



## GUN CONTROL

# A Module for Democracy/Civic Mission Classrooms

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Gun Control

## Overview

Americans possess more than 200 million firearms. Each year about 640,000 violent crimes, including 16,000 murders are committed with guns, mostly handguns. The number of gun homicides among juveniles is particularly alarming. Some people believe gun control laws, which restrict gun ownership, can reduce the bloodshed. These laws range from gun registration, to bans on certain types of ammunition, to complete bans on handguns and military-assault weapons. Millions of Americans believe, however, that gun ownership is a right and that guns serve a legitimate purpose in society. They argue that guns are not the problem. Rather than penalizing law-abiding gun owners, they favor punishing more harshly those who use guns to commit crimes.

This unit addresses issues of gun control. It provides information about guns in the United States. It looks at propaganda generated by both pro- and anti-control advocates. It examines proposed legislation on trigger locks and a proposed lawsuit against gun manufacturers. This unit also introduces a model for deliberating this policy question, called “philosophical chairs,” for talking about this and other controversial issues.

## Focus Questions

- § Should legislation be passed that would require trigger-locks on all guns kept in houses that are shared with children?
- § Should the City of Chicago sue the gun industry for costs related to gun violence?

## Objectives

- § Assess current public policy and decide what Congress should do with proposed legislation.
- § Review statistics on gun violence and learn arguments for and against gun control.
- § Formulate, modify and articulate opinions on a policy by discussing it with their peers.

## Materials

- A: Reading: The Gun Debate
- B: Activity: Assessing Opposing Arguments on Gun Control
- C: Tool: Does it Make Sense? Recognizing Propaganda
- D1: Handout: Firearms and Teddy Bears: A Contrast in Regulation
- D2: Handout: Fables, Myths and Other Tall Tales
- E: Policy: Discussing Proposed Trigger-lock Legislation
- F: Deliberation Strategy: Philosophical Chairs
- G: Handout: Proposed Trigger Lock Legislation: Pros, Cons & Questions
- H: Holding Gun Makers Accountable: The City of Chicago Brings Suit
- I: Reading: Summary of Complaint, City of Chicago (1998)
- J: Holding Gun Makers Accountable: Pros, Cons & Questions
- K: Gun Control: Suggested Service Projects
- Gun Control: Selected Internet Resources

## A: Reading: The Gun Debate

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Americans possess more than 200 million firearms. Each year about 640,000 violent crimes, including 16,000 murders are committed with guns, mostly handguns. The number of gun homicides by juveniles is skyrocketing. In fact, if trends continue, gunfire will soon take over as the leading cause of injury-related death in the United States.

Some people believe gun control laws, which restrict gun ownership, can reduce the bloodshed. These laws range from gun registration, to bans on certain types of ammunition, to complete bans on handguns and military-assault weapons.

Can gun control laws stop this violence? Americans have highly conflicting views on gun control. According to a 1993 Time/CNN opinion poll, upward of 70 percent favor the idea of gun control laws, but a similar percent oppose an outright ban on handguns. Other polls indicate that Americans have little faith that more gun control will reduce violent crime.

Gun control faces stiff opposition in the United States. Millions of Americans believe that gun ownership is a right and that guns serve a legitimate purpose in society. They argue that guns are not the problem. Rather than penalizing law-abiding gun owners, they favor punishing more harshly those who use guns to commit crimes.

The opposition is led by the National Rifle Association (NRA) and the gun industry. The NRA represents about 3 million hunters and gun enthusiasts. The gun industry, made up of manufacturers and retailers, earns more than \$2 billion annually. Together they form a powerful opposition to local, state, and national legislation imposing control on guns.

Over the years the federal government has enacted four major nationwide gun laws. In 1934, it prohibited the possession of machine guns, sawed-off shotguns, and silencers. The Gun Control Act of 1968 limited the importation and sale of cheap handguns, known as Saturday Night Specials, and prohibited the interstate sale of handguns. The Brady Bill, passed in 1993, requires a five-day waiting period for all handgun purchases. The 1994 crime control act bans for 10 years the manufacture and possession of 19 assault weapons and other semi-automatic guns capable of firing many shots in succession.

