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***GUN CONTROL IN THE UNITED STATES
A UNIQUE CASE IN THE WESTERN WORLD***

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Introduction

At the end of the semester I spent in Boston, United States, I have decided to focus my thesis on a topic that, as a European, I had a hard time to understand: gun control. The purpose of this thesis is to describe the unique relationship American people have with firearms and demonstrate why the political class is not able to achieve decisive changes to secure the country from the increase of gun violence.

While Europeans started discussing gun control after the recent terrorists' attacks that have weakened the Union, Americans have been dealing with the topic since the drafting of the II Amendment which states: "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" (Bill of Rights 1791). The II Amendment was written in the post British occupation era, when the Americans celebrated their independence with new laws which protected the rights of the citizens and, at the same time, limited the power of the government in order to avoid a new, unfair dominion. Furthermore, the founding fathers believed that it was necessary to allow citizens to carry arms to avoid tyranny and to be ready to fight any crime. The Amendment perfectly fitted a transforming society that was trying to delineate its new independence, and no one has ever questioned its existence until in modern days, when part of the US population realized that guns damages may outweigh their benefits. However, it is not easy to fight this Amendment in a society that has incorporated the right to wear guns in its culture. There are 40.000 gun stores in the United States which make billions of dollars every year; Americans love hunting, spending time at the range, hanging expensive rifles on the walls of their homes and, above all, are convinced that arms can make us safer. This is what makes Americans different from the rest of the Western world: the idea that government cannot protect us all and, therefore, we should be ready to protect ourselves. For gun rights supporters, taking firearms away from them is comparable to depriving Italians of pizza or the British of tea with milk: they see gun rights as part of their culture and are not aware of the real dangers of letting more than 300 million firearms circulate in a free, democratic country.

In this thesis I will analyse the historical context of the II Amendment and give a closer look to its drafting. Then I will focus on the American gun culture and on why it is so difficult to put restrictions on gun sale and circulation. After a short comparison with the issue of firearms in Canada and Italy, I will conclude my work dealing with the role of firearms in today's world plagued by terrorism.

Chapter one

How the II Amendment came to be

The II Amendment is the reason behind the birth of United States' unique "gun culture" however, few people know its origins. This chapter focuses on the history of the Bill of Rights and of its second, most debated Amendment.

1.1 The historical context

In the second half of the eighteenth century Great Britain was the greatest, most powerful country in the world: its military forces were invincible and its commercial activities flourished worldwide. In America, its thirteen colonies contributed to the 30% of the British economy. However, after the Seven Years' War, King George III realized that the revenues of his empire were not sufficient to cover the enormous governmental expenses the country had to face to keep control over its colonies. To face this dramatic situation, Great Britain decided to increase taxations overseas and implement new policies, but the colonies did not remain silent in front of these explicit abuses.

Great Britain had created three different forms of settlement in North America in order to control its territories better: the land could be controlled by a person, a Commercial Company, (whose powers were specified by a Colonial Charter granted by the King), or could be administered directly by the King through a number of officials whose activities were monitored from London. The colonies were economically really important for the motherland, and for this reason the Navigation Acts were issued from 1651 to 1663 in order to limit the colonial trades only to the motherland. These acts stated that:

- All colonies could trade only with British ships and crew.
- All commodities heading to the colonies had to moor in an English port to be transferred on board British ships.
- The colonial goods destined for export had to reach their destination on British ships and no foreign (non English) ships were allowed in a colonial port.

These Acts increased the revenues of Great Britain but after the Seven Year's war, new measures were needed in order to avoid bankruptcy and keep control over North America. The *1764 Sugar Act* forced colonies to pay an extra tax on all the products imported from Great Britain. The *1765 Stamp Act* imposed a new payment on every printed paper, while the *1773 Tea Act* "main purpose was not to raise revenue from the colonies but to bail out the floundering East India Company, a key actor in the British economy. The British government granted the company a monopoly on the importation and sale of tea in the colonies" (History 2009).

Lastly, it was even imposed to the settlers to host British soldiers in their houses if they were asked to. The colonists found themselves increasingly controlled by Great Britain with its new Acts and an unjust taxation system divided into external and internal. For the colonists, the English people had the right to impose only the first in order to regulate imperial trade, but had no right to impose internal taxes without the consent of the colonial assemblies. In these years of tensions, the famous slogan "No taxation without representation" (United States History n.d.) became popular because the colonies, not only had to pay taxes over all goods, but were not even directly represented in Parliament. In short, colonies were left with neither economic nor political powers, an unwise move for the British Crown that soon had to face the consequences of its abuses. Even if the war officially began in 1775, violence and colonial resistance already started in 1770, when British soldiers opened fire on a crowd killing five of them. This tragedy is remembered as the Boston Massacre. Three years later, when a group of Bostonians dumped hundreds of chests of tea in the Boston harbour, Parliament tried to restore the imperial authority in the territory. In response, a group of delegates including George Washington and Samuel Adams met in Philadelphia in the Continental Congress to give voice to their complaints against the British Crown. When it was time for the Congress to meet again in 1775, violence was already unstoppable: In April 19th, American militiamen clashed with British soldiers in Lexington, Massachusetts, officially starting the war.

The War of Independence lasted seven years. The Americans fought in order to obtain economic, administrative and juridical independence. The war gave birth to the United States of America. In fact, the colonists, decided to form a first federal union in order to better face Great Britain and gain independence. The colonies proclaimed themselves States and assumed their own sovereignty each with its own government, but still dependent from a central one. In order to organize and manage the thirteen colonies, the Congress wrote and approved a Constitution called Articles of Confederation (1777), but this first Constitution turned out to be too basic and insufficient to regulate the powers of the Congress. Meanwhile in 1783, the British Crown formally recognized the independence of the United States through the Treaty

of Paris. In May 1787, the States decided to meet in the Philadelphia Convention to amend the Articles of Confederation. The Philadelphia Convention did not merely amend them but wrote a completely new Constitution that came into force in 1789.

During the ratification process, the idea of a Bill of Rights that might limit the power of the central government and offer all citizens of the federation a set of common rights started spreading in people's minds. The idea of ratifying a set of common rights was supported by the anti-federalists, but not by the federalists, such as Alexander Hamilton, one of the founding fathers of the United States. Hamilton opposed to the Bill since the beginning, asserting that the Constitution was already sufficient to protect the citizens' rights and, together with George Washington, pledged to strengthen federal power. On the other side, anti-federalists such as George Mason and Patrick Henry believed that a Bill of Rights would limit the power of the central government and avoid the creation of a new despotic power, such as the one previously imposed by Great Britain. Since the anti-federalists threatened not to sign the Constitution without such a guarantee, the federalists were forced to promise the future creation of a Bill of Rights.

1.2 The militias

The militias had an important role on the formation of the United States of America, and their vicissitudes contributed to the creation of the II Amendment of the Bill of Rights.

Before the War of Independence, the militias were formed by colonists, initially loyal to their motherland. However, the widespread discontent towards Britain pushed a part of these soldiers, also known as *Patriots*, to rebel against their homeland and to fight for the independence of the colonies. The British government reacted by setting up an embargo on firearms and munitions to prevent any military action by the militias: the *1774 Import ban on firearms and gunpowder* and the *1774-75 Confiscations of firearms and gunpowder*. The colonies soon protested against these new laws as they saw their right to self defence terribly violated.

After the War of independence, the management of the military apparatus, governed by the Articles of the Confederation, was in the hands of every single State and the Congress had no power on it. This ambiguous division of power between the states and the central apparatus was the major cause of the reduction of the already small military forces, with only eighty units. For this reason, in 1787, the Philadelphia Convention asked the Congress to form a larger national army and naval force with the contribution of each state but under the control of the

Congress. The government, however, kept control over the weapons possessed by private citizens who considered it a violation of their rights and stated that rebellion with weapons could only be a last resort when the laws were not enough to prevent repression.

1.3 The Bill of Rights

The United States Bill of Rights consists in the first ten amendments of the United States Constitution. As we have seen, it came into being following a series of objections expressed during the session of the Congress in 1789. It was inspired by other prestigious documents, such as the *Virginia Declaration of Rights* of 1776 by George Mason, the *Bill of Rights* signed in 1689 by William of Orange and the *Magna Charta*, the first English document with constitutional value, signed by King John Lackland in 1215. The Bill came into force on December 15th 1789. The rights contained in this Bill are still fundamental and their draft is still identical to the one of two centuries ago. The primary objective of this Bill is the delimitation of the power of the Federal Government which, without any restraint, might exert too much power on its citizens. Every state could decide to apply or not the Bill until 1868. Today, the Bill of Rights is valid throughout the United States. There are fourteen copies of the original Bill and one of them is kept in the National Archives in Washington.

The Bill of Rights is composed of ten amendments (although initially twelve have been proposed). The word *amendment* literally means modification. In fact, to amend the US Constitution, two procedures are possible: one expects each branch of the Congress to vote (majority of 2/3); the other requires the Confederation formed by two-thirds of the States to asks the Congress to initiate a National Convention to discuss any change. Once it has come into force, the amendment cannot be changed, while it is possible to proceed with a new amendment to abolish the previous one, as it happened in the case of McCarthyism. Until today, the Congress has proposed twenty-seven amendments, but since 1791, the Constitution has been amended seventeen times. The Bill of Rights is simple (as it consists of few articles) and flexible, therefore it is liable to be frequently reinterpreted by the Courts.

The I Amendment

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (Bill of Rights 1791)

This Amendment is important because it denies the existence of any official religion. In fact, thanks to this Amendment, no religious minorities have been persecuted in the United States. Among other things, it recognizes freedom of speech, of press, of assembly, rights that keep up with modernity and were quite unusual for the time they were written.

The III Amendment

"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law." (Bill of Rights 1791)

This Amendment has been written in response to the British law that previously obliged the colonists to host a member of the army.

The IV Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause." (Bill of Rights 1791)

This Amendment establishes the inviolability of the right of citizens to enjoy their goods, their correspondence and their personal security. Among the other things cited, a person can not be detained for more than forty-eight hours without a valid reason unless there is an emergency. The state of emergency must be demonstrated as well as demonstrated should be the causes of arrest of free citizens (a serious harm to their privacy and freedom).

The V Amendment

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled

in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” (Bill of Rights 1791)

With this Amendment we enter the justice system. It states that an individual can be prosecuted for serious crime only following a lawsuit formulated by the Gran Jury, a jury responsible for assessing the consistency of the gathered evidences. The V Amendment forbids a conviction without a fair trial and also prevents the accused from being called to testify against himself. This Amendment was inspired by the English juridical system: the term *Gran Jury* is in fact contained in the Magna Charta, one of the most important English documents with constitutional value.

The VI Amendment

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the Assistance of Counsel for his defence.” (Bill of Rights 1791)

This Amendment guarantees a rapid and public criminal trial, protecting the citizen from possible judicial persecutions in order to guarantee a fair judgment, not influenced by factors such as the ethnicity or social status of the defendant. A jury must be present in the course of the trial and the accused has the right to defend himself. The jury must be impartial, composed of members from various social classes and ethnicities and must not be influenced by the media. Witnesses should be present and their deposition in the trial must take place in the presence of the defendant.

The VII Amendment

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.” (Bill of Rights 1791)

This Amendment specifies that civil cases, for which compensation of more than twenty dollars is required, must be resolved by a jury.

The VIII Amendment

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (Bill of Rights 1791)

This amendment is the last on the juridical field. It prohibits excessive fines and guarantees, as well as too cruel or disproportionate punishments. This was also inspired by the English judiciary and more precisely by the Bill of Rights of 1689, which has constitutional force.

Many future amendments were inspired by the VIII, like Article Fifth of the Universal Declaration of Human Rights, Article Four of the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights and the Canadian Charter of Rights and Freedoms.

The IX Amendment

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." (Bill of Rights 1791)

This Amendment was supported by the anti-federalist. It states that even if some rights are not listed in the Constitution, it does not mean that the government can take them away from the citizens.

The X Amendment

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Bill of Rights 1791)

This Amendment helps to define the concept of federalism and it was supposed to limit the powers of the Congress. It stipulates that states and the American people enjoy all the powers the Constitution does not delegate to the central government and all the powers that are not unconstitutional.

1.4 The II Amendment

A well regulated Militia

As we have already seen, militias were armed groups that protected single towns and colonies. The sentence *well regulated* instead has created some discussions. The most accepted version right now is the one of American professor Jack N. Rakove: "Well-regulated in the 18th century tended to be something like well-organized, well-armed, well-disciplined," says Rakove. "It didn't mean 'regulation' in the sense that we use it now, in that it's not about the regulatory state. There's been nuance there. It means the militia was in an effective shape to fight" (CNN Politics 2016). In simple words, *well regulated* means that the militia was ready to perform its duty.

being necessary to the security

It is not hard to imagine that security was one of the most important and fundamental needs for the society of the nineteenth century. The War of Independence had just ended and the thirteen states were ready to expand in the west. People went through multiple turmoil that put their lives at risk many times in a time period when, being safe was a privilege for many. Security also meant security from governmental tyranny. After the British ruling, the states feared a new hegemony.

of a free State,

"This is referring immediately to 'state' as in one of the states of the original colonies," (CNN Politics 2016) Jeffrey Rosen, CEO of National Constitution Center, says: "James Madison had the 1777 Virginia Declaration of Rights by his side when he wrote the Bill of Rights and he essentially copied and pasted language from it" (CNN Politics 2016).

the right of the people

The fundamental rights the Amendment talks about are freedom of speech, expression, etc, but the right to bear arms is not specified. Furthermore, in the eighteenth century not all people had the same rights: slavery still existed and women were not allowed to vote. Differences between social classes were still heavily present.

to keep and bear Arms,

As we will see, *keep and bear Arms* is interpreted as an individual right. It is not clear what weapons should be allowed among the general population under the term *Arms*. "One thing people disagree about is whether assault weapons bans are constitutional," says Rosen. "They also disagree about how we should interpret the constitution in terms of history or in light of new technologies" (CNN Politics 2016).

shall not be infringed"

After the two famous cases *District of Columbia vs Heller* and *McDonald vs City of Chicago* "lower courts have upheld almost all of the gun regulations they have asked to review," (CNN Politics 2016) Rosen says.

