardless of the technology used. An absolutist interpretation of the 2nd Amendment objects to any form of national gun registry and universal background checks.

Rise in Gun Violence

Mass shootings in recent American history have predominantly been carried out by assailants using semi-automatic assault firearms. Assault rifles, manufactured by the United States in the hundreds of thousands each year with 5 million already in circulation, represent the most common weapon used by gunmen who are intent on harming as many people as possible in the shortest amount of time. These weapons have the ability to discharge 45 rounds per minute and magazines can be easily swapped out whereas the pistols and muskets of the late 1700s could only discharge one round at a time and have been described as not being particularly accurate.

The following statistics demonstrate the rise in mass shootings³:

- Approximately 1.9 million people have been killed using firearms in the U.S. between 1968 and 2020. Over 17,000 shooting fatalities in U.S. occurred within the first five months of 2022 alone.
- The U.S. gun-related murder rate is 25 times higher than 22 other developed nations. Although it has half the population of the other 22 nations combined, the U.S. was marked with 82% of all gun deaths – with the victims predominantly being women and youth.



- Since 2020, gun violence has been costing U.S. taxpayers approximately \$34.8 million each day with the total annual bill for taxpayers, survivors, families, employers, and communities calculated at \$280 billion.

Between 1988 and 1997, 125 were killed in 18 mass shootings. The next decade, 1998 to 2007, 171 were killed in 21 mass shootings. From 2008 to 2017, 437 were killed in 50 mass shootings. After a lull in mass shootings at the start of the pandemic in 2020, the number of incidents soared by late spring. By June, 2020, there had been more mass shootings than in any of the prior six years. By the end of 2020, there had been almost 50% more shootings than in any year from 2014 to 2019. However, in 2021, the number of mass shootings in the country was over 20% higher than in 2020, including a mass

³ Pew Research, Gun Violence Archives, and Giffords Law Center.

shooting at Oxford High School near Detroit, Michigan, on November 30, 2021. Four students were killed and seven people were injured.⁴

- According to *Organization for Economic Cooperation and Development* (OECD) data, the U.S. is ranked 4th out of 34 developed nations for the highest incidence rate of homicides committed with a firearm (Mexico, Turkey, and Estonia are ranked ahead of the U.S. in incidence of homicides with many of the firearms used manufactured in the United States).
- U.S. males aged 15–24 are 70 times more likely to be killed with a gun than their counterparts in the eight largest industrialized nations in the world (United Kingdom, France, Germany, Japan, Canada, Italy, and Russia).
- Every day, 315 people (46 children and teens) in America are shot in murders, assaults, suicides and suicide attempts, unintentional shootings, and police intervention.

Legislative History

Legislation at the federal, state, and local levels has attempted to address gun violence through a variety of methods, including restricting firearms purchases by youth and other “at-risk” populations, establishing waiting periods for firearm purchases, implementing gun buyback programs, creating new law enforcement and policing strategies, increasing the penalties on gun law violators, and offering education programs for community outreach. Despite widespread concern about the impact of gun violence on public health, Congress voted in 2017 to prohibit the *Centers for Disease Control* (CDC) from conducting research on gun violence prevention. Other measures introduced – including longer waiting periods before gun purchasing and closing the gun show loopholes – have failed to pass. But by December, 2020, Congress approved \$25 million in federal funding to study gun safety with the funds split evenly between the National Institutes of Health and Centers for Disease Control and Prevention.



On March 22, 2021, a mass shooting occurred at a supermarket in Boulder, Colorado. 10 people were killed, including a local on-duty police officer.

On November 8, 2017, Senator Dianne Feinstein (D-CA), with the backing of two dozen other colleagues from the U.S. Senate, introduced the *Assault Weapons Ban of 2017*, a bill to ban the sale, transfer, manufacture, and importation of military-style assault weapons and high-capacity ammunition magazines. That bill would have exempted current owners, the military and police officers, and owners of weapons used for home defense, hunting, and recreation.