Other proposed laws would sharply increase taxes on the sale of guns and bullets, require gun purchasers to possess a state firearms license, force gun owners to register their firearms with local police, or even ban handgun ownership.

Supporters of gun control point to other Western democracies, such as Canada, which have strict gun control laws and far lower rates of violent crime. They cite a 1988 study in the *New England Journal of Medicine* comparing a Canadian city, Vancouver, with an American city, Seattle, which are about 100 miles apart. The risk of being murdered by a handgun was about five times higher in Seattle. And a person assaulted in Seattle was twice as likely to die as a person assaulted in Vancouver. Supporters of gun control argue that strict gun control laws will reduce violent crime in America.

Opponents of gun control say that such laws have no effect on criminals. They point to Washington, D.C. It has in effect banned handguns and still has one of the worst murder rates in the country. Gun control laws, they say, only make it more difficult for law-abiding citizens to buy firearms, which they believe is a citizen's right under the Constitution.

The Second Amendment to the Constitution reads as follows:

*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.*

Opponents of gun control argue that this amendment gives individuals the right to own firearms. They explain that this was considered a basic right when the Bill of Rights was written. Every able-bodied adult male citizen was part of the state militia and was expected to have his own gun. They quote James Madison, the author of the Bill of Rights, who contrasted America with the “kingdoms of Europe, which are . . . afraid to trust the people with arms.” The Second Amendment, say opponents of gun control, was written to ensure the right of people to own guns.

Supporters of gun control read the amendment differently. They say the amendment only gives states the right to keep armed citizen militias. It does not, they say, give individual citizens a right to own guns that are not necessary for a state militia. According to supporters of gun control, this means that government can regulate private gun ownership.

The U.S. Supreme Court has decided only a few Second Amendment cases. In *United States v. Cruikshank* (1876) and *Presser v. Illinois* (1886), the court ruled that the Second Amendment only applied to Congress. The court said it did not affect state and local action on firearms. These rulings, however, took place before the court decided that the 14th Amendment incorporated all rights in the Bill of Rights that are “rooted in the tradition and conscience of our people.” The court has never decided whether the Second Amendment is one of these rights.

The only Supreme Court decision on federal gun control legislation took place in 1939. Jack Miller and Frank Layton were indicted for possessing a sawed-off shotgun in violation of the 1934 National Firearms Act. The two defendants argued that the National Firearms Act violated the Second Amendment. The federal district court agreed and quashed their indictment. The prosecutor appealed. In *US. v. Miller*, the U.S. Supreme Court unanimously upheld the indictment of the two men. In rejecting the defendants’ Second Amendment claim, the court stated:

“In the absence of any evidence tending to show that possession or use of a ‘shotgun having a barrel of less than eighteen inches in length’ at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.”

The decision did not end the debate over the meaning of the Second Amendment. In fact, the *Miller* decision is cited by supporters and opponents of gun control. Supporters claim *Miller* decided that the Second Amendment only protects state militias. Opponents claim *Miller* gives anyone the right to carry militia-style weapons.

Source: *The Challenge of Violence*, Copyright © 1997, Constitutional Rights Foundation.

## B: Activity: Assessing Opposing Arguments on Gun Control

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### **Procedures**

- § Read the background material, “The Gun Debate,” either in class or as a homework assignment.
- § Divide students into pairs, one “A,” one “B.” Provide all students with Handout C, “Does It Make Sense? Recognizing Propaganda.”
- § Give “A” students Handout D1, “Firearms & Teddy Bears: A Contrast in Regulation.” Give “B” students Handout D2, “Fables, Myths and Other Tall Tales.” Allow 5-10 minutes for students to explain their material to their partner.
- § Ask “B” partners to explain how the argument is presented in the “A” material. Allow 3-5 minutes.
- § Repeat the process for “A” partners. Allow 3-5 minutes.
- § Debrief one activity with students using the “for discussion” questions on the handout.

## C: Tool: Does It Make Sense? Recognizing Propaganda

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### Introduction

As a citizen, you need to be able to make sound decisions based on accurate information and objective reasoning — not on propaganda. Propaganda uses emotional appeals to persuade instead of a straightforward argument. Since propaganda is often subtle, it pays to know how to recognize it.