The II Amendment defends the right of the citizens to bear arms after the British Crown took this right away from them in 1774. It was proposed by James Madison but, as argued by Thomas B. McAfee and Michael J. Quinlan, its essence already existed in both the Common Law and in states' constitutions. The House met on July 28th, 1791 to discuss the II Amendment, which came into force on August 17th. From that date, the text subsequently underwent several revisions until it came to its definitive form on December 15th, 1791 (still in force today).

The most common debate regarding the II Amendment is on its interpretation, whether military or civilian. In fact, the flexibility of the Bill of Rights represented a problem for the many courts that found themselves discussing the most controversial amendments. Important figures like the conservative judge Samuel Alito support the more conservative vision; the judge called the right of citizens to self-defence inviolable and the possession of weapons essential for the American people. The jurist Don Kate recalls that this right is already expressed in the English Bill of Rights, where it is written: "right to keep and bear their private arms" (English Bill of Rights 1689). Also Alito's colleague Sayoko Blodget Ford emphasizes the civil meaning of the right to bear arm, "The people have a right to bear arms for the defence of their own state or the United States ... and no law will be passed for disarming the people or Any of them, unless for crimes committed" (Center for Legislative Archives National Archives and Records Administration n.d.)

The military interpretation instead is supported by all historians who recognize the expression "to bear arms" as "carrying weapons" exclusively as a military connotation. The scholar Garry Wills, history professor at Northwestern University, examines the etymological origins of the concept: "By legal and other channels, the Latin 'arma ferre' entered deeply into the European language of war. Bearing arms is such a synonym for waging war that Shakespeare can call a just war 'just-borne arms' and a civil war 'self-borne arms'. Even outside the special phrase 'bear arms', much of the noun's use echoes Latin phrases: to be under arms (*sub armis*), the call to arms (*ad arma*), to follow arms (*arma sequi*), to take arms (*arma capere*), to lay down arms (*arma poenere*)". Citing also the Greek and Latin origins of the concept: " (...) 'Bear Arms' refers to military service, that is why the plural is used... one does not bear arm, or bear an arm. The word means, etymologically, 'equipment' It refers to the 'equipage' of war. Thus 'bear arms' can be used of naval as well as artillery warfare, since the "profession of arms" refers to all military callings" (Wills 2002, 256-257).

The scholars and judges use three models to interpret the Second Amendment. The first two focus on the text preamble (*A well-regulated militia*) and present a small difference: the first interprets the right to hold weapons as a right of the State that then equips the militias with the firearms they need. The second states that the right to bear arms is a single person right only when the person is part of a militia. The third model focuses on the words *the right of the people to keep and bear Arms, shall not be infringed* and extends the right to bear arms to the private citizens also for civil use. However, this simplification does not make the work of the courts any easier.

A clear step forward in the interpretation of this law was made in 2008, when the Court ruled unconstitutional the Columbia District law that prevented the possession of firearms (*District of Columbia vs Heller*). The law in the District of Columbia in fact, made it illegal to carry unregistered firearms and also prohibited the registration of hand guns. The only exception was made for police officers who were allowed to carry a handgun while on duty. The problem with this law started when the special police officer Dick Heller applied for a license for a handgun he wanted to keep at home, but his application was rejected. The man claimed this decision violated the II Amendment and the US Court of Appeal for the District supported him stating that this restrictive law violated the right of the American people. The famous conservative Supreme Court judge Scalia and his colleagues stated that "The Court held that the first clause of the Second Amendment that references a "militia" is a prefatory clause that does not limit the operative clause of the Amendment. Additionally, the term "militia" should

not be confined to those serving in the military, because at the time the term referred to all able-bodied men who were capable of being called to such service” (Oyez 2017).

This decision was strengthened two years later by the famous case *McDonald vs. City of Chicago*, which witnessed the triumph of the firearms lobbies as the National Rifle Association (NRA). Otis McDonald, an American seventy-six-year-old, challenged the 1982 Chicago Law that banned the new registration of handguns hoping to diminish the alarming crime rates in the city. The day after McDonald’s move, the NRA filed a lawsuit against the Chicago Law, hoping to see a verdict similar to the one of the Heller case. The Supreme Court stated that the ban on firearms was unconstitutional, but also specified the need for some controlling measures, especially on those mentally ill individuals not capable to carry a gun. The Supreme Court has considered the II Amendment as an inviolable right as important as the freedom of expression and the right to vote. These two cases are landmarks in the history of the American jurisdiction and signed a clear conservative shift on the general interpretation of the II Amendment.

Chapter two

The gun debate today

The gun debate arises from the fact that, following on the implementation of the II Amendment, no severe regulations on gun control have been brought about, leaving the United States with few gun laws that are not sufficient to stop the rise of gun violence in the country. This chapter focuses on the role of guns in the political scenario and on how they have characterized the American social sphere.

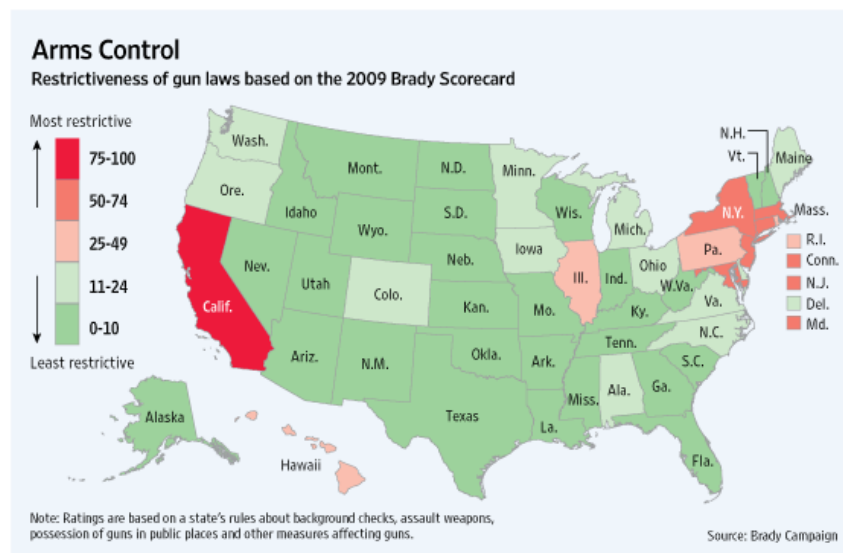
2.1 How easy is it to buy a firearm in the United States?

Before starting to deal with the gun control debate, it is important to understand what are the general laws regarding the purchase of firearms in the United States. The images of an automatic assault rifle hanging in the showcase of a Walmart supermarket make clear that buying a weapon in the US is easier than in Europe or other modern countries, but how much easier is it? Through the years, different laws have been passed at federal level to regulate the possession of firearms in the country. Some of the most famous are:

- *1934 National Firearms Act* – was the first attempt of a federal gun control legislation. It did not try to ban any weapon but only to tax the transfer of some specific types of firearms.
- *1968 Gun Control Act* – had the purpose of “keeping firearms out of the hands of those who were not legally entitled to possess them because of age, criminal background, or incompetence.” It also prohibited interstate firearms transfers except for licensed sellers.
- *1986 Firearm Owners’ Protection Act* – eased restrictions on gun sellers.
- *1990 Gun free School Zone Act* – was an act of the Congress that prohibited possession of firearms in school zones.

Even if rules can vary from state to state, the procedure to purchase a gun is similar in every jurisdiction. Every twenty-one-year-old person can purchase a gun, while teenagers can buy a rifle at the age of 18. The buyer must show a valid ID. The seller will then send his data to the FBI that has to conduct a background check (NICS – National Criminal Background Check

System) on the individual in order to authorize the sale (I will come back to this point). The sale can be delayed up to seventy-two hours and denied if the buyer has committed any serious crime (or is part of the Terror Watch List) or is not an American citizen. However, as there is no central computerized database, it is common for the FBI to need more than three days to determine if the background check passed or failed. This means that thousands of guns are sold after the seventy-two hours even if FBI has not finished to check. If the person desires to buy more than one firearm in less than five days, the seller has only to send a notice to the Bureau of Alcohol, Tobacco, Firearms and Explosives, an organization in charge of investigating offences that involve the illegal use of firearms and explosives. It is against the law to buy a gun on behalf of someone else, but there is no law that concretely stops a dealer from buying guns and then selling them to someone else. It is therefore relatively easy for a US citizen to buy a gun, especially in states like Vermont, which has much softer gun laws. There is no distinction between residents and non-residents and no permits are required to carry a gun. Guns are allowed everywhere with exception of some public places such as schools. This permissive attitude is called Constitutional Carry. In Arizona, where the 2011 Tucson shooting took place, also under-eighteen-year-old teens are allowed to buy a gun under particular conditions. California on the other side, has some of the strictest gun laws of the country: universal background check is mandatory, the buyer has to wait at least ten days to receive his firearm and must pass a written safety test.



Restrictiveness of gun laws based on the 2009 Brady Scorecard (bradycampaign.org, 2009)

Although some restrictions are possible, softer gun regulations are more easily accepted by people than restrictive ones. Republicans and Democrats have been discussing this issue for decades, and every attempt of the democratic party to make a change in line with the way of thinking in Europe, where guns are not part of people's every day life, does not seem to be successful. For example, after the 2012 massacre at Sandy Hook Elementary School, Obama introduced a stricter mental health regulation on gun purchase but this effort has recently been swept away by President Trump. In the next chapter I will analyse the different point of view that Americans have on gun control, and why it is so hard for a Western modern society to come to an agreement on the topic.

2.2 The conservative view

Conservative views tend to be against gun control and defend the value of the II Amendment. Its supporters think that gun control violates the essence of the Amendment and gives too much power to the government: in fact, according to the data collected by the Pew Research Center, the fear of the rise of a new tyranny is still alive in the mind of 57% of American people even if the old British domain is centuries away. Executive Vice president of NRA and gun rights supporter Wayne LaPierre stated: "I think without any doubt, if you look at why our Founding Fathers put it there, they had lived under the tyranny of King George and they wanted to make sure that these free people in this new country would never be subjugated again and have to live under tyranny" (npr 2013). The republican party is the first supporter of this view and these are the common arguments used in support of softer gun laws.

The first point of discussion is that gun control does not deter crime but, on the contrary, gun ownership does. John Lott, author of *More guns, less crime: understanding crime and gun control laws*, stated that "States with the largest increases in gun ownership also have the largest drops in violent crimes... The effect on 'shall-issue' (concealed gun) laws on these crimes has been dramatic. When states passed these laws, the number of multiple-victim shootings declined by eighty-four percent. Deaths from these shootings plummeted on average by ninety percent and injuries by eight-two percent" (ProCon 2016). However, there are more theories against this idea than in support of it. In fact, most statistics demonstrate that it is not true that gun ownership deters crimes: a research conducted with data on firearm robbery and assault of the Uniform Crime Report shows that assaults are almost seven times more common in states with softer laws on gun control. Also homicide rates in these states seem to be alarming: firearms homicides are 2.8 more common in more permissive states.

American guns rights supporters are also convinced that guns, if cannot deter crime, can at least defend them in case it occurs. A Gun Facts reports stated that “Every year, people in the United States use guns to defend themselves against criminals an estimated 2,500,000 times – more than 6,500 people a day, or once every 13 seconds. Of these instances, 15.7% of the people using firearms defensively stated that they “almost certainly” saved their lives by doing so” (Gun Facts n.d.). The 2014 Pew Research Center survey stated that six out of ten adults (57%) saw gun ownership as a means of defence, not of crime. This people are the same that see gun control as a violation of the right to self defence. Thirty-seven American States Constitutions protect the right to bear arms for self defence and some of them, like Alabama, make it explicit: “every citizen has a right to bear arms in defence of himself and the state” (Constitution of Alabama 1819). Even if this concept is more suited to the America of the eighteenth century than the one of today, it is still deep-rooted in many American minds, and the National Rifle Association knows that it has to push on this point to gain consent in the country. The Association often stated that police cannot protect everyone at the same time, therefore, it is important that citizens make their best to protect their home and families. Wayne LaPierre, stated: “The only thing that stops a bad guy with a gun is a good guy with a gun” (The Telegraph 2012). Also many women found in firearms a sense of protection, especially if they have children. The 2016 Women and Guns project collected the opinions of American women about firearms and showed that, despite the numbers are still smaller than those of men, women are not afraid of weapons and 77% believe they are the best protection against strangers.

Self defence is for its supporter a fundamental right that should be protected also because, according to this view, gun control will never stop criminals from buying guns and other firearms so it is better to be prepared. Of the sixty-two shooting that took place between 1982 and 2012, in forty-nine of them criminals used guns purchased legally. John Lott stated that “The problem with gun control is that they take away guns from law-abiding citizens, while would-be criminals ignore them” (ProCon 2016). The complaints are mostly addressed to the inefficiency of the background check system which, despite denying gun rights to several people, most republican citizens see as fundamental to keep control and order. This debate reached its peak in June 2016, when the twenty-nine years old Omar Mateen opened fire in the Pulse club in Orlando killing fifty people. Mateen purchased his weapon legally after the FBI removed him from the Terror Watch List in 2014. In that circumstance, politicians underlined how the government demonstrated to be incapable of stopping criminals from buying guns and asked citizens to arm themselves. So, every time a tragic shooting takes place, several

influential people try to shift responsibility from soft gun laws to the government, publicly asking Americans to hold guns against the enemy. President D. Trump, both after the Orlando Shooting and the Bataclan attack in Paris stated that if people in the club or theatre were carrying gun, no massacre would have happened. But would that have made a real difference? The last argument against gun control, quite different from the previous ones, is that strict gun control laws, especially those that ban assault weapons, violate the right to own a gun for sport and hunting activities. Following the data collected by the Pew Research Center in 2014, in the United States, 12.5 million people over sixteen years of age hunt regularly, especially in the North of the country. Every year almost eight billion dollars are spent in hunting equipment, especially for those expensive rifles. Semiautomatic weapons such as the Springfield M1A or the Colt AR-15 are regularly bought for competitions.