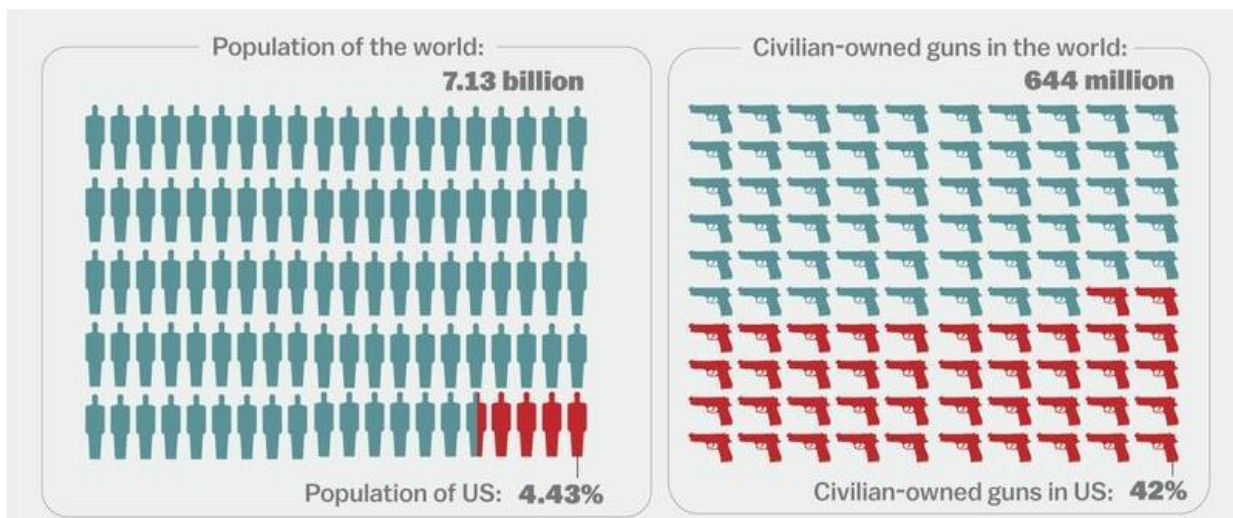
⁴ Authorities arrested and charged a 15-year-old sophomore on 24 separate charges, including murder and terrorism. The suspect’s parents were separately charged with involuntary manslaughter for failing to secure the handgun used in the shooting.

According to the U.S. Department of Justice, passage of the bill would cause a 6.7% decrease in annual gun deaths. Senator Feinstein had previously supported an assault weapon ban in 1994 which was passed into law but expired in 2004 without being renewed. A new bill, the *Assault Weapons Ban of 2021*, was introduced by Rep. David Cicilline, D-R.I., and Sen. Dianne Feinstein, D-Calif., in the hope to address the shortcomings of its predecessor. The proposed law prohibits the sale, manufacture, transfer, and importation of 205 “military-style assault weapons” by name, and additionally bans magazines that hold more than 10 rounds of ammunition. That bill failed to attract the requisite number of votes.

Judicial Interpretation

The language of the 2nd Amendment has created considerable debate regarding its intended scope. The Supreme Court of the United States has ruled that the right to “bear arms” belongs to individuals, while also holding that such right is neither unlimited nor does it prohibit all regulation by federal, state, and local authorities of firearms or similar devices. Some believe that the Amendment creates an individual right for U.S. citizens and therefore restricts legislative bodies from prohibiting firearm possession. Many Constitutional scholars believe that the prefatory language, “a well-regulated Militia,” underlines the Framers’ intention to only restrict Congress from legislatively restricting an individual state’s right to self-defense. This is known as the *collective rights theory*.

In 1939, the U.S. Supreme Court considered this matter in *United States vs. Miller* (307 U.S. 174). The Court adopted the *collective rights theory* in this case, determining that Congress could regulate firearms that had moved in interstate commerce when the evidence did not



suggest such weapons had any “reasonable relationship to the preservation or efficiency of a well-regulated militia.” The Court further explained that the Framers composed the 2nd Amendment in an effort to ensure the effectiveness of a national military. This position was revisited in 2008 when the Court struck down a Washington D.C. handgun ban in *District of Columbia v. Heller*. In a 5-4 decision, the Court ruled that the law, which had stood for over 32 years before this challenge, was unconstitutional, but stated that certain firearms could still be restricted if such weaponry could not be used for law-abiding purposes.

This position was strengthened by the Court’s 2010 decision in *McDonald vs. City of Chicago*. In *McDonald*, the plaintiff challenged the constitutionality of the City of Chicago’s handgun ban,

which prohibited handgun possession by most private citizens. In a 5-4 decision, the Court held that the 2nd Amendment applies to the states through the 14th Amendment's *Equal Protection Clause*.