### Types of Propaganda

Here are a few types of propaganda to watch for:

- **Glittering generality.** Tries to associate the policy, politician, or product with some positive idea or feeling.
- **Name calling.** Relies on tagging an opponent or opposing idea with negative names, ideas, and associations.
- **Bandwagon.** Asks you to join the crowd. Don't get left behind.
- **Repetition.** Asks you to believe it because you've heard it so often.
- **Plain folks.** Attempts to portray the individual or organization as just being ordinary people.
- **Testimonial.** Asks you to take the word of a celebrity who is not an expert on the subject being discussed.

### For Discussion

- § What are some examples of propaganda you've heard in the media?
- § Why do you think people use propaganda?
- § Why is it important to recognize propaganda?
- § Why is propaganda so effective?
- § What do you think are some effective ways to counter propaganda?

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Adapted from *Citizenship Mini-Lessons*. Copyright © 1996 Constitutional Rights Foundation (Los Angeles)

## D1: Handout: Firearms and Teddy Bears: A Contrast in Regulation

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**Teddy Bears:** Zero deaths in 1996;

**Firearms:** 33,170 deaths in 1996.

**Teddy Bears:** at least four broad types of federal safety standards cover teddy bears; sharp edges and points; small parts; hazardous materials; and flammability.

**Firearms:** There are **no** safety standards for the domestic manufacture of guns.

**Teddy Bears:** In 1976 the toy industry issued a comprehensive, voluntary toy-safety standard. The Toy Manufacturers Association has maintained a safety standards committee since the 1930's.

**Firearms:** There are **no** voluntary, industrywide safety standards for the manufacture of guns.

**Teddy Bears:** Six separate teddy bear models were recalled in fiscal year 1992 alone.

**Firearms:** Approximately one firearm model is recalled every three years.

**Teddy Bears:** Keeping a teddy bear in your home does not increase the chance that someone will be killed there.

**Firearms:** Keeping a gun in your home makes it three times more likely that someone will be killed there.

**SOLUTION: REGULATE ALL FIREARMS LIKE ANY OTHER CONSUMER PRODUCT.**

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Source: Illinois Council Against Handgun Violence

## D2: Handout: Fables, Myths and Other Tall Tales

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**FABLE: Teddy Bears are more regulated than guns.**

Today's anti-gun activists are trying to revitalize their predecessors' regulatory agenda. Their common refrain: "In America, Teddy bears are more regulated than guns." But that refrain is a fraud. U.S. firearms makers not only comply with a tangled web of federal, state and local laws, their manufacturing standards are reviewed by the FBI, the U.S. Customs Service, various other public and private agencies, and even the Royal Canadian Mounted Police.

**FABLE: Firearms manufacturers should be financially liable for the actions of criminals who misuse guns.**

During the 1980s, gun control advocates began promoting lawsuits seeking to hold firearm manufacturers and sellers strictly liable for injuries resulting from the misuse, by third parties, of firearms that operate properly and have no defect in design or manufacturing. The purpose of such lawsuits: to achieve huge monetary judgments against firearms manufacturers and sellers, to drive them out of business or force them to raise firearm prices beyond the budgets of most Americans.

Plaintiffs may sue a manufacturer or seller of a product for compensation for injuries sustained because a product is defective, the defect poses an unreasonable danger to the user, and the defect caused the injury. A product may be considered "defective" if it does not operate as a reasonable manufacturer would design and make it, as a reasonable consumer would expect, or as other products of its type.

However, manufacturers cannot be held liable for injuries that occur merely because a properly operating product is criminally or negligently misused. Courts have uniformly held that some defect must exist in the product at the time it was sold, and that the plaintiff's injury must have been the result of that defect.

Undaunted, anti-gun litigators and activists have tried to advance various "defectless" product liability theories alleging that firearm manufacturers and sellers are liable for injuries resulting from the misuse of firearms that are not defective. Under such theories, it is irrelevant that an injury resulted because a firearm was criminally or negligently misused. Firearms are alleged to be "inherently defective" because they function as intended. Manufacturers are alleged to be liable because they should have known a criminal could misuse a gun, and firearms are alleged to be 'socially unacceptable' products whose risk to the public outweighs their social utility.

Courts have correctly rejected these theories, noting that firearms are not defective if they perform as intended; that the purpose of firearms is understood by reasonable people; that the manufacture, sale and ownership of firearms is lawful and attempts to outlaw firearms have been rejected by legislatures.