2.3 The liberal view

Liberals read in the II Amendment the right of the state to create a militia to fight a corrupt government, but not the right of common American people to bear arms. The liberal views are proper of the Democratic party which believes that gun control is the only efficient tool to stop gun violence. These are its main arguments.

First, more restrictive gun laws would diminish the number of gun deaths. In the United States, half a million people were killed by a firearm in the last fifteen years; according to the CNN, guns are also the main cause of death by suicide (53%) and homicide (67%), homicides that do not happen only in the dangerous streets of Chicago or suburbs of Detroit but inside what should be the safest place for a person: his home. According to the National Institute of Health, people with a prior history of domestic violence or alcohol abuse are far more likely to shoot someone than, for example, a mentally ill person. Furthermore, domestic involuntary accidents are frequent and often involve children: only in 2016, more than three hundred minors accidentally lost their life (compared to thirty adults) and seven hundred have been injured by bullets. These tragedies take place because the weapons are not well warded in the house and kids have easily access to them. David Frum, CNN reported that “American children under the age of fifteen were nine times more likely to die of a gun accident than children in other advanced wealthy countries” (ProCon 2016). What these data show is that gun deaths are not only the result of criminal violence but of domestic violence as well: a deadly weapon such as a gun can harm in every situation, whether peaceful or dangerous, legal or illegal.

Philosophers Thomas Hobbes and John Locke had different opinions about human nature: while Hobbes believed all human beings were naturally evil, Locke embraced the positive view that human nature was instead good. Even if they had two different point of view on the topic, they both believed in the idea of a Social Contract: “Society emerges to enforce the rights and responsibilities borne by its members. Because these rights and responsibilities are neither “natural” nor “fixed,” they can be altered should a society’s members so desire” (scribd 2012). Why is this related to gun ownership? Because when people decide to join a community, the community can decide to limit the rights of its members. If the individuals do not agree with the rules imposed to them, they are free to leave. This brief explanation of the Social Contract Theory explains the different level of gun control regulations among states, why Massachusetts for example, has stricter gun laws than its neighbour New Hampshire. But in a country based on a federal system, where rules can slightly change from one state to another, gun laws, as we have seen, can be really different and this does not make citizens any safer. In Idaho or Alaska for example, police cannot issue any ordinance that requires registration of firearms. Nebraska does not require by law the report of stolen or lost firearms. The same argument can be used for assault weapons that are banned in seven states (California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York and District of Columbia), while in Minnesota and Virginia this can be easily purchased by every person over eighteen. These assault weapons can then be transported from Minnesota to California and end up in the hands of dangerous individuals that could not legally buy them in Los Angeles or San Francisco. The Democrats do not accept the idea that different regulations on gun control can coexist inside the same country, and think this privilege should be forbidden soon.

On the previous chapter we focused on guns as tools of self defence. This is the response of the democrats: guns, beside being one of the first causes of death, are rarely used for self defence. Thirty million violent crimes have been committed between 2007 and 2011 and only 1% of the victims protected themselves with a gun. Data collected by FBI and then analysed by the Violence Policy Center clearly demonstrated that the presence of more guns does not reduce the number of crimes committed, and that it is rare that a normal citizen would hold a gun against the robbers that squeeze into his home at night. It is not easy to control emotions such as fear and tension in a dangerous situation, therefore firearms end up by being useless in most situations. Hence, guns are bought mostly to intimidate, can cause several incidents but rarely are used for self defence.

Many famous people declared to be pro gun control, but one of the best known is former New York mayor and entrepreneur Michael Bloomberg. Mr. Bloomberg is considered an atypical

American politician because as a republican (he left the party in 2007) he always sustained "liberal" views on abortion, same sex marriages and gun control. In 2006, Bloomberg and former Boston mayor Thomas Menino founded *Mayors against illegal guns*, a left-wing coalition of fifteen mayors, mostly Democrats, who collaborated to secure their cities from free gun circulation. Today, the coalition counts more than one thousand mayors from every state: "mayors have been leaders in promoting and advocating for common-sense laws that reduce gun violence and save lives" (Everytown for Gun Safety n.d.). Bloomberg has always raised his voice after the unfortunately frequent shooting in the country. After the Tucson massacre in 2011, he stated that legislation on gun control demonstrated not to be effective, especially in the case of drug addicts. In fact, the author of the massacre J. Loughner had no problem to secure a firearm, even if he was previously detained for drug possession. As Bloomberg said, the connection between drugs and guns is real and should not be underestimated: according to drugfree.org. "a 1991 study of domestic-violence-related homicides in Ohio (that were the result of firearms) found that 61.7 percent of perpetrators interviewed admitted that they'd used alcohol when they committed the homicide" (drugfree n.d.). Many of these homicides are results of turbulent scenarios in which, driven by impulses and addiction to substances, people use force to obtain drugs. In the wake of Aurora (Colorado) and Newton (Connecticut) shootings liberals stressed the need for stricter regulations to make it harder for those mentally ill people or drug addicts to buy firearms; a concrete change has been made by the Obama administration after the 2012 Sandy Hook shooting, where twenty-eight people (nineteen children) were brutally killed. The rule would have required the Social Security Administration to report data on mentally ill individual to the FBI's National Instant Criminal Background Check System. Almost 75.000 would have been affected by this rule. It was supposed to take effects in December but the new republican administration recently repealed the law.

2.4 The National Rifle Association

It is impossible to talk about gun control without mentioning the biggest American organization against gun control and political powerhouse: The National Rifle Association. NRA's "mission is to protect and defend the Constitution of the United States, promote public safety, train members of law enforcement agencies, adopt and encourage the shooting sports, and to promote hunter safety" (National Rifle Association n.d.). It was founded in New York in 1871 by editor William Conant Church and Captain George Wood Wingate to encourage sport shooting in order to create a well trained militia in case of emergency. Since the beginning,

NRA supported free gun circulation for self defence but also for sport and hunting activities. It is considered the oldest civil right organization in the country and today counts almost five million members. Its Board of directors includes seventy-six members who elect the President. The NRA is made of four organs:

- *The Institute for Legislative Actions* – the lobbying branch.
- *The Victory Fund* – the political action committee.
- *The Civil Rights Legal Defence Fund* – provides legal and financial assistance to individuals and organizations defending their right to keep and bear arms.
- *The Grass Root Division* – raises support through grass root methods.

The NRA became the most powerful organization in Washington DC thanks to its intense lobbying activity which started in 1934, when the association mailed its members with information about an upcoming National Firearm Act which imposed tax on the making and transfer of specific firearms. The association became more politically active in the seventies: in 1975 it created the Institute for Legislative Action (NRA-ILA), “committed to preserving the right of all law-abiding individuals to purchase, possess and use firearms for legitimate purposes as guaranteed by the Second Amendment to the U.S. Constitution” (NRA-ILA n.d.). In 1977 the Political Action Committee (PAC) was formed with similar tasks.

One of the biggest and most controversial political achievement dates back to 1986, when NRA limited the authority of ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) that found it self trapped in a time wrap: NRA made sure that ATF was not allowed to computerize any record of gun sales, since registry inevitably leads to confiscation. Why? Because when a firearm is recovered in a crime scene, the first call is made to ATF. Using the number on the gun, the ATF’s job is to track down the gun owner who can loose his gun rights. This process would take seconds with a computer but, as NRA fought to keep it a manual process, ATF’s Tracing Center needs more time to keep up with the records. This might not have been a big issue in 1989, when ATF received under three thousand trace requests, but it is today, when the team has to process more than 300.000 requests every year by hand. As a consequence, more than the 30% of these traces fail, leaving many cases unsolved with devastating effects on society.

NRA won another memorable fight against CDC, Centers for Disease Control and Prevention. During the eighties the health community started considering gun issue as a public health issue.

In 1966, CDC recognized the dangerous increase in car crashes as a public health issue and, thanks to the implementation of new legislations, the number of deaths for car accidents decreased by 80%. After this success, the CDC hoped to achieve the same results with gun control. Therefore, in 1993, the CDC sponsored a study which concluded that having a gun at home gives little protection and increases by three times the risks of a family member shooting another. As soon as the report was published, NRA reacted by making sure that the Congress defunded any gun research because “none of the funds made available (...) may be used to advocate or promote gun control” (Dickey Amendment 1996). And it achieved its goal: in 1996, The Congress, through a provision called Dickey Amendment, cut CDC’s budget by \$2.6 million. Since that year CDC gun research findings’ have plummeted. Robyn Thomas from the Law Center to Prevent Gun Violence commented this fact: “It was a really effective tool because now they can go out and say *that gun laws do not work* because we don’t have the information to fight them because they made sure we don’t have the data to fight them” (Under the Gun 2016). NRA is a smart player, but these actions are a clear example of how a lobby activity can easily turn in a manipulative one.

Thanks to its generous funding (only in 2013 NRA raised 350 million dollars through training programs and sporting events) NRA invests a lot of money on lobby activities to defend gun rights: in 2013 and 2014 it spent between three and four million dollars. The Journal of Political Science and Foreign Affairs summarized some important numbers: “The top issues that the NRA lobbied during 2014 included, but not limited to, firearms, guns and ammunition, federal budget and appropriations, civil rights and civil liberties, natural resources, and taxes. The open secrets website also indicated that during the 2014 election cycle, the outside spending for the NRA was \$28,212,718; outside spending usually refers to ads and off-record spending. Over 15 million dollars off that outside spending amount was lobbied against democrats, and \$24,262 was lobbied for democrats; and almost 11 million dollars were lobbied for the republicans, while 92,034 was lobbied against republicans” (Journal of Political Science and Foreign Affairs 2016).

As we can see, NRA spends a lot of time and resources against any form of gun control arguing that only guns can keep Americans safe. But the organization is aware of the fact that it is not easy too gain public consent in a country that, despite accepting gun ownership more than every other Western country, hardly tolerates the frequent mass shootings in churches, public spaces and schools. The association faced multiple criticism due to strong statements made by some of its most powerful representatives: for example, after the Sandy Hook shootings, CEO Wayne LaPierre said that the tragedy was due to the lack of armed guards in the school, and people

did not like it. Schools are not prisons, and no guards should be needed because the threat *in primis*, should not exist. Therefore, the idea of an armed population can cheer up the fanatics but cannot gain the solidarity of thousands of people who have lost a friend, a relative or a child.

Despite the criticism, NRA stands up on its own feet and is not loosing any political power especially after President Donald Trump publicly endorsed it: "I will not let you down," he said to NRA members in his speech. "Remember that, I will not let you down" (USA Supreme 2017). The association responded with thirty million dollars to support his presidential campaign. Though in the past he supported ban on assault weapons, President Trump knows that it is better to win the NRA support instead of fighting against it, a lesson that former President Obama has learnt during his eight years of mandate. The tensest moment between the democrat and the association took place after the mentioned above Sandy Hook Shooting, when the President planned to make concrete moves on gun control: as reported by The Guardian, Obama planned "a sweeping set of proposals to ban automatic weapons, limit magazines to 10 bullets, introduce universal background checks for all firearms buyers and increase scrutiny of mental health patients" (The Guardian 2013).

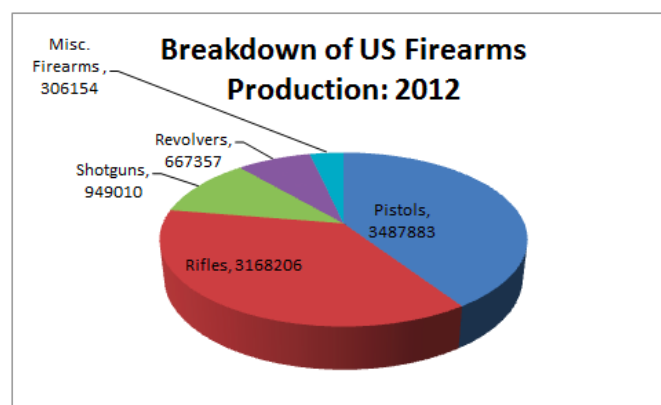
NRA immediately responded to be prepared for the "fight of the century". Obama hoped that the death of almost twenty children could change the minds of many of those Americans in favour of gun rights, but he encountered opposition from the Republicans, that at the time controlled the House, and of some Democrats in the Senate. Reince Priebus, chairman of the Republican National Committee, said that "executive power grab that may please his political base but will not solve the problems at hand" (The Guardian 2013). Obama then signed more than twenty-three executive orders that did not need the congressional approval and could take immediate effects. NRA responded "keeping our children and society safe remains our top priority, (...) attacking firearms and ignoring children is not a solution to the crisis we face as a nation. Only honest, law-abiding gun owners will be affected and our children will remain vulnerable to the inevitability of more tragedy" (The Guardian 2013). Expanding background check would have led to federal confiscation of firearm, though penalties for gun trafficking is just a way "They attach seemingly innocuous language to legislation to make laws either toothless or open the door to weaker gun policies" (CNN 2013). NRA seemed to have the right answer for every concern former president Obama had raised through the years, winning the eight years debate with the Democratic Party.

