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Ready, Fire, Aim: The College Campus Gun Fight

by Robert Birnbaum

One side views guns as essential to personal freedom, while the other side insists they are instruments for mayhem and violence. … Every gun control proposal is an occasion for pitched battles, with the stakes portrayed as nothing less than the future of life, liberty and justice.

(Winkler, 2011b)

Twenty years ago, any discussion about permitting guns on college campuses would have provoked as much laughter as shock. Yet by 2012, guns were allowed on 200 public campuses in six states. That number appears certain to increase; in 2011 alone, bills to permit guns on campus were introduced in 23 state legislatures. Although most of these bills failed, some were carried over to the following legislative term.

Their proponents tend to be persistent, and we can expect bills similar to these to be re-introduced in future years. Guns may be coming soon to a campus near you—perhaps to your own.

Two Perspectives

The question of whether guns should be permitted on college and university campuses in the United States reflects the tension between two competing perspectives. America has both a robust gun culture and an equally robust (if less well-known) gun-control culture.

The gun culture is as American as apple pie: There may be as many as 300 million civilian guns in the US, or about one for every person (Winkler, 2011a). The gun-control culture also has a long history here; one of America's iconic events, the 1881 gunfight at the OK corral, occurred when the Earps and Doc Holliday tried to enforce a Tombstone municipal ordinance banning guns in town.

The issue of guns on college campuses is presently a subject of vigorous debate, stimulated by newspaper and on-line headlines such as the following:

> *16 April 2007 – AT LEAST 33 KILLED IN VA. TECH MASSACRE. (CBSNews.com, http://www.cbsnews.com/2100-201_162-2686709.html)*
>
> *14 February 2008 – 5 SHOT DEAD, INCLUDING GUNMAN, AT NORTHERN ILLINOIS UNIVERSITY. (CNN.com, http://www.cnn.com/2008/US/02/14/university.shooting/)*
>
> *11 February 2009 – FOUR DEAD IN UNIV. OF ARIZONA SHOOTING. (CBSNews.com, http://www.cbsnews.com/2100-201_162-527308.html)*
>
> *12 February 2010 – PROFESSOR SAID TO BE CHARGED AFTER 3 ARE KILLED IN ALABAMA. (*The New York Times, http://www.nytimes.com/2010/02/13/us/13alabama.html?_r=0)

> *10 May 2011 – 3 DEAD IN SHOOTING AT SAN JOSE STATE UNIVERSITY. (*Los Angeles Times, http://www.latimes.com/news/ktla-san-jose-state-shooting-deaths,0,6943832.story)

Such headlines give the impression that the American college campus is an increasingly dangerous place in which neither students nor faculty are safe. In response, two competing policy narratives have developed. One is that campus violence could be prevented by increasing the number of armed individuals on campus (I will call this position MoreGuns); the other is that campus violence would be reduced by a total ban on weapons on campus (I will call this position BanGuns).

The MoreGuns and BanGuns policy camps paint pictures of starkly different futures, as reported by the American Association of State Colleges and Universities in 2008:

> *Gun-rights advocates argue that easing gun restrictions could enhance both individual and collective security on campus and may deter violence. In contrast, the vast majority of college administrators, law enforcement personnel and students maintain that allowing concealed weapons on campus will pose increased risks for students and faculty, will not deter future attacks and will lead to confusion during emergency situations.*

The basic philosophical premise for MoreGuns is that self-defense is an inherent right that should not be compromised just because someone happens to be on a college campus. MoreGuns advocates argue that college students and faculty should be able to carry weapons for their own protection, particularly since history has shown that colleges can't protect them from assailants. They claim that criminals would be less likely to use guns or commit violent crimes if they had reason to believe that targeted citizens, or others around them, might also be armed and able to defend themselves. The alternative of establishing “gun-free” zones doesn't work, they say: stickers on campus saying “no guns allowed” just announce to criminals and psychopaths the absence of defensive weapons.

The two philosophical bases for BanGuns are academic freedom and academic autonomy. The Brady Center to Prevent Gun Violence, in making the academic-freedom argument, says that permitting students to have firearms will

> *likely breed fear and paranoia among fellow students since no one will know whether the other person can simply retrieve or pull a gun out if a dispute arises. Such fear and paranoia is antithetical to creating the kind of climate where free and open academic debate and learning thrive. (2007)*

Academic-autonomy advocates believe that each institution should have the responsibility for establishing policies that promote both learning and campus security. Allowing students and faculty to carry guns, if contrary to the wishes of institutional trustees, could make campus security a matter determined by untrained individuals who have no legal responsibility for it.

