

NO GUN LEFT BEHIND

The Gun Lobby's Campaign to
Push Guns Into Colleges and Schools



Legal Action Project

Brady Center to Prevent Gun Violence

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Brady Center to Prevent Gun Violence
May 2007

ACKNOWLEDGEMENTS

Founded in 1983, the Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. The programs of the Brady Center complement the legislative and grassroots mobilization of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

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EXECUTIVE SUMMARY

On April 16, 2007, the day of the “Massacre at Virginia Tech,” in which 32 innocent college students and faculty lost their lives to a crazed gunman armed with two semi-automatic pistols and a couple hundred rounds of ammunition, *the first reaction of the gun lobby was that we need more guns on the college campuses of our Nation.* That’s correct. Before a single funeral was held for any of the victims of the Virginia Tech tragedy, and before anyone even knew who the victims were or the perpetrator was, the gun lobby called for college campuses to be turned into armed camps.¹ The gun lobby also wants to repeal the Federal Gun-Free School Zones Act and arm public school teachers.²

Was this your reaction to the horrific tragedy at Virginia Tech – to think society should eliminate gun-free schools and campuses? Do the students of the Nation want classrooms to be filled with guns? Will they feel safer knowing that the student sitting next to them could be packing? Would the parents of those students want to select schools for their children where the teachers and staff members, and even the students, were armed? Would putting guns into classrooms contribute to robust academic debate and foster a climate of learning? Do we really want to give guns to binge-drinking college kids, or let college sports

fans bring them to stadiums? What about suicidal students or those in need of psychological counseling? How will more guns help them? Is “more guns on campus” the only answer our society can come up with in response to horrific gun violence on a college campus?

As it turns out, the Virginia Tech shooter had been “adjudicated as a mental defective” prior to purchasing the two handguns he used in his rampage.³ Thus, had records of mental health decrees been entered properly, the Brady background check would have barred him from purchasing those guns at a Roanoke gun store and Blacksburg pawn shop. The gun lobby, of course, vehemently opposed the Brady Bill.⁴

Instead of accepting the straightforward solution of universal, thorough, background checks, the gun lobby clamors for legislation that would prohibit colleges and universities from maintaining rules or regulations that bar students from carrying handguns on campus.⁵ These statutes would preempt “gun free” policies on campus and allow students with carrying concealed weapons (CCW) licenses to be armed. Of course, the gun lobby fails to mention that thousands of people with CCW licenses have committed atrocious acts of gun violence.⁶ Moreover, a quick look behind this

outrageous proposal reveals it to be a ruse. *The gun lobby's real aim is to prohibit colleges and universities from keeping ANY policies or rules that restrict gun access or use by students, regardless of whether the student is old enough to obtain a CCW license.*

This aim was revealed quite clearly in a letter issued by the National Rifle Association exactly two weeks prior to the massacre at Virginia Tech. *In the letter, dated April 2, 2007, the NRA's Institute for Legislative Action wrote to members of the Maine legislature in opposition to a bill that would "allow any college or university to regulate the possession of firearms on the property of the college or university."* Maine colleges and universities already have policies restricting firearms on campus, but the NRA maintains in its letter that state preemption law and the right to bear arms provision of the Maine Constitution already prohibits such policies.⁷ In the absence of clarity on this point, the legislation opposed by the NRA was introduced. We have reprinted the letter in full in the **Introduction**.

In addition to opposing legislation that would affirm the rights of colleges and universities to control gun possession and use by students and faculty, the gun lobby is backing legislation to expressly prohibit such policies. In Utah, a law passed in 2004 prohibits public schools or state institutions of higher education from adopting or enforcing any "policy pertaining to firearms *that in any*

*way inhibits or restricts the possession or use of firearms on either public or private property."*⁸ The law also explicitly prohibits those educational institutions from keeping guns out of dorm residences, or requiring students to have a "permit or license to purchase, own, possess, transport, or keep a firearm."⁹ Only one restriction remains – students can opt-out of rooming with a gun-carrying student.¹⁰ Needless to say, that is no real restriction. *The bottom line is that college students in Utah appear to have the right to carry and use almost any type of firearm wherever they want, regardless of school policy.*¹¹