To conclude this paragraph on the National Rifle Association, I would like to focus on the NRA members, say who they are and what they believe in. NRA has always had numerous members, but a shift took place in 1986 when, thanks to the *Firearm Owner' Protection Act* to loosen gun regulation, licences requests enormously increased. To please this expanded crowded the market, new, bigger and more dangerous rifles, semiautomatic handguns, assault weapons the market. From then on, the market grew as fast as NRA's population, who today are almost five million. Nowadays, NRA's members are mostly white male hunters or firearms collectors. The common belief is that they are extreme supporters of gun rights, who believe restrictions should not exist and who say the numerous shootings we witness are just the cost of liberty. The truth is that strong supporters exist, but are not the superiority. Instead, the vast majority of NRA members supports common sense measures: according to *Everytown for gun safety*, almost 80% of them defend background checks and special controls on mentally ill people. Most of the Association members join not because they agree with the policy of their leaders but because they can get discounts at shooting ranges, gun stores or shows. Furthermore, although the NRA members are millions they are estimated to be only 5% of American gun owners, so there is a vast silent majority of gun owners who don't share NRA values and don't want to fight for it. LaPierre and its colleagues claim to speak for all American gun owners, but the truth is that there is only one group they represent politically: the gun industry.

2.5 The business of gun industries and illegal trafficking

NRA has become so powerful thanks to another important ally: the gun industry. Gun industries, both American and foreign, finance the Association in order to keep their sales up. This alliance became stronger in 2005, when the Congress gave gun industries the immunity from lawsuits related to the spread of gun violence in American cities. This decision made it easier for gun industries to sell their products which, despite the tragedies of the last years, are still highly demanded. According to the Small Arms Survey, the gun business in the US makes fourteen billion dollars every year, gives jobs to more than 300.000 people, and has made the US the country that detains the record for per capita civilian gun ownership: eighty-nine guns for every one-hundred people. Only in 2014, FBI made 20.968 million background checks, more than 21.000 in 2013 and 27 million in 2016. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), almost nine million firearms were produced in 2012, one of the highest productions of all time. As NRA is financially supported by gun industries,

it has to “return the favour” by encouraging buyers to spend more and more money in gun stores. To increase the sales NRA does what it does best, namely putting up slogans such as “more guns make us safer”, “guns in the hands of good people save life” (National Rifle Association 2016 n.d.) and convincing people that guns can be taken away in every moment, that if the government collapses no one will be there to protect the American population. NRA intensified its promotional activities after Obama was elected but they soon realized that it was not necessary. After the Sandy Hook shooting and the drastic measures planned by President Obama, buyers started collecting more weapons fearing new restrictions on assault weapons in the near future. On the contrary, firearm exports decreased of ten thousand units in the same year (300,000 units).



Breakdown of US Firearms Production: 2012 (Investopedia.com, 2015)

As we can see, paradoxically, guns demand went up during Obama’s presidency, while it tends to go down when a republican is in power. Gun sales are tied to the cyclical political process not only for the fear of a stricter gun regulation under a democratic government, but also as a form of political statement of the gun rights community: *If you deny our rights, we will buy more guns*. During the last presidential elections, manufacturers were prepared for a new wave of sales under Hilary Clinton new government, but they woke up with President Trump instead. Therefore, as Brian Skinner (CEO of Kalashnikov USA) stated at CNN Money, the day after the 2016 presidential elections, distributors were cancelling orders because they knew that the state of fear that lived in the gun rights community under Obama would disappeared under the Trump administration and, consequently, gun sales would have diminished. Gun industry has to adjust to the new political climate as well as ammunition industry. Sales of ammunitions for famous manufacturer Olin’s Winchester Division dropped by 20% between the third and fourth quarter of 2016. Also background checks run by FBI to authorize a sale dropped by 20% in

January compared to the year before. Louis Frutuoso, owner of Standard manufacturing stated "President Trump won the election, and now people aren't compelled to purchase firearms because now it's a pro-gun kind of government. There's going to be a lot of guns in the pipe for a great long period, simply because of the course of events leading to this" (CNN Money 2017).

"In the United States there are more gun stores than Starbucks and Mc Donald's combined"
(*Under the Gun, 2016*)

One of the biggest challenges the American government and gun industry have to face is the illegal trafficking of firearms. Almost half a million firearms are stolen every year, and is not rare that some licenced firearms sellers make profit (also up to the 60%) from firearms recovered from crime scenes; these sellers and their shops are commonly called "bad apples gun dealers". Following former ATF agent William Vizzard, these "dirty" activities are not easy to track down because "ATF is limited by statute to one inspection per year per dealer and often they do not even have the resources to do one a year" (Under the Gun 2016). One of their recent investigations even found out that between 2008 and 2010 almost 62.000 firearms were missing from inventories without any proof that the firearms had been sold. Therefore, it is not shocking to learn that almost 40% of the firearms sales in the country take place illegally with no background check, no receipt, no name recorded.

The black market of weapons does not only supply American buyers but also Mexican ones. Drug cartels are the best clients because they buy many units at the same time. "About half were long guns, such as the high-caliber AR-15, preferred by cartel gunmen," said NPR's John Burnett. "Mexican drug traffickers continue to rely on straw purchasers who legally buy the weapons in the U.S., then transfer them to criminal gangs" (Under the Gun 2016). The illegal trafficking between borders of the southern states (Arizona, Texas and California) takes place because Mexico, contrary to the US, has really strict gun laws: the law allows a Mexican citizen to own a small caliber registered gun but it cannot be carried on the street. The purpose of the law is to allow only self defence at home. A 2016 report of the Government Accountability Office writes "Firearms that criminal organizations acquire from the United States are primarily transported overland into Mexico using the same routes and methods employed when smuggling bulk cash south and drugs north across the U.S.-Mexico border" (Government Accountability Office 2016). ATF tried to slow down this 127 millions illegal business by introducing a rule that required licenced sellers in border states to report the sales of some high caliber rifles and assault weapons. NRA opposed to the rule calling it a "fool", but in 2013 a

three judges federal panel of the US Court of Appeal ruled it could remain in place. Since its implementation in 2011, the number of American rifles discovered by Mexican authorities dropped significantly, but this is just a small step toward the end of this dangerous trafficking.

2.6 Gangs and guns

The Eurogang Project defined gangs as “any durable, street-oriented youth group whose own identity includes involvement in illegal activity” (Decker, Weerman 2005, 84). Gangs attract people, especially if poor, because they offer a sense of identity and stability to its members, protection and easy-money. Gangs deal with every type of profitable activity, from drug dealing to prostitution and commerce both in the US and abroad. The first gangs appeared in the United States in New York in the beginning of the nineteenth century: their members had regular jobs but were engaged in illegal activities to protect their turf. Gangs power declined in the early 1900s until the fifties, when gangs re-emerged due to clashes between youth groups, especially of African American and Hispanic origins. In the city of Chicago, famous for the notorious mafia organizations, gangs flourished in the early 1990s: most gangs were Polish or Italian, but ethnically mixed gangs were common as well. In Los Angeles instead, most gangs were born in the Hispanic/Latino communities where inhabitants had a hard time assimilating and experienced cultural marginalization. One significant event that showed tensions between white and Latino people is the 1943 “Zoot Suit Riots”, a series of attacks that white American servicemen planned against some members of the Mexican community. The whites stripped young men wearing zoot suits because they were considered unpatriotic during wartime as they needed a lot of fabric to be made (fabric was rationed during WWII). Latino gangs, despite the difficulties, survived throughout the years creating a network of thousands of people that work between the US and Central America. Today, they are identified as transnational gangs because they are active in more than one country: “criminal activities committed by gang members in one country are planned, directed, and controlled by gang leaders in another country” (National Gangs Center Bulletin, 2010). One of the most famous Latino gangs is *18th*, born in Los Angeles after a local Mexican gang rejected some members because they could not prove their Mexican ancestry. Today *18th* recruits also African Americans, Asians, Whites and it counts more than twenty thousand members. Another gang is *Mara Salvatrucha (MS-13)*, born in the eighties in Los Angeles: its founders were Salvadorian immigrants escaping the Salvadorian civil war. Both *18th* and *Mara* traffic humans, drugs and weapons across the Mexican borders. They are some of the main actors in the arms trafficking business not only across the borders

but inside the US. They supply minor gangs in the biggest metropolis of the country such as New York, Chicago, Miami. This firearms black market is one of the reasons why gun violence in the United States became a real issue in the last decades: following the FBI data, more than 13.000 gun homicides take place across the country every year in more than 3.000 cities, many of them carried out with illegal or unregistered weapons. The more disadvantaged neighbourhoods of cities like St. Louis, Baltimore or Detroit suffer gun related problems everyday on the street, where gangs fight against each other to control their “territory”. Thanks to *On the Run*, Alice Goffman offers a clear view of what the living situation looks like in a poor community: in the book, the author describes her life in a poor Afro-American neighbourhood of Philadelphia during her years of college. She focuses her story on the continuous conflicts between the residents of the 6th Street and the police, and on how the community struggled with drug related gangs that controlled the area. Shootings were not rare and people just got used to the showdowns that took place on the streets. Goffman assisted also to the death of her friend Chuck, shot and killed by a man of the 4th street: she makes clear that rivalry between gangs is one of the main causes of death in the disadvantaged communities where both criminals and normal inhabitants are victims of violence carried out with guns.

But is a gangs’ problem really a gun related problem? As we can imagine, the opinions on the topic are really different. ABC’s report “Young Guns” states that the high percentages of gun death are due to gangs’ violence, that “a staggering 80 percent of gun homicides are gang-related” (Huffington Post 2014). Therefore, the problem is gangs, not guns. This view is shared by gun rights supporters such as LaPierre who, during one of his numerous speeches made in 2014 stated “President Obama should be as committed to dealing with the gang problem that is tormenting honest people in his hometown as he is to blaming law-abiding gun owners for the acts of psychopathic murderers” (Huffington Post 2014). This view is misleading because gangs related shootings and homicides are just a small percentage of the overall number of homicides in the country. In fact, according to the Federal Office of Juvenile Justice and Delinquency Prevention, the number of gang members is rising in the US but, for example, in 2011 gangs’ members increased by three percent while the number of gangs-related murders decreased by 8%. If gangs are the real problem, we should not see the number of homicide decrease while gangs’ numbers increase. In 2012, the Centers for Disease Control and Prevention published *Gang Homicides – Five US Cities, 2003-2008* examining gangs’ homicides in Los Angeles, Oklahoma City, Long Beach, Oakland and Newark. The study showed that even in the cities where gangs were more present, only 29% of the homicides were gangs related. Gun advocates stated that gangs are the problem behind the high homicide rate

in the country, but without a gun problem, probably many gangs' related problems would not exist.

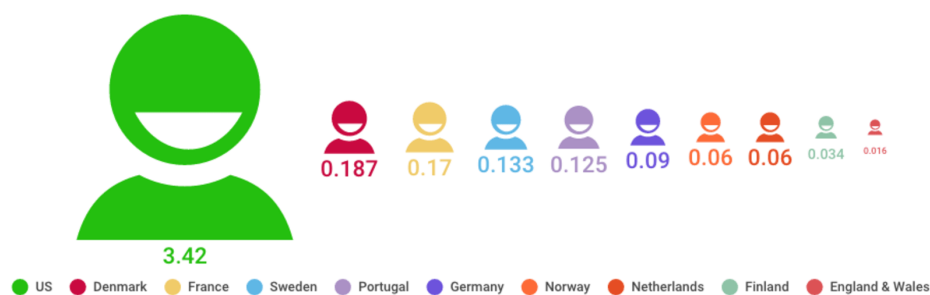
2.7 The questionable role of the police in the gun violence issue

Gun violence does not regard only criminals or clumsy users, but also the social group in charge of the protection of the American people: the police. The US police have been criticized for pulling the trigger too often even when no real danger existed, causing the death of many innocents. The increase of this phenomenon is widely covered by the media which, considering that the victims are mostly African Americans, consider this problem of violence also as a problem of racism problem. The increasing number of casual deaths in the street open a new discussion on police disarmament in the Unites States.

The American police is not authorized to use lethal force if no real threat exists. But if, for example, the felon takes out a knife and tries to stop the officer, the latter is authorized to shoot: in that situation, in fact, the cops have the same right to self defence of every normal citizen. Still, the police can use deadly force only if strictly necessary and the reaction must be proportional to the harm inflicted. There is also a timing component: no act of violence can be anticipated by the police in order to prevent the aggression. What in this situations usually causes the death of the suspect is the fact that, as soon as the person reaches out his pocket, the police see the danger coming and shoot believing the person was taking a gun or knife out. The Court has the hard task to find out if the decision to shoot at the time of the incident was reasonable or not, and prosecutors have been accused to be too forgiving with policemen, who often are not charged for the murder committed. As Paul H. Robinson, Law professor at University of Pennsylvania made clear "There are cases where a prosecutor knows that he's not going to get a conviction, but there is this public demand that the case be publicly investigated and examined and reported, so it needs to at least go to trial. And if you actually look at the end results, when you get down to it, there are very few cases that actually get convictions. There are very few cases where, with complete hindsight, [a court decides], *Oh, no, that was a bad cop doing bad things*" (Vice 2016). The public is always really involved in these trials: people demand justice for the victims and denounce the system does not consider racism as motive of the murder. In fact, it is true that in the US, the chance for an African American to be killed by the police is higher than the one of a white person; according to Mapping Police Violence, only in 2015 police killed 105 unarmed black people, many of them when still

underage. But this racial bias is not a new phenomenon: already in 1974, criminologist Paul Takagi reported “Black people have been killed by the police at a tragically disproportionate rate, beyond the bounds of anything that would justify it” (Quartz 2016). The tensions between police and African American community have always been high, but the recent deaths made the situation even worse. In summer 2014, the SWAT team (American special police forces) confronted the crowd protesting for the unjust death of the eighteen-year-old Michael Brown in Ferguson, Missouri with automatic rifles and armoured vehicles, shocking public opinion. In that occasion President Obama was forced to restrict the transfer of military weapons to the local police.