Does either the MoreGuns or the BanGuns position improve public safety? Two major national studies have used similar data to examine the relationship between gun ownership and degree of criminal activity—and they reached diametrically opposed conclusions. One found that “allowing citizens without criminal records or histories of significant mental illness to carry concealed handguns deters violent crimes” (Lott & Mustard, 1997). The other concluded that “statistical evidence that these [concealed-carry] laws have reduced crime is limited, sporadic, and extraordinarily fragile,” and it suggested that making it easier to get a firearms permit is associated with higher levels of crime (Ayres & Donohue III, 2003).

The Campus Scene

Deadly violence on college campuses is not a new phenomenon. A study jointly conducted by the Secret Service, the Office of Education, and the FBI (Drysdale, Modzeleski & Simons, 2010) analyzed 272 incidents of

targeted violence on college campuses that occurred between 1900 and 2008. Guns were used in 54 percent of the reported cases, and almost 60 percent of fatal violent incidents were instigated against someone previously known to the assailant. The chances of being the random victim of a fatal attack by a stranger or unknown person on a college campus have been, and remain, exceptionally small.

The act of a single mentally disturbed student at Virginia Tech in 2007 was a watershed event in the guns-on-campus debate. A 2008 report by the Midwestern Higher Education Compact noted that "ubiquitous and relentless nationwide media coverage…exerts a powerful impact on the psyche and basic instincts of students, parents and policymakers, and the general public, leading to the understandable questioning of the relative safety of a specific campus or of educational facilities in general." It called for making campuses as safe as possible, while at the same time acknowledging that "no amount of money, technology, and human resources can guarantee members of a university community that they will never fall victim to crime."

What the press called the "Virginia Tech Massacre" changed the narrative of, and participants in, the national guns-on-campus debate. One of its consequences was to unleash a torrent of proposed state legislation that, if enacted, would permit more guns on campus in the belief that an armed community would serve as a deterrent to violent crime.

The Policy Arena

Any successful proposal to either permit or restrict the presence of guns on campus must be consistent with both the US Constitution and the constitutions and laws of the states. The controlling language that serves as the foundation for discussing guns on campus is in the Second Amendment to the United States Constitution (1791), which in its entirety reads: "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." Over time, these 27 words (and their three controversial commas) have been interpreted differently.

Until recently, a legal consensus had developed in the US that the amendment simply protected the ability of states to maintain armed militias. Then, in *District of Columbia v Heller* (2008), the Supreme Court held that the purpose of the Second Amendment was to protect an individual's right to possess a firearm for traditional lawful purposes such as self-defense.

The Court went on to say that "like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever and for whatever purpose." It also wrote that prohibitions against gun ownership by felons, the mentally ill, aliens, minors, and others in specified categories were acceptable. In other words, gun-licensing laws and reasonable restrictions on possession that are uniformly applied are permissible, but total handgun bans or other requirements that make it impossible for citizens to use arms for self-protection violate the Second Amendment and therefore are unconstitutional.

The Court said that its opinion "should not be taken to cast doubt on…laws forbidding the carrying of firearms in sensitive places such as schools or government buildings." But it did not define "sensitive places" or clarify the meaning of "schools and government buildings," leaving that task to the state and local agencies that must administer the law.

Two years later, in *McDonald v. City of Chicago*, the Court held that Second Amendment rights were equally applicable, via the Fourteenth Amendment, to state and local laws. The two cases did not directly consider the issue of guns on college campuses, but they established the legal framework within which both past and future gun laws by the states, or policies by campus trustees, would now be judged.

Every state has a constitution that enumerates the rights of its citizens, and 43 of the 50 specifically allow individuals to own guns. In many states they can also carry them in permitted places, as long as the weapon is

clearly visible.

Federal provisions apply to all public institutions, but differences among the constitutions, laws, and regulations of the 50 states have created a hodge-podge of policies that affect the legality of carrying guns on campus. Some states and institutions bar firearms altogether; others permit them anywhere on campus, anywhere on campus except in buildings or arenas, or in automobiles in parking lots but not elsewhere; and some states *prohibit* institutions from banning weapons on campus. Some state laws (particularly those that completely bar handguns from college campuses) may not at present be fully consistent with *Heller*, and we can expect that bringing these laws into compliance will be on the future agendas of many state legislatures and judiciaries.

Even more contentious than open carry, however, is whether and where citizens are entitled to carry concealed weapons. State laws usually stipulate that carrying a concealed weapon requires a permit, but obtaining one has become easier in many states.