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Adapted from the National Rifle Association: *"Fables, Myths and Other Tall Tales."*

## E: Policy: Discussing Proposed Trigger-Lock Legislation

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### **Overview**

Much of the talk about policies and legislation is in the form of debate, where each side seeks through argument and counter-argument to persuade the other, with little time devoted to listening to what the other side has to say. There are often, however, broad areas of agreement where both sides can work together to forge the policies which they seek.

This activity is designed to help students practice the art of listening for deeper understanding to people with different views. In this activity, students will use it to explore different views on proposed trigger lock legislation.

### **Instructions**

Have students sit in two groups, one for each side of the question, facing each other across the center of the room. A third group of students sits in the “neutral zone” at one end of the center area so that they can see both sides [e.g., the bottom of a “U” formation]. Students can choose or be appointed to each position.

Pass out G, “Proposed Trigger-Lock Legislation: Pros, Cons, and Questions.” Have students in each advocacy group prepare what they believe are the best arguments. Have students in the neutral zone prepare the questions that they need to address in order to come to a conclusion about their position. [This step can be assigned as homework the night before.]

Pass out F, “Philosophical Chairs.” Make sure everyone reads it before the start of the exercise. The teacher can call time-out periodically to clarify, reflect on the process or content, or refocus.

At the conclusion of the exercise, one student from each team will provide a summary of the viewpoints presented during the discussion by his/her team. A student in the neutral zone must take notes on both sides of the argument, and if his/her position changes, he/she must explain why he/she came to a new conclusion.

## F: Deliberation Strategy: Philosophical Chairs

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- < Students will address each other by their **first names**.
- < A student must **briefly summarize** the previous speaker's points to that speaker's satisfaction before he/she begins his/her own comments.
- < **Think** before you speak. **Organize** your thoughts and signpost. (“I have three points; first...”)
- < After a student speaks, he/she must wait until two students on his/her side have spoken.
- < One speaker at a time; others are listeners.
- < The teacher can call time-out periodically to **clarify, reflect on the process or content, or refocus**.
- < Address the ideas, NOT the person.
- < One student from each team will provide a summary of the viewpoints presented during the discussion by his/her team.
- < A student in the neutral zone must take notes on both sides of the argument, and if his/her position changes, he/she must explain why he/she came to a new conclusion.

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*Developed by:* Dale Fountain, Mount Tahoma High School, Tacoma, Washington.

## G: Handout: Proposed Trigger-Lock Legislation: Pros, Cons & Questions

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### **Proposed Legislation**

Trigger-locks should be required on guns in houses shared by children.

### **Pros:**

- < Education can only go so far. Kids are kids and will still use bad judgment.
- < In 2002, guns killed 2,867 American children and teenagers 19 years of age and under. Of these gun-related deaths: 1,830 were homicides, 828 were suicides, 167 were unintentional, and 42 were of undetermined intent.
- < Having a gun in your house makes it three times more likely that someone will be killed there.
- < It could decrease the rates of suicide and death/injury caused by domestic violence.

### **Cons:**

- < The law is not easily enforceable.
- < It would result in the over-regulation of families.
- < It would increase citizens' vulnerability to home invasions.
- < It is based on wishful thinking, since the state where citizens may carry concealed weapons without a special permit (Vermont), also has the lowest crime rate in the nation.

### **Questions:**

- < Do you think this policy will significantly decrease the number of accidental gun deaths?
- < Do you think this policy will result in a rise in home burglary, assault, and similar crimes?
- < Is this policy fair?
- < How might this policy be improved?
- < What experiences or other evidence do you have to support your views?

## H: Holding Gun Makers Accountable: The City of Chicago Brings Suit

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### Instructions

- § Review Reading I, “Summary of Complaint,” filed by the City of Chicago against gun manufacturers.
- § Ask students by a show of hands which position they think they have on the idea of intervening in gun violence by suing gun manufacturers: Agree, Disagree, Uncertain.
- § Break up the group into two roughly equal parts (combine the “Uncertain” students with the “Agree” or “Disagree” group, whichever is smaller). Have them discuss why they think they feel as they do.
- § Now have each person pair off with someone from the other group to address the discussion questions below and share their views with one another.