Fatal police shootings



Fatal police shootings (CNN.com, 2015)

To face the increase in victims killed by the police, the political class has recently started to wonder if, by depriving the policemen of guns, the number of accidental deaths would diminish. I personally believe that, in a country with millions of firearms, taking weapons away from the police would inevitably lead to more violence by the hand of real criminals that stop seeing police as an effective, threatening force. However, different studies step on the side of the proposed measure. For example, according to the 2013 Statistics of the Federal Bureau of Investigation, of the twenty-seven police officers killed while on duty, only six of them actually opened fire to defend themselves. In England and Wales, where the numbers of policemen carrying firearms is restricted, police killed no one between 2012 and 2014, while only in New York police killed sixteen people only in 2012. After the recent terrorists’ attacks that took place in Europe, the city of London armed more police officers, but still 92% of them carry no

guns, leaving major firearms responses to specialized, high skilled special forces. If it is true that the UK has some of the strictest gun laws so felons rarely carry guns making the job of the police easier, supporters of police disarmament reinforce their thesis with the case of Iceland, where the number of firearms in circulation is so much higher than in England: in Iceland, according to gunpolicy.org, one third of the islanders own a gun but police officers carry no firearms with them, only batons and pepper spray. The local government believes that arming the police would only create fear and distrust among the citizens who instead should feel protected and respected by the police.

So, following these examples, disarming the police would be an incredible achievement (although utopian) for the United States, but before doing that it is necessary for American people to build trust among each other. American people by holding millions of guns demonstrate that their almost paranoiac need of self defence is the result of a silently accepted violence that is created by guns and should be stopped by guns. In a country where open carry policies allowed the selling of automatic rifles in supermarkets, the police cannot expect to do their job without firearms. Anyways, in order to save more lives and reduce the increasing number of unjust deaths, the police should be unarmed while off duty and more attention should be paid to trials: paradoxically, even if policemen are highly distrusted, Americans tend to idolize them as well as soldiers and firemen because they are seen as the defenders of the humble, the heroes, and are really respected and protected by the community; nonetheless police officers can make mistakes and should pay for them as any other citizen.

2.8 *Under the gun*: the challenge of Stephanie Soechtig

What we have learnt so far is that the gun debate in the United States is stagnant and no concrete changes have been made to improve gun control laws. On the contrary, as it happened after the Sandy Hook shooting, states keep passing laws that ease restrictions and expand rights of gun owners. Public opinion condemns soft gun laws when shootings take place but, after a couple of days from the tragedy, Americans go back to their life and try to forget about what has just happened. In this paragraph I will analyse how society deals with the consequences of soft gun laws, such as an increase in violence and frequent deadly shooting. The documentary *Under the Gun*, released in January 2016 talks about gun violence as never before and offers a unique view on how guns and related issues are lived in micro level. While its director Stephanie Soechtig has been acclaimed internationally, NRA realized how a simple documentary was changing many Americans' minds.

What makes *Under the Gun* so special is the fact that it does not focus on the the tragic effects of gun laws such as shootings and massacres, but on the obstacles that hinder the regularization of the firearms market. Through shops, fairs, online commerce and private exchange, director and narrator guide the viewer into a labyrinth of *ad hoc* standards, cultural resistance and economic interests, showing how many dead people this system leaves behind but transmitting also hope for the future.

The director interviews the relatives of victims who found their death in the tragedies of the Aurora and Sandy Hook shootings. Witnesses do not show their suffering but the anger and disillusion they feel, condemning society as responsible for the tragedy they are living. Cameras enter the homes of the people that suffered a loss and struggle with a life they did not choose and keep asking themselves: “Why did it happen?”. Jessica Ghawi’s parents live in San Antonio, Texas, where gun rights supporters are numerous. They have a firearm at home as it occurs in many Texan families, but after what happened to their daughter they see that rifle just as a deadly weapon that kills innocents. In a country where lobbies have limited every concrete change in the regulation of firearms, hope emerges from the bottom, from local associations of families of the victims who are beginning to put forward concrete proposals through popular referendums asking for better and more serious controls at state level. Shannon Watts for example, was a simple stay-at-home mum that, after the Sandy Hook shooting, opened a Facebook page where mums like her exchanged opinions on the tragic event that killed twenty children in Connecticut. The page spread really fast and soon became a successful organization called *Moms Demand Action* that today is present in fifty states and demands changes to state and federal legislators. *Moms Demand Action* won several fights in the past such as the one against Walmart, Starbucks and Chipotle who previously adopted open carry policies in their stores. Richard Martinez lost his son in the Santa Isla shooting of 2014, and since then he has worked to make sure no other family will suffer as much as his did. He fought in the first line for the implementation of law 594 in Washington state which requires universal background checks for gun buyers including private sales and gun shows. These self-made organizations and “lone fighters” fight a war not only against governments but also against gun owners that threaten them and their work: *Open Carry Texas*, for example, started aggressively carrying heavy rifles in Chipotle and Target when *Moms Demand Action* mobilized to stop open carry policies in the stores. But the hope that unites the families of victims is stronger than any barrier and step by step these common citizens are changing Americans’ minds on gun control, pushing on the idea that everyone in the US can be the victim of a casual shooting, independently from race, gender or social class.

Chapter three

Guns in the Western world - a comparison with the US

How does the United States differ from the other Western countries in terms of gun control? This chapter offers a closer look to gun laws in Canada, and in my country, Italy.

3.1 In Canada

The first comparison I would like to make is with Canada because it is the country that, for culture and lifestyle, is the most similar to the United States. Canada laws divide firearms into three categories: Prohibited, restricted and non-restricted. Prohibited are some types of military weapons such as AK-47 or rifle AR-15 (used to kill fourteen people in the San Bernardino massacre). To buy any gun or ammunition, the Canadian citizen must have a valid license that is released after a mandatory criminal background check (which verifies also if the applicant has been treated for mental illness), a safety course, and a twenty-eight days of waiting period. The license has to be renewed every five years and is given under restricted circumstances, usually related to specific jobs or occupations. Moreover, in Canada there is no law that guarantees the right to bear arms as the II Amendment in the US. As we can see, gun laws in Canada are stricter than in the United States and the efficacy of these laws can be seen from the numbers: in 2011 Canada registered one homicide due to firearms every 250.000 people while in the US one every 28.000. But how does it happen that two modern countries so similar to each other differ so much once it comes to gun control? Alan Voth, firearms expert at the Royal Canadian Mounted Police, believes that it is a matter of trust in the government: “Canadians have the mentality that the government will protect us – and we’re more likely to look to them [members of government] for [our] safety. Americans take more responsibility for their own security” (The Washington Post 2014). Jooyoung Lee, sociology professor at University of Toronto, maintains that: “Canada creates an infrastructure that somewhat levels the playing field, trying to address poverty - the underlying driver of gun violence in communities (...) Canada has a more robust healthcare system, there’s more money being funnelled into public education, there’s a much more progressive approach to ensuring that gun violence doesn’t happen here” (National Observer 2016). The different laws and culture regarding gun control does not mean that Canada has a history free from deadly shootings. In 1989, fourteen women were killed at Ecole Polytechnique by Marc Lepine, an anti-feminist.

In December 2014, Phu Lam killed eight people (including his wife and her son) before committing suicide. He had just found out that the boy he was raising was not his biological son. The most recent massacre took place in Quebec, where a man opened fire in a mosque killing six people. Canada is not immune from gun violence, but looking at the numbers, we cannot deny that stricter gun laws made the country a safer place than the close United States.

3.2 A closer look to Italy

In the European Union every country has its own specific laws on gun control so, while in Eastern Europe and Finland it is quite easy to purchase a gun, in England owning a gun is a privilege for few. What about Italy? To my surprise, our country is really involved in the firearms market and culture. In fact, Italy is the fifteenth country in the world for number of firearms possessed, with more than seven million firearms registered in 2007. It is also the country that organizes the second biggest firearm fair in Europe (the only one where children are allowed). The Italian industry Beretta S.p.A. is one of the world leader in firearm production, with more than 1500 firearms produced every day and an annual turnover of half a billion euros. It exports in more than 100 countries and supplies the military forces of Italy, Turkey, France and the United States.

The Italian gun law complies with the European Firearm Directive that sets the minimum standards every country has to keep to respect. The Italian law specifies that licences are needed for every type of weapon. To obtain a licence the applicant must be older than eighteen, have a clean criminal record and be mentally healthy. A license can be denied, for example, in case the applicant shares his home with a person that does not respect these requirements. No military weapons such as assault rifles, grenades and other destructive weapons can be purchased with licenses. The latter are divided into three categories:

- *Hunting licence*: with this licence a gun or rifle can be carried only during the hunting season.
- *Sport licence*: allows the owner to transport his gun to an authorized shooting area.
- *Concealed carry licence*: allows the citizens to own a gun for self-defence. This kind of license is harder to get than the other two: the applicant must show a valid reason to carry a gun. Usually people that request this type of licence conceal precious objects in

their house. Furthermore, the license must be renewed every year (a hunting licence every six).

While in the United States the gun debate focuses mostly on self-defence from the point of view of the gun owner, in Italy the debate concentrates on self-defence from the eyes of the offender. In fact, in many circumstances, thieves ended up dead after the landlord wrongly used his gun for self defence. The last of these homicides took place in Lodi, Lombardia, where a restaurant owner shot and killed a twenty-eight-year-old man who was trying to squeeze in the place. As soon as Mr Cattaneo was accused of first degree murder protests took place in the town, and both common citizens and politicians aligned with him. The community claims that it is unfair that the victim of a robbery may be sent to jail just because he tried to defend himself from the criminal that has violated his property. Yet judges did not interpret his behaviour as an attempt at self defence but just as a murder. This particular debate on self-defence does not take place in the United States, where self-defence is legitimate also when it implies the use of force. The general rule states that "[a] person is privileged to use such force as *reasonably* appears necessary to defend him or herself against an apparent threat of unlawful and immediate violence from another" (Dix 2010). This means that also in a non-deadly situation a person can use force if he believes the threat is serious. In many states the victim is not even required to *retreat* before using a deadly-force, a privilege that for many is seen as a violation of human rights. Following the recent protests, the Italian Parliament decided to promote a new law to protect the citizens that want to defend themselves. This new law allows citizens to shoot if they are attacked at home. The crucial and discussed point of this law is that "(...) *la colpa dell'agente è sempre esclusa quando l'errore è conseguenza del grave turbamento psichico causato dalla persona la quale è diretta la reazione posta in essere (..)*" ["The agent has no fault when the error is a result of the serious psychic disturbance caused by the person to which the action is directed"] (Italian Penal Code 2017, art 52). Manuel Sarno, famous Italian criminal lawyer believes this law is useless because the words *grave turbamento psichico* [serious psychic disturbance] seem to legitimize the acts of violence if the person, in the moment he sees the aggressor, gets scared. Furthermore, it is really difficult to demonstrate the presence of serious psychic disturbance once the case goes to court.

What about arms trafficking? As in the US, the problem exists even if the number of firearms trafficked and of people involved are smaller compared to the US. It is not a surprise that the major authors of this illegal activity are *mafiosi* and members affiliated to clans. Most of the weapons come from the Balkans and cross the Italian border near Trieste to reach then every

region of the peninsula. Bombs, machine pistols and AK 47 (Kalashnikov) can be bought for low prices in these countries, they are disassembled and hidden in the cars before crossing the Croatian and Slovakian border. Today, the buyers are not only Mafia's members but individuals connected with radical Islamic terrorism. Just a few months ago, in January 2017, a Muslim couple from Naples have been accused of smuggling firearms into countries such as Libya and Iran. In Libya the weapons have then been given to ISIS fighters. The *antimafia* investigation called "Italian Job" followed their activities between 2011 and 2015 and demonstrated the relationship the couple had with members of the Islamic State.

Chapter four

Terrorism threat and the role of firearms

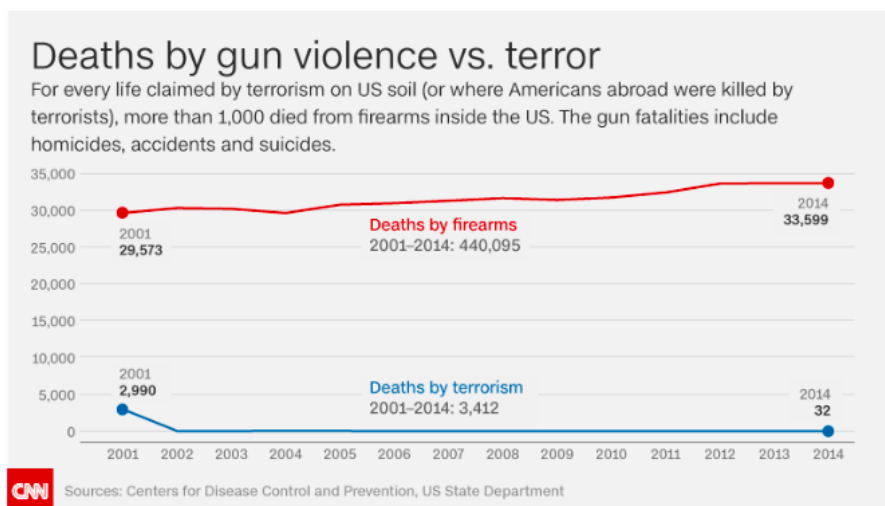
The threat of terrorism is challenging the Western world and its counter-terrorism strategies, which appear to be weak in front of the rise of radicalised Muslims. Terroristic tactics increasingly involve the use of firearms, which can be easily purchased in the United States and illegally trafficked in Europe. This chapter wants to show how both the United States and Europe, despite their different way of dealing with gun control, try to keep firearms away from possible terrorists. I will then analyse the future challenges that the two Western worlds have to face in order to better protect their people and fight the threat of terrorism.