Recent growth in the number of permissive concealed-carry laws has increased permit holders from 5 million in 2008 to 7 million in 2011, and data indicate that many more people carry concealed weapons without a permit (National Opinion Research Center, 2001). The reality is that almost anyone in the US who wants a gun can get one. Concealed carry with or without a permit is increasingly a part of US culture.

States that allow concealed carry may have regulations about where weapons are permitted—for example, on the street but not in courthouses or legislative offices. Many states prohibit the carrying of concealed weapons in schools, and some either have specific prohibitions against them on college campuses or delegate to the trustees of public institutions the right to determine what institutional policies shall be.

Although the data change as legislatures come and go, according to one recent analysis, “twenty-four states completely prohibit concealed weapons on college campuses, even for those who have a concealed handgun license” (Meloy, 2011, p. 12). Whether such state policies can continue and what public university trustees can do may not be known until individual cases have moved through the state court system.

As they do so, much may depend on whether current state laws are found to meet federal Constitutional muster, whether institutions of higher education have been designated as “sensitive” places, and whether public college facilities are considered to be “school or public buildings.”

Campuses and the General Population: Comparative Data

Since the ostensible purpose of campus firearms policies is to improve campus safety, describing the actual incidence of crime on campus might help clarify the issues over which the MoreGuns/BanGuns camps are contending. Such data are available because the Student Right to Know and Campus Security Act of 1990 authorizes the Department of Education to collect and analyze incidents of crime on every US college campus.

This law, known as the Clery Act, requires each institution to annually report and disclose, among other things, the number of alleged campus incidents of criminal activity reported to the campus or local police agencies. This is the source of the numbers reported here, even though Clery Act data have been criticized because institutions may differ in their interpretations of the self-reporting requirements and may fail to report some offenses in order to protect their reputations. In addition, students may be reluctant to report crimes, and campus counseling centers may withhold information based on confidentiality concerns.

The data reported in this article are based on all reported on-campus incidents in US degree-granting, not-for-profit campuses. Three analyses are presented below. The first is the incidence of specific types of campus crime in 2010; the second, comparative rates of violent criminal behavior on campuses and in the general population; and the third, campus and general-population data related to the two violent crimes of murder and manslaughter.

Campus Crime in 2010

Annual Clery data provide a snapshot of crime on campus. The categories of crime and their prevalence on college campuses in 2010 are shown in Table 1.

Table 1 Number and Percentage of Clery-Reported Crimes on College Campuses, 2010

	Violent crimes (N=6,705, 20.8% of total)					Non-violent or property crimes (N=25,469, 79.2% of total)			
Number of offenses (N=32,174)	**Murder**	**Manslaughter**	**Forcible Sex Offenses**	**Robbery**	**Aggravated Assault**	**Non-forcible Sex Offenses**	**Burlary**	**Motor Vehicle Theft**	**Arson**
	15	1	2,897	1,482	2,310	32	21,358	3,347	732
Percent of total offenses (100.00%)	0.05%	0.00%	9.00%	4.61%	7.18%	0.10%	66.38%	10.40%	2.28%

Campus murder and manslaughter constitute only 0.05 percent of all reported campus crimes; 79.16 percent of campus crimes are non-violent in nature. Burglary (in the non-violent category) constitutes about two-thirds of all reported campus crime. Forcible sexual offenses (9.00 percent) and aggravated assault (7.18 percent) are the most frequently reported violent campus crimes.

Campus and US Population Violent-Crime Rates

Of the categories of crime included in Clery data, five (murder, manslaughter, forcible sexual offenses, robbery, aggravated assault) are considered violent; it is the summed total of these categories that are reported here. The FBI uses these same categories in its reports of criminal activity in the US, making it possible to compare campus violent-crime rates with rates in the general population.

In order to make the comparison, both campus and general-population violent-crime rates in Table 2 are reported per 100,000 FTE students/citizens.

Table: Table 2 Comparative Violent-Crime Rates, 1997-2010

	1997	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Violent crimes/ 100,000 FTE students	68.6	70.3	66.5	65.0	61.9	60.9	60.3	58.0	59.1	58.3	55.8	52.2	46.8	47.3
Violent crimes/ 100,000 of US population	611.0	567.6	523.0	506.5	504.4	494.4	475.8	463.2	469.0	473.6	466.9	457.5	431.9	403.6

College rate as a percent of US population rate	11.2%	12.4%	12.7%	12.8%	12.3%	12.3%	12.7%	12.5%	12.6%	12.3%	12.0%	11.4%	10.8%	11.7%

The data in Table 2 indicate that rates of violent campus crime have been only between 10.8 and 12.8 percent of the general-population rates in every year during the 14-year period shown. This is true even though a large proportion of college students are at the ages most prone to engage in violence, while a significant portion of the US population consists of groups, including the young and the elderly, that are the least likely to engage in violence.