And in late June of 2022, the Supreme Court struck down a long-standing New York state law which had required applicants for a license to carry a gun outside of their homes to have a "proper cause" to do so. The majority held that a simple desire for self defense constituted a sufficient reason.

Recent Mass Shootings: A Partial Chronicle

The families of those killed or injured in mass shootings have argued that another constitutional right should supersede other considerations, pointing out that the guarantees of *life, liberty, or property* under the 14th Amendment constituted a dominant protection and



were being violated. Whatever the legal argument, it is critical to always keep in mind the extent of tragedies this nation has suffered with respect to mass shooting incidents:

February 14, 2018: 17 killed at Stoneman Douglas High School in Parkland, Florida. The killer was a 19-year-old former student at the school, who returned armed with an AR-15.

November 5, 2017: Sutherland Springs, Texas, 1st Baptist Church.

25 shot and killed, plus an unborn child, during a church service.



October 1, 2017: Las Vegas, Nevada. 58 shot and killed during an outdoor country music festival by a single gunman who pelted a crowd of 22,000 concertgoers from the 32nd floor of

the Mandalay Bay Resort and Casino. 500 others were injured. Witnesses reported that the gunshots lasted from between 10 to 15 minutes long.

June 12, 2016: 49 killed and 50 injured inside the Pulse nightclub in Orlando, Florida. Police shot and killed the lone gunman during an operation to free hostages held at the club.

December 2, 2015: 14 killed when a married couple opened fire on an employee gathering



taking place at Inland Regional Center in San Bernardino, California.

June 17, 2015: A 21-year-old gunman shot and killed 9 people during a Bible study session inside the historic *Emanuel African Methodist Episcopal Church*, in Charleston, South Carolina. The gunman was tried and convicted of hate crimes and is the first person



scheduled to be executed for committing federal hate crimes.

December 14, 2012: 27 killed (including 20 1st graders) at Sandy Hook Elementary School in Newtown, Connecticut. The gunman took his own life after killing his mother.

July, 2012: 12 killed inside a movie theater in Aurora, Colorado.

April, 2007: 32 killed, the majority being students in class, by a fellow student at Virginia Polytechnic Institute, in Blacksburg, Virginia.



April 20, 1998: 12 killed at Columbine High School, Colorado. The two students who commandeered the massacre took their own lives before capture.

A New Dawn or a Low Bar?

On June 24, 2022, the US House of Representatives passed a bipartisan gun safety package by a vote of 234-193, one day after the bill cleared the Senate, 65-33. *The Bipartisan Safer Communities Act* was signed into law by President Biden on June 25, 2022. The Act introduces certain reforms designed to incentivize states to keep guns out of dangerous people's hands, enhances screening for gun purchasers under the age of 21, and suppresses illegal gun purchases and distribution. The Act additionally provides billions in funding for school safety measures and supplemental mental health resources. The last time any such legislation was passed was in 1994, when Congress enacted the now-expired 10-year ban on assault weapons. Even following the 2012 shooting at Sandy Hook Elementary School in Newtown, Connecticut, there has been an utter paucity of meaningful action.

And now, according to the *Wall Street Journal* and the *CDC*, the top cause of death for children 1-19, since 2020, is now guns - surpassing auto accident fatalities.

This cannot be allowed to occur in a democratic nation; this is not following the will of the people.

Until meaningful reform, those who remain silent have become the enablers of those who are making a profit off the shooting victim. But many children who grow up in these circumstances are beginning to effect change – by and for themselves. The survivors of Parkland formed “March for Our Lives,” and shortly after the Valentine’s Day, 2019 shootings, organized and traveled *en masse* to the Florida statehouse in Tallahassee with a message demanding change that translated into legislative action.

Logic and compassion must prevail in this debate. In the US, a person must be at least 21 to consume an alcoholic beverage, but not to purchase an assault rifle designed to kill as many human beings as possible – whether they be on Main Street, or the corridors of a movie theater, or the aisles of a supermarket, or the halls of a school.

At least when school exercises were tied to a potential nuclear war and we were taught to hide under our desks, that threat was limited in historical time and under circumstances of the height of the Cold War. Subsequently, we transitioned back to a more common exercise – the tornado drill – but now that has changed to be prepared in case of an active shooter. Many will ignore and continue to dismiss any mass tragedy that does not directly impact themselves or their loved ones. Let’s help move our leaders to undertake more comprehensive action to prevent this repetitive, deadly pattern from continuing to create an endless pool of victims.

– Elizabeth Gingerich