4.1 United States

Between 2001 and 2013, guns in the United States killed more than drugs, AIDS, wars and terrorism combined, but despite that, Americans, as reported by Survey of American Fears, still put terrorism as one of the first two things they are mostly afraid of. The lethal mix of guns and terrorisms is, therefore, a weakness that republicans and NRA struggle to face, and especially, to justify. In fact, American conservatism tries to protect the II Amendment from any liberal threat, but it is not an easy task in these times of fear, so the only way to preserve the right to bear arms is to make people believe that guns can protect people from terrorism. Trump stated that tougher gun laws would have avoided the Parisian massacre in 2015, but, would guns stop a terrorist attack from happening? Would have someone heroically shot the terrorists down in the Bataclan Shooting? Senator Marco Rubio shares the same view of Mr President so that, in 2016, he stated at CBS' Face the Nation that he recently bought a gun "as last line of defence against ISIS" (The Guardian 2016). The Senator later stated that "If God forbid, ISIS visits our life, our neighbourhood, our school, any part of us," he said, "the last thing standing, the last line of defence could very well be our ability to protect ourselves" (The Guardian 2016). And not only politicians think of gun ownership as the best anti-terrorist solution. In fact, the Americans that condemned soft gun laws after the shootings, are the same that run to the gun shops after these events. Tragedies in Paris and San Bernardino have encouraged record breaking sales of firearms, because people rush to protect themselves from the imminent Islamic terror. But people are terribly mistaken. Again, the odds of US citizen being killed in a terrorist attack are one in 20 million. Furthermore, if we compare the number

of victims of firearms and terrorism between 2001 and 2004, firearms made more damages than terrorism. “One reason people’s fears don’t line up with actual risks is that our brains make fast judgements which are not always backed up by logical reasoning. Our emotions push us to make snap judgments that once were sensible-but may not be anymore” (Quartz 2017) Maia Szalavitz, a psychiatrist, wrote in 2008. Furthermore, fear strengthens memory so that catastrophes like plane crashes or terrorist attacks get embedded in our memories, while we forget the horrible accidents we see daily. “As a result, we overestimate the odds of dreadful but infrequent events and underestimate how risky ordinary events are” (Quartz 2017) Szalavitz explained. I will come back to this point later on.

So paradoxically, people find security and protection in the guns that have caused half a million deaths in fourteen years, without realising that for every one American killed in a terrorist attack in the United States or abroad in 2014, more than 1,049 died because of the misuse of guns.



Death by gun violence vs terror (cdc.gov, 2014)

President Donald Trump promised to abolish gun-free zones and, as soon as he took the oval, the Congress repealed the rule that makes it harder for mentally ill people to buy firearms, sweeping away Obama’s efforts to make America a safer place. It is not easy to distinguish a potentially dangerous individual among the thousands of people that purchase a gun, especially, if the firearm is bought from a private owner or in a gun show, where no controls are necessary. So, how can you cope with terrorism threat when you allow your citizens to hold any type of firearm? Terrorism seems one of the first concerns of the Trump administration, which with its travel ban tries to hold back possible external threats. But the threat can be internal

as well, and the recent abolition of Obama rule does not seem a smart choice in times of turmoil. Therefore, while politicians try to secure the borders from outside dangers, softer gun laws higher the possibility of deadly shootings inside the country. As we have seen, to prevent guns to end in the hands of possibly dangerous individuals, the National Instant Criminal Background Check System verifies if the buyer has the requisites to own a gun. The firearm licensed dealer must make his client fill an application that will then be checked against FBI databases. These databases contain criminal records as well as immigration records if the person is not a US citizen. The sale can end in one hour if the applicant is “clean”, but if the name matches one on the database, FBI can delay the sale up to 72 hours. The application can be denied, for example, if the person has been convicted for felony or domestic offence or if the person is living in the US illegally. In February 2004, the department of Justice started checking prospective gun buyers against the Suspected Terrorist File, which includes what is commonly called the Terrorist Watch List. A match in the Terrorist Watch List automatically activates the 72 hours’ delay. But the sale can go on after the three days. Since 2004, according to the Government Accountability Office, “individuals on the terrorist watch list were involved in firearm or explosives background checks 2,477 times, of which 2,265 (about 91 percent) of the transactions were allowed to proceed and 212 were denied” (Government Accountability Office 2004). Therefore, the Terrorist Watch List is not “in and of itself a disqualifying factor” for people purchasing firearms and explosives, according to a 2013 report by the nonpartisan Congressional Research Service. The Terrorist Watch List (formally Terrorist Screening Database) counted also the name of Omar Mateen, the man responsible for the killing of 49 people at Pulse club in Orlando. The man was removed from the Terrorist Screening Database in 2014, after the authorities did not encounter any potential tie to terrorism. Then, he was free to legally purchase a SIG Sauer MCX semi-automatic rifle.

Table 1: Number of Firearm or Explosives Background Checks Involving Individuals on the Terrorist Watchlist, February 2004 through December 2015

Calendar year	Valid matches	Allowed to proceed ^a	Denied
2004 (beginning in February)	48	43	5
2005	149	141	8
2006	179	153	26
2007	287	259	28
2008	246	228	18
2009	272	250	22
2010	272	247	25
2011	142 ^b	130	12
2012	153 ^b	137	16
2013	256	240	16
2014	229	214	15
2015	244	223 ^d	21
Total	2,477^c	2,265	212

Source: GAO analysis of FBI data.

Number of Firearms or Explosives Background Checks involving individuals on the Terrorist Watchlist, February 2004 through December 2015 (fbi.gov, 2015)

The political response to the Orlando shooting (the deadliest shooting in the history of the United States) was not a surprise: while democrats raised their voice and demanded firearms restrictions, NRA tried to eliminate any correlation between terrorism and gun control. “Gun laws don’t deter terrorists” (USA Today 2016) stated Chris Cox, the executive director of the N.R.A. The Institute for Legislative Action, blames the attack on political correctness and argues that “radical Islamic terrorists are not deterred by gun control laws” (USA Today 2016). According to Cox, it was the Obama administration that was at fault, not the lax gun regulations that allowed a man, who had previously been on the Terror Watch List, to purchase a semi-automatic weapon, or what Cox simply called one of “the most popular firearms sold in America for sport-shooting, hunting and self-defence” (USA Today 2016). He added, “Repeating the same thing but expecting a different result is the definition of insanity. Law-abiding gun owners are tired of being blamed for the acts of madmen and terrorists” (USA Today 2016). The government was blamed for inefficiency as, the fact that unfortunately terrorists’ attacks increasingly involve the use of guns, has been hidden to people. Indeed, it appears that bombs are no longer the terrorists’ first choice after their targets increasingly shifted from property to people. According to Eric Miller of the Global Terrorism Database, since 2002, 85% of the victims of terroristic attacks have been killed by guns. Moreover, every terrorist attack that took place last year involved the use of these weapons as well. Arie Perliger, director of studies on terrorism at the US Military Academy, maintains that terrorists are increasing the use of guns also because since 9/11, the US government has strictly monitored the trade of materials that can be used as explosives and, on the contrary, different models of machine guns are legally available on the market (individuals on the watch list are still not

barred from buying guns). Jeffrey Simon, author of *Lone Wolf Terrorism*, further states that it is easier to work with guns also because it hardly ever happens that an operation maybe is compromised by the authorities, and, most importantly, it is relatively easy to use firearms compared to the difficulty of handling explosives. In fact, despite bombs have the “advantage” of detaching the terrorist from the act itself (while firearms assume a more direct contact with the victim), firearms are easier to use. The AK-47 (known as Kalashnikov) is commonly called the terrorists’ favourite weapon because it is made of only nine components, which makes it very easy to use and maintain it (Its practicality is the reason why we have seen several images of youths carrying these firearms in many wars or conflicts). This weapon is also extremely resistant to different weather conditions, from the dry desert to the freezing steppe. In short, this weapon is unfortunately the perfect arm of terror.

4.2 Europe

The European Union has been weakened by a variety of terrorist attacks in recent years, most of them carried out with firearms. Europe has always been a supporter of stricter gun laws, but the recent tragedies seem to question their effectiveness. One of the most discussed points is the fact that different countries don’t have the same type of regulations. For example, Finland and Switzerland have softer gun regulations, so that in Finland more than 56% of the population own a gun. In the United Kingdom, instead, owning a gun is a privilege, since firearms control in the country is one of the toughest in the planet. Moreover, the *1985 Schengen Agreement*, that abolished international borders checks in the European Union, made it possible for traffickers to liberally circulate illegal weapons around the continent. Firearms trafficking has never been one priority for European countries, that instead spend more in the fight against human and drug trafficking. Before 2017, the last joint operation on firearms dated back to 2006 and only in 2013 Europol created a special force composed of firearms experts. Therefore, the rising of terrorism urged the European Commission to invest more time and resources on firearms control. Its first step has been the revision of the Firearms Directive which was approved in March 2017. The main changes regard: harmonisation of the rules on the marking of firearms and the introduction of mutual recognition of markings among Member States to improve the traceability of firearms used in criminal activities. The rules for the deactivation of firearms have been changed and civilian use of the most dangerous semi-automatic firearms has been prohibited. Furthermore, Member States are expected to better communicate and exchange information through an electronic system that will improve the data collection

mechanism. The hope is that these changes will make the difference, but it is hard to imagine that they will stop terrorists from using firearms in their attacks. Although the numbers are so much smaller than those of the United States, in Europe there are 81 million firearms (15 every 100 inhabitants) and 67 million of them are not registered or are purchased illegally in the black market. The black firearms market has its roots in Eastern Europe. Many firearms arrive from Russia to Western Europe through the Balkans. As reported by the independent research project Small Arms Survey, Russian companies originally manufactured the weapons for the armed groups protagonists of the conflicts in Bosnia, Serbia and Kosovo. After the end of the conflicts in the 90s, nearly six million weapons were left in these countries. Weapons have thus become one of the largest export of goods in the Balkans. In addition, the flow of illegal firearms will not end even if the traffickers run out of their "vintage" stocks of weapons dating back to the times of the above said conflicts in the region. An expert on arms trafficking - part of the Conflict Awareness Project - has in fact told Al Jazeera that "One of the reasons why there are so many Kalashnikov AK-47 on the black market is that Russia has just developed a new model of Kalashnikov, and this has led to a massive collection of old pieces " (The Guardian 2015). On March 6, 2012, France had made gun laws harsher, increasing the penalty for illegal possession. Only six days after Mohamed Merah, a French man with Algerian origin, massacred seven people in six separate attacks near the French city of Toulouse. In Merah's arsenal were found AK-47, an Uzi, one Sten, a rifle and several pistols, all of them banned by the French law. In October 2014, the French police searched several homes across the country in an operation that led to the elimination of an organization of traffickers, to the arrest of 48 suspects and the seizure of hundreds of illegal weapons. Three months later, armed jihadis opened fire with their AK-47s in the Charlie Hebdo's headquarter, killing 12 people. Just a month after the approval of the revision of the Firearms Directive, 39 years old Karim Cheurfi, opened fire on the Champs-Elysees with his Kalashnikov. Despite the government efforts, these weapons continue to be introduced illegally in the country, ending up in the hands of violent extremists. France as other Western European areas, is a country with few legal weapons, that has the misfortune of being surrounded by countries "without laws", but with many weapons.

4.3 The future challenges

Despite what many political factions say, terrorism and firearms are inevitably connected, but while Europe is facing the problem without any strong opposition, in the United States as we

have seen, guns are still synonymous of protection, not of violence, violence that seems to transpire only when terrorists are the ones who hold the guns. If the Newtown (Sandy Hook) massacre, in which twenty school children were killed, had been carried out by a jihadist instead of by a disturbed white man, it would have been harder for pro-gun congressmen to stand in favour of gun liberties. People are more afraid of terrorism, therefore, gun laws can be reinforced only by terrorism itself. If gun laws are reinforced then terrorist attacks might be rarer, and people would not be forced to arm themselves waiting for the enemy to come. The concept might seem difficult to understand, but as we have previously seen, nothing is as powerful as terrorism when we speak of gun control reforms. This is just because, despite the probability of being killed by firearms is 3000 times higher than being victims of terrorism, Americans place terrorism among their top fears. Amos Tversky and Daniel Kahneman explain these bias with *availability heuristic*. “[A] person evaluates the frequency of classes or the probability of events by availability, i.e., by the ease with which relevant instances come to mind” (Tversky & Kahneman n.d.). The easier something comes to your mind, the more likely you believe that thing can happen. After the tragic event of 9/11 for example, the number of Americans travelling by car slightly increased for fear of plane crashes, but the highway travel is far more dangerous than air travel. The same happens with Muslims and *islamophobia*. An analysis carried out by Travis Dixon and Charlotte Williams found out that Muslims are overrepresented as terrorists. The reality is that only 6% of terrorist attacks of the last four years were carried out by Muslims. People construct their reality from what they perceive from the media, their perception of racial groups and their social role, in line with availability heuristic. The threat of terrorism cannot be fully eliminated, but stricter gun laws would help diminishing the risks of deadly attacks. The only way to make this change happen is persist with terrorism deterrence and with the idea that restrictions on gun laws are defensive and not offensive.

What about Europeans? After the recent attacks scepticism has grown rapidly among people, who wonder if gun control can stop terrorism at all. But the question should primarily focus on how to stop firearms trafficking in a continent that has made the disappearance of barriers at boundaries its strength. Stopping illicit traffickers cannot stop terrorism itself, but for sure can decrease mass killings. This means tighter governmental controls and countries’ cooperation to stop illegal firearms trafficking. One of the clearest lessons of contemporary gun control is the importance of ending access to self-loading firearms, especially assault guns like Kalashnikovs. The latter are the weapons preferred by lone wolves, a threat that both continents have to face. Lone wolves are committed terrorists that act mostly alone in the name of an ideology. Most of them pledge alliance to the Islamic State and are really hard to track down

especially because there is no communication going on with other members as in the case of a group. Lone wolves are not a new phenomenon, but for sure an expanding one; these individuals radicalise autonomously thanks to the enormous media apparatus ISIS has built to spread its ideologies worldwide. A research made by Indiana State University examining incidents of lone wolf terrorism in the U.S. found that prior to the Al-Qaeda attacks on America on September 11, 2001, terrorists more often used bombs to perpetrate their attacks. However, in the last 14 years, they have increasingly turned to guns as their primary weapon of choice. According to the terrorist database, in the USA, in the past ten years, assault rifles have been used in 14 mass shootings, half of those have occurred since last June. The terrorists are aware of the soft gun laws in the United States and urge their followers to use them as Al Qaeda publicly did in 2011. As researcher Jeanine de Roy van Zuijdewijn states, “As also proven by these latest incidents, (...) perhaps more focus should be also devoted to those who stay. Generally speaking, they can develop their plans seemingly unnoticed. Unfortunately, we must live with the fact that there will always be people who only get noticed when the damage has already been done” (Leiden Safety and Security Blog 2015). So, tracking down potential terrorists should be number one priority for security agencies, especially lone individuals who, compared to terrorist groups, choose firearms as they favourite weapon.