Even a casual look at the data in Table 2 reveals two trends that may surprise some observers. First, the violent-crime rate per 100,000 in the general population is not increasing but has been steadily decreasing. Second, the violent campus crime rate per 100,000 FTE students has been steadily declining at a rate similar to that seen in the general population (from 68.6 in 1997 to 47.3 in 2010).

Murder and Manslaughter

The number on which the public is most likely to fixate is the rate of murder and manslaughter in colleges and universities compared to that rate in the nation as a whole. This number is also the most reliable, since murder and manslaughter are the crimes least likely to go unreported.

The data in Table 3 show that from 1997 to 2010, the annual murder/manslaughter rate for the US ranged from 6.8 to 4.8 per 100,000 persons. During the same period, murder and homicide rates on college campuses ranged from a high of 0.37 per 100,000 FTE students (in 2007, the year of the Virginia Tech shootings) to a low of 0.06 per 100,000 FTE students. Aside from 2007, when the murder and manslaughter rate in colleges and universities was 6.6 percent of the rate in the general population, college and university rates ranged between 1.1 percent and 3.5 percent of the general-population rates.

Table: Table 3 Comparative Murder and Manslaughter Rates, 1997–2010

	1997	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Murder and manslaughter rate per 100,000 FTE students	0.17	0.22	0.10	0.17	0.15	0.19	0.08	0.12	0.11	0.06	0.37	0.11	0.12	0.11
Murder and manslaughter rate per 100,000 US population	6.8	6.3	5.7	5.5	5.6	5.6	5.7	5.5	5.6	5.7	5.6	5.4	5.0	4.8
Campus rate as a percent of US population rate	2.5%	3.5%	1.8%	3.1%	2.7%	3.4%	1.4%	2.2%	2.0%	1.1%	6.6%	2.0%	2.4%	2.3%

So on the one hand, the campus is not an ivory tower free of criminal activity. On the other hand, even those concerned with campus crime acknowledge that “college campuses do not appear to be ‘hot-spots’ for

predatory offenses, as portrayed by the media, that they are not 'armed camps' in which heinous crimes are a regular occurrence" (Fisher et al., 1998).

The reality is that America's colleges and universities are unusually safe places. The chance of being a homicide victim on campus in 2010 was about one in 875,000, approximately the same chance that the average US citizen faces of being struck by lightning.

This suggests that the guns-on-campus debate is about a manufactured rather than a real crisis. Both the MoreGuns and the BanGuns arguments appear to be ideological solutions in search of a problem.

Prospects for the Future

Although colleges and universities exhibit exceptionally low crime rates by general-population standards, the fight between MoreGuns and BanGuns is likely to continue unabated because guns on campus is a *wicked problem*, the arguments of both groups are based on motivated reasoning, both positions are self-validating, and the polar positions they advocate are oversimplified.

Wicked Problems

Problems are called wicked when they are ill-defined, can't be solved permanently, and don't yield to traditional management or problem-solving practices. Instead they rely on political judgments to reach a temporary resolution. Guns on campus is a wicked problem that can never be satisfactorily resolved until the underlying ideologies are surfaced and reconciled.

Motivated Reasoning

MoreGuns and BanGuns groups are entrenched in their positions because each processes information to promote different goals. MoreGuns advocates view data and arguments through the lens of legal values; BanGuns proponents do the same through the lens of academic values.

Such motivated reasoning leads actors to seek out information that supports their position, to discount information that does not, and to increase the certainty with which they hold their views. The resultant policy recommendations are not based on empirical evidence; rather, evidence is selectively collected and interpreted by both sides to support their *a priori* commitments to a policy view.

Self-Validation

Both the MoreGuns and BanGuns views are self-validating. The ideological arguments for both positions are reinforced by interpretations of events. If a student is killed by a gun, it can be argued that the shooting would not have happened if other people present had also had guns as easily as it can that it would not have taken place if the campus had banned guns. A low violent-crime rate can be used as evidence to support either position. In fact, all data (or lack of data) can be used to support a proponent's preconceived ideology.

Oversimplification

Presenting only two positions in the MoreGuns/BanGuns debate oversimplifies, and therefore distorts, the available alternatives, thus lessening opportunities for agreement or compromise. But the nature of the problem itself can change upon closer inspection, and even obvious and stark alternatives can become multi-dimensional and therefore negotiable when they are seen in depth.