### Discussion Questions

Chicago Mayor Richard M. Daley has stated that “\$433 million in damages is a conservative estimate of gun-related costs since 1994 by the Chicago Police Department, the Chicago Fire Department’s emergency medical services, the City Law Department, Cook County Hospital and the Cook County criminal justice system. Last year, 570 people were murdered with guns in Chicago. Nationally, 35,957 people died from firearms in 1995. Of those, 15,835 were homicides.” (Mayor’s Press Release, November 12, 1998)

- § Does \$433 million seem like a fair amount of money to compensate the City for gun-related costs?
- § The Second Amendment to the U.S. Constitution says, “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.” Does the city of Chicago’s suit impose limitations on anyone’s constitutional right to bear arms?
- § It is often said that “guns don’t kill people, people kill people.” Is it fair to hold the gun industry accountable for damages caused by their product?
- § Do you think the lawsuit will be successful? What will be the effect on the gun industry?
- § Do you think that the lawsuit, a “national test case,” will result in other cities also suing gun manufacturers?

## I: Reading: Summary of Complaint, City of Chicago (1998)

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Chicago, like many other cities, is faced with a high level of violent crime. One of the major contributors to the level and severity of violent crime in Chicago is the widespread availability of guns. To limit their availability and thereby reduce the level of violent crime, the City has enacted among the strictest gun control ordinances in the United States, essentially banning every type of gun except for shotguns and rifles. However, thousands of illegal guns – many of them new guns – still are recovered every year in Chicago. These recovered guns represent only a fraction of the number of illegal guns still on the streets.

The lawsuit alleges that the continuing availability of illegal firearms in Chicago is caused in large part by the practices of gun manufacturers, distributors and dealers, whom the City and County have named as defendants in this lawsuit. The defendants are aware of the high demand for illegal guns in Chicago, and through their marketing and distribution practices, they seek to maintain and supply that demand.

The lawsuit alleges that firearms manufacturers and distributors facilitate the illegal use of firearms. First, they design weapons better suited for criminal than lawful uses. Second, the defendants distribute their guns so as to ensure that they are available to persons who live in areas where guns are impermissible. For instance, the defendants saturate the markets just outside Chicago, where gun control laws are more permissive, knowing that many guns purchased there will be brought into Chicago through an illegal and underground market. For their part, many gun dealers will sell their guns to persons whom any reasonable person would understand intend to possess or use them improperly. Simply by virtue of selling their guns to Chicago residents, a gun dealer should be aware that there is a high probability that the guns will be brought into Chicago. Nonetheless, dealers rarely concern themselves with their purchaser's residence, and, even though they know that their purchasers are from Chicago, they rarely take any steps to ensure that the guns will be kept by the purchasers outside of Chicago. Dealers will sell guns under other circumstances where they should know that the weapons will be used illegally. For instance, they will sell a large number of guns to an individual within a short period, knowing that the individual intends illegally to transfer the guns to others; they will also illegally sell to individuals who are not licensed to purchase guns. Compounding this problem is the ease with which almost anyone can become a federally licensed gun dealer, and the resulting high number of irresponsible persons selling guns.

The entire gun industry is aware of how their conduct causes guns to continue flooding the streets of Chicago; in fact, that is what they intend. They know that the widespread availability of these illegal weapons threatens the safety and well-being of Chicago's residents, and creates a public nuisance. Yet no standards for responsible sales practices are followed in the industry. Manufacturers and distributors knowingly and eagerly provide more efficient, powerful and dangerous guns to the very persons they know will use them illegally. Their conduct is not different from the tavern that plies a patron with alcoholic drinks and then sends him off to drive home intoxicated. Just as the tavern must pay for irresponsibly putting an intoxicated driver behind the wheel, the defendant members of the gun industry should be held liable for the public nuisance they create by supplying weapons to persons they know will use them illegally.

This lawsuit is not brought for the purpose of limiting the rights of law-abiding citizens to own guns. Rather, it is brought to force those who illegally, irresponsibly and immorally arm criminals to pay for the damage they cause, and to compel them to stop acting with utter disregard for the safety, health and well-being of the public.