4.4 Conclusion

The United States and Europe are both facing an increase of terrorist attacks involving the use of guns and assault rifles. Despite the similarities between these two worlds, the challenges they have to face to fight this problem are really different, mostly caused by two rights that are supposed to be the strengths of their democracies: soft gun laws in the US and free circulation of people in Europe.

Conclusions

As I have demonstrated with this work, the II Amendment and related gun control is an issue that embraces many, really different spheres of our life: the problem is political (gun lobbies), economic (gun industries), criminal (gangs and illegal firearm trade), social (increase in guns and gun related deaths), juridical (the interpretation of the II Amendment) but also an ethical one. This thesis aim is to analyse how, starting from the II Amendment, the United States built a culture of firearms unlike any other country in the world. I would like to conclude my dissertation showing gun control as the biggest contradiction of American society.

The Bill of Rights was set up to limit the power of the Central Government in order to ward off possible tyranny situations in a century when no citizens' rights were given for granted. The ten amendments resulted from the hostility Americans felt for the British and their abusive behaviour, and were written in a rush and with hearts full of anger. I believe the Bill of Rights was fresh air for the colonists that welcomed the new laws as a sign of modernization. However, several of these amendments seem obsolete and do not fit in today's world: we have already analysed the discrepancies of the II Amendment but also the III, for example, prohibits the accommodation of soldiers in private homes without the landlord's consent, both in peace and war time, a situation that would unlikely happen in this century. As philosopher Plato asserted, laws should improve society: they must show foresight, conceived as the ability to regulate not only the immediate but also the later future. Reality changes fast and laws should keep up with the variations of society but, in modern, fast, innovative America, politics, economy and society are still controlled by the laws of the remote past.

Going back to the II Amendment, different questions come to mind. The verb *to bear*, for example, should be interpreted as the right to carry a gun on the street or just to keep it inside the house? Do the term *arms* refer to firearms or something else? But the most important question regards the term *militia*: The Amendment gives the right to bear arms if the person is part of a militia who acts in defence of the State. Today the United States have the most powerful and well equipped army in the world: following the official governmental data, its budget touches the 600 billion dollars and counts 1.5 million active personnel. It is inevitable to wonder why the American people should need to be part of a small militia when there is such a huge army ready to fight for their country. The fact that American politicians have their hands tied in front of an Amendment of more than two hundred years ago that no one really knows how to interpret it is just one of the contradictions related to the II Amendment and gun

control in the United States. This country in fact, compared to Italy or many other European countries, is also an individualistic society home of pro-life culture that with its *American dream* promotes life success and ambitions. Americans shares a series of values that make life really valuable, and they live as life should never end. But on the other side, these are the same people that accept gun violence and deaths not only on video games or TV shows, but also in the every day routine. So, in a reality such as the American one, people enjoy life, try to preserve it in such a way that, as stated by theologian Stanley Hauerwas, “America hospitals have become our cathedrals and physicians are our priests” (Hauerwas 2010) but do not value gun violence enough to try to totally eliminate it, forgetting that is one of the first obstacle to a long living life in their country.

To conclude, the II Amendment improved the life of the old, progressive American society, but it is worsening the one of the new millennium. It makes people believe in self-protection, violence and personal justice, values that should suit the America of the Far West not of today’s federal republic. I believe that banning firearms from commerce would not solve the gun violence problem since firearms are too important for Americans, but stricter background checks, limits on sales of arms and ammunition, and bans on automatic rifles will surely improve safety without drastically change American gun culture. The gun epidemic should be stopped as any other threat to the well being of the people, especially when many times the danger comes from people themselves.

Appendix

An interview with an American in Europe

As we can see, the United States and Europe have really different perceptions of gun control and to the benefits and dangers attached to it. To make my dissertation more complete, I decided to interview some residents of the Aviano American Air Base, a NATO base located in the north-east of Italy. It hosts the 31st fighter wing of the US air force. Its strategic location under the Alps makes it a protagonist of any of the NATO's southern operations. The base supported operations in Iraq, Afghanistan and Libya. Today, Aviano Base hosts more than 10.000 American citizens, both in the military and civilians. I decided to collect their opinion on gun control after years spent both in Europe and overseas to see if their life away from home has influenced their opinion on the topic. The people I had the chance to meet consider themselves republicans, were born in different states of the American east coast, they all work for the air force and live both inside both inside and outside the US Base. Joshua, twenty-two, originally from North Carolina, is a young member of this particular community and his interview summarizes the opinion of many of his colleagues.

Pordenone, *Caffè Municipio*, May 12th 2017

Giulia: Joshua, where are you from?

Joshua: I'm originally from North Carolina.

Giulia: How long have you been in Italy?

Joshua: I went to high school in Pordenone, close to Aviano. I have spent many years in Italy. Now I have both American and Italian nationality.

Giulia: What is your occupation?

Joshua: I am training to become an official member of the air force. I will soon move to Texas to better focus on my career.

Giulia: Do you consider yourself a Democrat or a Republican?

Joshua: I'm a republican.

Giulia: Are you in favour or against gun control?

Joshua: I do not support it. I believe the right to own a gun should not be infringed. Every citizen should have the possibility to defend himself. I believe people that are in favour of gun control simply overestimate the dangers; guns are synonymous of protection not of death.

Giulia: Do you think it is important to own a firearm in the United States?

Joshua: As an American I would say yes. The American society developed part of its culture around gun rights. They use to say that there are more guns than people there. Would be silly not to have a gun where everyone has one. Because everyone can more or less legally buy a gun without problem, also everyday situations are different. The probability that a thief may break in your house with a gun in the US is higher than in Italy. You have to be prepared.

Giulia: As we all have heard from the news; President Trump has recently eliminated Obama's rule that imposed stricter controls on mentally ill gun buyers after the Sandy Hook shooting took place in 2012. Do you think this was a smart decision?

Joshua: Trump made a hazard move. I think stricter controls on mentally ill people are important. If your mental health is compromised, you should not buy any gun because you can become a danger for other people. If your sight is not good you should not be allowed to keep a driving licence. The concept is the same.

But something in the system is not right. The Sandy Hook shooter was a damaged teen ager that did not own any weapon. His mum, on the contrary, collected different weapons in the house. Her Bushmaster XM 15 and 22 caliber Savage Mark II rifle were used by Adam Lanza to kill twenty-six people and his own mother. As we see, even if the guy could not buy any gun by himself, it has not been hard for him to get one. Weapons should be kept away from children of any age. They should be locked somewhere safe or at least put in a place that children do not know. For me it's unthinkable that a parent can leave his rifles under the eyes of his son or daughter. It is also quite popular in some rural areas to hang firearms on the wall as an ornament. If I was the government I would make the firearm deactivation mandatory if they want firearms to be kept outside a locked case.

To conclude, I believe that yes, Trump made a mistake, but we should not blame only Adam's mental health for the massacre. Arms are kept in the house without any precaution because there is no law that regulates the possession of a gun once it leaves the shop. Any governmental restriction is useless if no restrictions are applied in the house.

Giulia: Do you think stricter gun control laws would have avoided massacres as the one made by Omar Mateen in Orlando? As you know, his weapon was legally bought in a store in Florida.

Joshua: I believe Omar would have killed those young people even if he could not purchase his rifle legally. Black market is a big business in the country and it is not hard to buy guns and rifles without going through background check. Government should fight the black market instead of focusing on gun control. The only thing I believe can be done is limiting the number of ammunitions in order to save more lives in case a shooting takes place. Otherwise no gun laws would have prevented Omar from killing those people.

Giulia: Trump as many NRA personalities believe that people should take their guns with them in public places in case a shooting takes place. Do you think this is a smart statement?

Joshua: It is true that shooting at someone is not easy, that when fear comes you might forget about the gun in your purse, but it is always better to have a gun with you than not have it.

Giulia: You have been living in Italy for a long time now, do you think gun laws are too strict in this country?

Joshua: In Italy people have football, pizza, beautiful mountains and beaches. Italians enjoy spending time together and are not as individualistic as Americans are. Therefore, they do not find any interest in shooting alone or collecting firearms in their garage. And I really like this mentality. I think that yes, there are too many paper to go through to buy a gun here, but law is not going to change for those couple of hundred people that care about guns. And it's ok. In the United States firearms are part of the culture, like soccer in Italy. It is hard to imagine Italy with no soccer and America with strict European-style laws. Furthermore, I think the idea of security is totally different in the two countries. An Italian does consider self defence as an option, but in case of danger would rather go to the police instead. The idea of having a gun for self defence states the exact opposite. Another big difference that explain why people do not keep gun in the house here is that Italians believe in prevention. When I moved here I realized that every house has a gate and has fences in its perimeter. The house door is reinforced and it's common to have an alarm. In the US, these are fancy instrument that only some rich people residences have. So no reinforced door but yes to a \$1000 gun in the house. This is a big contradiction of my culture that I still cannot explain to myself.

Giulia: So Joshua, to conclude, why do you think Americans are so attached to the II Amendment and gun rights? As a European, it is hard for me too see that no significant changes

have been made in the law despite thousands of people die every year because of firearms. People seem afraid that any restriction would take firearms away from them.

Joshua: What you said is true. People are afraid, especially when the democratic party has the power, that the government would take guns away from them. For me there is no reason to be afraid. No law would ever deprive citizens of the right of self defence, at least not in the US. As I have told you, I support gun rights but I see some restrictions necessary; but what happens in the US is that people that share my same view are twisted by politicians and NRA members that make them think that “They want to deprive you of your right”. Americans are really jealous of their rights and for that reason it is relatively easy to “manipulate” their thoughts. Furthermore, I believe the US are a more dangerous place than Italy: I don’t feel safe to walk everywhere by my self as I do here: distances are different, cities are different. I know I do not need a gun here but I would definitely own one in the US. Last time I went back to North Carolina I remember entering the grocery store and noticing at least four posters of missing persons hanging on the wall. That episode made me fell really uncomfortable. Going back to gun control, I’m confident that something will change in the future because young people as me now are more against gun rights than before. Many of them voted for Clinton, are educated and travel a lot compared to their parents. They believe in peace, gender equality, non violence. In short, they are a generation not easy to influence when it comes to gun rights and benefices of some restriction on a law that was written for Americans of the eighteenth century. To conclude, I don’t think a European can understand the Americans’ obsession with firearms until he moves to the US. And trust me, once there, you would probably buy a gun too. But remember guns do not kill people, people kill people.

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RIASSUNTO

Il porto d'armi negli Stati Uniti

Un caso isolato nel mondo occidentale

A seguito del mio scambio universitario di alcuni mesi a Boston, negli Stati Uniti, ho deciso di focalizzare il mio elaborato sulla questione del porto d'armi poiché è un argomento nuovo a noi europei che, al contrario degli americani, abbiamo leggi molto più restrittive a riguardo. Lo scopo di questa tesi è quello di descrivere il peculiare rapporto che il popolo americano condivide con le armi da fuoco e dimostrare perché la classe politica non sia in grado di porre alcun limite alla loro vendita e al loro utilizzo.

La nascita del II emendamento americano

Nella seconda metà del diciottesimo secolo, la Gran Bretagna era la potenza navale e militare più importante nel mondo, con attività commerciali condotte nei maggiori porti d'oltreoceano. Dopo la guerra dei sette anni, re Giorgio III e il suo governo compresero che i guadagni non bastavano più a coprire le enormi spese dell'impero; l'unico modo per evitare una crisi economica era, quindi, aumentare la tassazione sulle colonie con – per esempio – lo *Sugar Act* del 1764 e lo “*Stamp Act*” del 1765. Inoltre, in conseguenza dell'aumentare delle tensioni fra milizie coloniali e madrepatria, si aggiunsero nel 1774 lo “*Import ban on firearms and gunpowder*” e nel 1774 -1775 il “*Confiscations of firearms and gunpowder*”, volti a privare i coloni dell'uso e del possesso di armi.

Quest'ultimi trovarono ingiuste le nuove normative in materia di tassazione, soprattutto a causa della mancanza di rappresentanza delle colonie nel parlamento britannico che assoggettava le assemblee coloniali all'assenza di potere sia politico che economico. Le tensioni fra coloni e madrepatria sfociarono nella Guerra di Indipendenza, durante la quale i primi si batterono per l'indipendenza economica, amministrativa e giudiziaria. La Guerra diede anche vita agli Stati Uniti d'America, poiché le colonie, per affrontare meglio le forze militari britanniche e ottenere l'indipendenza, decisero di formare un'unione federale fra di esse. Nel 1777 il congresso approvò l' “*Article of Confederation*”, prima Costituzione della federazione. Nel frattempo, dopo anni di conflitti, la Gran Bretagna riconobbe l'indipendenza delle colonie dalla madrepatria attraverso il trattato di Parigi. Durante la Philadelphia Convention del 1789 – organizzata per abrogare la costituzione del 1777 – prese corpo l'idea di creare una carta dei diritti, costituita da una decina di emendamenti, al fine di limitare il potere del governo centrale

per evitare nuovi soprusi. Il “*Bill of Rights*” (ovvero la Carta dei Diritti) fu ispirato da altri documenti prestigiosi come la “*Virginia Declaration of Rights*” (1776), il “*Bill of Rights*” voluti da Guglielmo D’Orange e la prestigiosa “*Magna Carta*” del 1215. L’obiettivo primario di questo disegno di legge era la delimitazione del potere del governo federale, che, senza alcun vincolo, avrebbe potuto abusare del suo potere. Oggi il Bill of Rights è valido in tutti gli Stati Uniti: è semplice (in quanto costituito da pochi articoli) e flessibile, quindi può essere soggetto a frequenti reinterpretazioni da parte dei tribunali.