For example, the public and the media at different times attributed the Virginia Tech killings to deficient university/local police relations, faulty intra-campus communications systems, an overly long response time by the university, loose gun-purchase laws, insufficient attention to disturbed students, and/or deficiencies in

provisions for background checks of gun purchasers. Different narratives lead to different proposed solutions, only some of which reflect the simple dichotomy of the MoreGuns/BanGuns argument.

Moreover, the MoreGuns/BanGuns dichotomy pays scant attention to the likelihood that regardless of institutional policies, some guns will be present on campus. For example, a 1997 survey of students in four-year colleges reported that 3.5 percent of the respondents had a working firearm with them at college (Miller, Hemenway & Wechsler, 1999).

Another proposal that overly simplifies the problem is to evaluate "persons of concern" on campus and intervene before they can act on their intention to harm others. But campus murder and manslaughter are what Nassim Taleb (2009) calls *black swans*—events so unlikely that there is no way of predicting them.

A good part of that unpredictability stems from the fact that these incidents often involve an assailant with a mental disorder. Every experienced dean knows that many students and faculty on college campuses have such disorders—enough to make attending to each one both impractical and cost-ineffective, because the number of the mentally disturbed who commit violent events is vanishingly small.

Further Research

We know very little about how either gun violence or the presence of guns on campus affect student attitudes and behaviors (LaPoint, 2009–2010). What have been the responses of faculty, students and administration to dramatic gun-related events? How might various groups respond to the knowledge that some in their communities are carrying concealed weapons? What effect might this knowledge have on relationships among students or between students and faculty?

Would either banning or encouraging guns on campus lead people to feel more threatened or more secure? If campuses were to declare that concealed weapons may be carried, how many students and faculty would be likely to carry them (in addition to those who may already carry them despite institutional bans)?

Scholars might inform the debate by maintaining, updating, and disseminating the Clery data in more usable formats, by preparing and updating an authoritative and current list of institutions that have adopted a gun policy, and by tracking violent incidents occurring on matched institutions with differing firearms policies. Data such as these are unlikely by themselves to change hearts and minds, but they may prove useful if the BanGuns and MoreGuns groups decide to move past unilateral pronouncements and consider sensible compromises that might end the gun fight. Academics can also challenge participants in the debate to present the evidence that supports the claims they are making.

If the present cultural conflict has any redeeming social value, some states' adoption of the MoreGuns position while others maintain a BanGuns policy might establish a quasi-experiment in which the consequences of both positions can be compared.

Of course, since the present conflict between groups is basically unrelated to data, still more data may still not have much bearing on their positions. Unfortunately, policymakers are more likely to be swayed by good stories than by good data, and one improbable hypothetical can be worth a thousand statistical tables.

The rational sequence on the firing range is ready, aim, fire. But the interpretive sequence in the college campus gunfight is ready (have an ideology), fire (attack using the ideology), and then aim (construct a narrative that relates the incident to the ideology). Neither MoreGuns nor BanGuns advocates evaluate the results of their activities in accordance with the ostensible goal of reducing campus violence. Instead, they give examples not of what *has* happened but of what *might* happen if their positions do not prevail.

Given *Heller*, it appears unlikely that absolute campus bans on firearms, at least at public institutions, can

continue to exist. The question then becomes not whether but rather what kinds of firearms, carried by whom, where, under what circumstances, and with what restrictions regarding purchasing and permits.

A discussion at the 2011 meeting of the National Association of College and University Attorneys concerned what kinds of gun restrictions institutions could develop if they wished to restrict weapons, in light of the Supreme Court rulings and state-level statutes or constitutions that permit concealed carry. The answer was that they should prepare arguments that identify their institutions as "sensitive places," avoid absolute gun bans, and create policies that apply to places where people congregate (Keller, 2011).

We would all like to believe that making the campus safe is a matter of developing better policies and procedures and that we could accomplish this if we had the will to do so. But the truth may be that campuses are actually attending to the problem of murders and manslaughter and expending the maximum resources that they should to address it.

If this is true, we may already be at a threshold level of homicidal violence that must be accepted, because attempts to lower it still further may negatively influence the social benefits for which these institutions exist.

Rather than trying to further protect a campus from the already low possibility of homicides, resources might better be allocated to reduce more prevalent forms of campus violence such as forcible sex offenses and aggravated assault. Solutions to these problems might be more amenable to campus-based policy interventions and may have the added advantage of reducing the focus on the MoreGuns/BanGuns debate.

The country is filled with guns, guns exist on college campuses, and there doesn't appear to be much that can be done to completely eradicate them. But it may be that, under most circumstances, institutions can live with them.

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http://www.changemag.org/Archives/Back Issues/2013/September-October 2013/gun-fight-full.html