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Excerpt from: *Safe Cities; Fighting Illegal Guns*, Summary of Complaint in Case No. 98 CH 15596 (1998).

## J: Holding Gun Makers Accountable: Pros, Cons and Questions

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### **Policy Question**

Should gun manufacturers be held accountable for the costs of gun violence?

### **PROS:**

- § Gun manufacturers make huge amounts of revenue by flooding the cities with guns; it is only fair that they pay part of the costs of damage caused by those guns.
- § The gun industry will respond only to financial pressure, not moral persuasion about not making guns available to criminals.
- § Cost-effective: legal costs in suing manufacturers is small relative to the cost of lost lives and will be more than made up in large verdicts won against gun manufacturers.
- § Precedential value: if Chicago wins its suit, many other cities will use the precedent in their own suits against the gun industry.

### **CONS:**

- § It is illogical to sue gun makers for damage caused by illegal use of guns: guns don't kill people, people kill people.
- § Deflects focus and resources from the real problem: investigating and prosecuting criminals who use guns illegally.
- § Impinges on the 2nd Amendment right to bear arms.
- § Unfair: Costs of defending suits and paying judgments will put law-abiding gun store owners and manufacturers out of business.
- § Improper application of legal principles of product liability: guns are not defective.

### **QUESTIONS:**

- § Will this policy serve as a deterrent to gun manufacturers flooding cities with guns for illegal use?
- § Will law suits against the industry be an effective "wake up call" for the gun industry?
- § Is this policy fair?
- § How might this policy be improved?
- § What experiences or other evidence do you have to support your views?

## K: Gun Control: Suggested Service Projects

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- § Develop an alternative policy for dealing with the problem of gun violence that you think will work better than suing gun manufacturers. Write up your idea, gather signatures of supporters, and submit your plan to your senator or representative.
- § Collect local, state and national statistics on gun violence. Compile, analyze, and present your findings. Make recommendations based on your findings to your Senator(s) or Representatives.
- § Conduct research on gun safety in your community. Some resources are available on the National Rifle Association web site, <http://www.nra.org>; other resources are available on the Handgun Control web site, <http://www.handguncontrol.org>. What policies has your community implemented to address the problem of gun violence? What policies make you feel safer? In what ways do you still feel unsafe? Prepare summaries of the policies that you believe are the most and the least effective, or create an alternative policy to address gun safety in your school/community. Submit your work and recommendations to your local government representatives.
- § Write a letter to your U.S. Representative and U.S. Senators in Washington or your State Representative and Senator in Springfield expressing your views about trigger locks and/or gun-related violent video games. Invite your legislator or a member of their staff to discuss the issue with your class.
- § Develop an alternative policy for dealing with the problem of gun violence in your school/community. Write up your idea, gather signatures of supporters, and submit your plan to your senator or representative.
- § Collect local, state and national statistics and testimonies about guns, violence committed with them or violence prevented by them. Compile, analyze, and present your findings. Share your findings with your school/community through a visual, audio, or video presentation.
- § Create a website on these and related issues for use by students.
- § Volunteer with a non-profit organization concerned with these issues.

## Gun Control: Selected Internet Resources

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“Trigger lock giveaway effort off to fast start,” Bangor (Maine) Daily News, December 30, 2000  
<http://www.bangornews.com/cgi-bin/article.cfm?storynumber=26170>

Center to Prevent Handgun Violence  
[www.handguncontrol.org](http://www.handguncontrol.org)

Source for congressional records, research, and news articles on gun issues

“Fable VI: Since firearm accidents are a large and growing problem, we need laws mandating how people store their firearms,” *Fables, Myths & Other Tall Tales about Gun Laws, Crime and Constitutional Rights*

National Rifle Association

<http://www.nraila.org/show.gci?page=/research/19990728-BillofRightsCivilRights-002.html>

Colt Corporation (gun manufacturer)  
[www.colt.com](http://www.colt.com)

Remington Corporation  
[www.remington.com](http://www.remington.com)

Smith & Wesson (gun manufacturer)  
[www.smith-wesson.com](http://www.smith-wesson.com)

SpeakOut.com  
[www.speakout.com](http://www.speakout.com)  
Current news articles organized by issue

APBnews.com  
[www.apbnews.com](http://www.apbnews.com)  
Current news articles organized by US states