Il II emendamento è uno dei dieci contenuti nel Bill of Rights e difende il diritto dei cittadini di possedere armi da fuoco, dopo che la Corona Britannica le aveva proibite nel 1774. La Camera si riunì il 28 luglio 1791 per discutere del secondo emendamento poi entrato in vigore il 17 agosto. Attualmente, il dibattito più diffuso riguardo al II emendamento è quello sulla sua interpretazione: se militare, dunque che riconosce il diritto al porto d’armi solo a militari e poliziotti; se civile, che garantisce il possesso di armi anche ai cittadini comuni. Infatti, proprio la flessibilità del Bill of Rights rappresenta oggi un problema per i numerosi tribunali che si trovavano a discutere l’applicazione di questo emendamento. Un chiaro passo avanti a riguardo venne fatto nel 2008, quando la Corte dichiarò incostituzionale la legge del distretto di Columbia che impediva il possesso di armi da fuoco (*District of Columbia vs Heller*). Questa decisione fu poi supportata dal celebre caso *McDonald vs City of Chicago* (2010), che vide il trionfo della associazione a favore delle armi, la *National Rifle Association* (NRA): in quella occasione la corte suprema dichiarò che vietare la registrazione di nuove armi da fuoco nella città di Chicago era incostituzionale.

Questi due casi sono punti di riferimento nella storia della giurisdizione americana poiché hanno favorito la lettura conservatrice del II emendamento, rendendo così legittimo il porto d’armi per i civili.

Il dibattito sul porto d’armi oggi: lobby, criminalità e sfera sociale

Prima di iniziare il dibattito sul porto d’armi, è importante capire quali sono le leggi che regolano l’acquisto di armi da fuoco negli Stati Uniti. Negli anni, diverse leggi sono state implementate a livello federale per regolare il possesso di armi da fuoco nel paese. Alcune delle più famose sono: 1934, “*National Firearms Act*; 1968, *Act of Control of Gun*; 1986, *Firearm Owners’ Protection Act*; 1990, *Gun Free School Zone*”. Anche se le leggi possono variare da stato a stato, la procedura per l’acquisto di una pistola è simile in ogni giurisdizione: ogni ventunenne può acquistare una pistola, mentre gli adolescenti possono possedere un fucile

all'età di 18 anni. Il compratore deve mostrare un documento di identità valido, il venditore poi, invia i dati dell'acquirente all'FBI che esegue un background check (*NICS - National Criminal Background Check System*) sull'individuo per autorizzare la vendita. Quest'ultima può essere ritardata fino a settantadue ore e negata se il compratore ha commesso un grave crimine (o fa parte della *Terrorist Watch List*) o se non è un cittadino americano. Tuttavia, poiché non esiste un database computerizzato centrale, il background check richiede molto tempo e può capitare che una vendita venga conclusa dopo tre giorni anche se l'FBI non ha concluso le sue indagini. È quindi relativamente facile per un cittadino statunitense acquistare una pistola, specialmente in stati come il Vermont che, per esempio, hanno leggi poco restrittive nell'ambito delle armi. In Arizona, dove è avvenuta la strage di Tucson nel 2011, anche gli adolescenti sopra i 18 anni di età possono acquistare una pistola in condizioni particolari. In California invece, le leggi sono fra le più severe negli States.

Ma cosa ne pensano gli americani di queste leggi? Gli americani a favore del porto d'armi sono prevalentemente repubblicani e supportano leggi poco restrittive perché vedono ogni limitazione al II emendamento come un atto sleale del governo, attuato per aumentare il suo stesso potere; infatti, anche se la guerra di indipendenza è ormai lontana, il 57% degli americani teme ancora la nascita di una nuova tirannia come quella imposta in passato dalla Corona Britannica. Il punto di discussione caro ai conservatori è il fatto che togliere le armi non diminuirebbe il livello di criminalità ma, al contrario, lo aumenterebbe. John Lott, autore di *"More guns, less crime"* sostiene che "armare la popolazione" è l'unico modo per combattere il crimine poiché è un ottimo sistema di autodifesa. L'indagine del Pew Research Center del 2014 ha dichiarato che sei adulti su dieci (57%) affermano di vedere nell'arma da fuoco uno strumento di difesa personale, non un istigatore alla criminalità, ed è ciò che i conservatori e NRA tendono a sottolineare. L'associazione e il suo portavoce, Wayne LaPierre, hanno spesso affermato che la polizia non potrà mai proteggere tutti i cittadini americani, pertanto è importante che questi siano pronti a proteggere la loro casa e le loro famiglie nei casi di pericolo. I liberali, al contrario, leggono il II emendamento come il diritto e dovere di creare una milizia nel caso sia necessario combattere un governo corrotto, ma non come il diritto del popolo americano di acquistare e possedere armi da fuoco; le opinioni liberali sono proprie del partito democratico il quale ritiene che le leggi sulle armi siano l'unico strumento per diminuire i casi di violenza nel paese. La prima ragione è che le armi da fuoco sono una delle cause principali di morte negli Stati Uniti (67% degli omicidi sono eseguiti con pistole) non solo nell'ambito della criminalità ma anche all'interno delle mura domestiche, dove bambini perdono la vita perché l'arma non è stata ben custodita nell'abitazione o perché un caso di

violenza domestica ti trasforma in un tragico omicidio. I liberali trovano poi inaccettabile che, all'interno dello stesso paese, esistano leggi diverse sul porto d'armi il quale essendo basato su un sistema federale, permettere ad un cittadino del Minnesota di comprare una mitragliatrice per poi rivenderla in California, dove questo non è acquistabile. Ma il dibattito più acceso fra democratici e repubblicani è quello sul concetto di autodifesa, che per i liberali non migliora con il possesso d'armi: dati riportati sia dall'FBI sia dal Violence Policy Center hanno supportato questa tesi dimostrando come sia difficile che un crimine venga fermato grazie un'arma, soprattutto se ad impugnarla è un comune cittadino senza alcuna preparazione e incapace di controllare le sue emozioni quando, ad esempio, un ladro entra in casa la notte, deruba un passante o rapina un negozio.

Come abbiamo visto, le Corti tendono ad interpretare la legge a favore dei conservatori, ma questo avviene principalmente perché i loro interessi sono gli stessi della National Rifle Association, organizzazione nata nel 1871 che oggi – grazie ai suoi immensi budget – influenza pesantemente la politica americana a tutela del II emendamento attraverso attività di lobby. Due sono i casi di lobby più controversi: il primo risale al 1986, quando NRA fece in modo che il Bureau of Alcohol, Tobacco, Firearms and Explosives non potesse avere accesso a nessun sistema computerizzato per registrare le vendite delle armi nel paese così, in caso un'arma venisse trovata in una scena del crimine, il processo per risalire al proprietario sarebbe stato più lungo e difficile, limitando i danni legali al padrone dell'arma. Il secondo caso ebbe luogo nel 1993 quando NRA influenzò il Congresso così che tagliasse i fondi al Centers for Disease Control and Prevention dopo che questo ebbe pubblicato uno studio a sfavore del possesso di armi da fuoco. Come si può vedere, NRA è un nemico difficile da combattere, cosa che Trump comprese fin dall'inizio della sua corsa verso la Casa Bianca, assicurandosi con la propria campagna “pro armi” una sponsorizzazione superiore ai 30 milioni di dollari da parte della associazione. Ma come NRA si assicura guadagni così alti? Oltre a corsi di preparazione e fiere sulle armi, l'NRA ha un altro potente alleato: l'industria delle armi da fuoco. Le industrie infatti supportano l'associazione in cambio di un'intensa campagna promozionale da parte delle più alte cariche della Rifle Association. Le maggiori campagne della NRA puntano a sostenere i candidati repubblicani durante le presidenziali, uno sforzo inutile visto che – paradossalmente – le vendite d'armi aumentano durante un mandato di un presidente democratico e, invece, calano (i background check registrati dall'FBI sono diminuiti del 20% lo scorso gennaio) durante quello repubblicano; i *supporters* del porto d'armi infatti, preoccupati che un governo democratico possa porre restrizioni sull'acquisto delle armi da un

momento all'altro, coprono molte più armi di quanto non facciano durante un governo di matrice repubblicana.

Un grande problema che il governo statunitense – proprio come avviene per le industrie belliche – deve affrontare è quello della vendita illegale di armi, che oggi fattura più di 100 milioni l'anno. Le attività criminali sono molteplici: vendita di armi senza background check o registrazione, contrabbando di fucili e pistole oltre il confine messicano, riciclaggio di armi risalenti a scene del crimine. Queste attività pesano sull'immagine di un paese che, al momento, non ha gli strumenti necessari per bloccare la criminalità organizzata responsabile di questo commercio; tra le più conosciute bande criminali cito le latine *Mara Salvatrucha* e *18th* responsabili delle vendite di armi alla criminalità organizzata delle più grandi metropoli, quali ad esempio Miami, Chicago e New York.

Per comprendere a fondo il dibattito sul porto d'armi, occorre anche analizzare le conseguenze sociali di leggi poco severe e di vendite sregolate, quali l'alto numero di omicidi e le stragi di massa che caratterizzano la storia contemporanea americana. Le uccisioni casuali sono troppe, sia da parte della polizia, che attualmente combatte contro accuse di omicidio volontario (famosi sono i casi dell'uccisione del giovane Michael Brown e delle accese proteste a Baltimora) e la minaccia di disarmo; sia da parte di persone comuni che in preda alla follia compiono stragi come quella di Sandy Hook, in Connecticut, dove persero la vita venti bambini. Nel 2016, la regista Stephanie Soechting ha portato sullo schermo le sofferenze e rabbie represses di padri e madri che hanno perso figli o parenti durante una sparatoria avvenuta in un cinema, in un negozio di alimentari o in una scuola, luoghi apparentemente sicuri che, nella moderna America, diventano sede di stragi sanguinose, obbligando nuovi sistemi di sicurezza e guardie in divisa anche negli spazi pubblici più comuni. Vista l'impossibilità del governo di compiere azioni concrete, molte organizzazioni no-profit sono nate in ogni stato per influenzare i legislatori federali. Un grande traguardo è stato, per esempio, l'implementazione della legge 594 (impone background check universale) che, da Washington, si spera possa espandersi in tutti i 50 stati del paese. Organizzazioni come *Moms Demand for Actions*, *Everytown for Gun Safety*, *The Brady Campaign* stanno silenziosamente influenzando il panorama politico e sociale americano e, mentre i loro operati sono acclamati a livello internazionale, l'NRA sta lentamente realizzando come delle semplici associazioni locali stiano cambiando la concezione di violenza di molti americani.

Il ruolo delle armi nella scena terroristica internazionale

La minaccia terroristica sta sfidando il mondo occidentale e i suoi sistemi di sicurezza nazionale, i quali sembrano spesso fallire contro il crescente numero di attacchi da parte di islamisti radicalizzati. Le tattiche terroristiche coinvolgono sempre più l'uso di armi da fuoco, e non è difficile immaginare come negli Stati Uniti questo problema sia la conseguenza di leggi troppo permissive. Per quanto il Survey of American Fears consideri il terrorismo una delle più grandi paure del popolo americano, sono in pochi a sapere che per un possibile terrorista non sia difficile comprare un'arma, legalmente o illegalmente. Dal 2004 i dati di potenziali acquirenti sono confrontati con le informazioni contenute nella comunemente chiamata Terrorist Watch List (lista che racchiude i nomi di individui potenzialmente pericolosi per il paese). Se il nome dell'acquirente compare in questa lista, viene automaticamente ritardata la vendita, ma questa procedura permette comunque al compratore di ottenere armi di vario calibro come mitragliatrici o armi di utilizzo militare. Il National Instant Criminal Background Check System (NICS) e le sue falle furono messe in discussione nell'estate del 2016, quando Omar Mateen, dopo essere stato rimosso dalla Terrorist Watch List due anni prima, acquistò un AK-47 per poi uccidere 50 giovani in una discoteca di Orlando, in Florida.

Dopo i recenti attacchi che hanno indebolito Francia, Germania, Belgio e Inghilterra, anche in Europa il dibattito sulle armi ha preso piede in politica e fra i cittadini che si chiedono come sia possibile che, in un continente dove le armi sono poche e regolate da leggi severe, i terroristi di Parigi si siano procurati facilmente Kalashnikov e altre armi proibite. La risposta sta nel fatto che, dopo la fine delle guerre in Bosnia, Serbia e Kosovo, più di sei milioni di armi di origine russa sono rimaste in questi paesi, per divenire poi merce redditizia per molti trafficanti dell'Europa dell'est che, grazie all'Accordo di Schengen siglato nel 1985, circolano con fucili e pistole in nei paesi dell'Unione senza troppa paura di essere fermati e perquisiti. Queste armi inoltre, vengono vendute a organizzazioni criminali ma anche a potenziali terroristiche che vedono in esse il metodo più semplice per uccidere.

Quindi, come possiamo osservare, sia gli Stati Uniti che l'Europa devono far fronte a un doloroso paradosso. L'aumento di attentati con armi da fuoco si concretizza sempre più grazie a quelli che dovrebbero rappresentare i punti di forza di queste realtà democratiche sovranazionali: le leggi sulle armi poco restrittive negli Stati Uniti e la libera circolazione di persone e cose in Europa.