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Once academic institutions are stripped of their right to set gun policies for students and faculty, almost no other barriers remain that would keep schools from becoming "gun-filled" zones. Federal law prohibits persons under 21 from **buying** handguns, but it does not prohibit kids as young as 18 from **possessing** them.¹² Moreover, AK-47s and other assault rifles, with high-capacity detachable magazines that can deliver far more firepower than that of the Virginia Tech shooter, are completely legal for kids even younger than 18 to purchase and own.¹³

One can only imagine the nightmarish scenarios that would become possible if the gun lobby were successful in forcing guns onto college campuses. Will students bring their AK-47 assault rifles with them to show off while guzzling beer at college keggers? Given that 90% of attempted suicides with guns are

successful, how much more frequently will temporarily-depressed youths commit suicide if guns are available? Will gun thieves decide that college dorm rooms provide easier marks than private homes? The school-age years are among the most volatile times in every person's life. College students face severe social and academic pressure. Why would anyone want to introduce guns into the mix?

The gun lobby is not content, however, with guns on college campuses. It also wants to repeal the Gun-Free School Zones Act and arm teachers and other staff in our nation's elementary and secondary schools.¹⁴

This report is intended to raise the alarm about the gun lobby's campaign to force educational institutions to accept guns. That campaign began before the massacre at Virginia Tech. Unbelievably, however, the voices in support of the campaign have become even louder in the wake of the most horrific gun violence tragedy in the history of our Nation. Yet the effect of any policy to arm students and teachers will be to undermine school safety and academic freedom and supplant it with a culture of gun carrying that is completely foreign to those institutions.

The gun lobby's real aim is to prohibit colleges and universities from keeping ANY policies or rules that restrict gun access or use by students.

The **Introduction** to this report exposes the gun lobby's step-by-step strategy to force guns into every aspect of daily life. Introducing guns into schools and universities is only the latest attempt to knock down barriers to firearms possession in places that previously were gun-free. **Section One** discusses the severe risks that would be created if gun possession and

carrying became widespread on college campuses and gun-free school zones were undermined. **Section Two** explains how that campaign would destroy fundamental rights of academic freedom and wrest control of college campuses and schools from persons entrusted to secure those institutions. For private colleges and schools, fundamental private property rights would also

be trampled. **Section Three** explains that these risks can best be managed by continuing gun-free policies. The **Conclusion** stresses that because of the gun lobby's campaign, it is no longer enough for academic institutions to adopt gun-free policies. Academic communities must also become active in potentially every state legislature if they want to keep the right to maintain a gun-free environment. Our children's lives depend on it.

FORCING GUNS INTO ACADEMIC COMMUNITIES

The gun lobby has launched a step-by-step campaign to force guns into every nook and cranny of American society. First, they pushed hard to prevent law enforcement from exercising its informed judgment as to who could carry concealed handguns. Next, they launched a 50-state campaign to force businesses to accept guns on company property. Now, in the wake of the worst mass shooting in American history – the “Massacre at Virginia Tech” – the gun lobby is making a renewed effort to force guns into college classrooms and schools across the United States. The gun lobby has already pushed through a bill in Utah that prohibits public schools and state institutions of higher education from enacting policies barring guns on campus.¹⁵ If the educational community does not respond, this type of legislation may well be enacted in more and more states.

The First Step: Expanding the Number of People Carrying Concealed Weapons

Over the last decade, the gun lobby has pushed hard in all 50 states to permit the carrying of concealed weapons by nearly everyone except convicted felons.¹⁶ These

“shall-issue” carrying concealed weapons (CCW) laws require state authorities to issue CCW licenses to virtually anyone who applies, regardless of whether the applicant can demonstrate a need to carry a gun. As a result, millions of Americans are now licensed to carry concealed handguns in public.

The change in CCW laws has had serious security implications for institutions concerned about the welfare of their customers, employees, and students. Can such institutions trust that CCW licensees are law-abiding, non-violent, well-trained citizens? Unfortunately, the answer is no. Many dangerous CCW applicants have slipped through faulty state background checks, while others have been marginal, high-risk applicants who nonetheless *must* be issued a CCW license because they do not fit within a narrow, pre-set list of excluded persons. In addition, state training in handgun safety is cursory at best, with no real training in non-violent conflict resolution to help CCW licensees exercise proper judgment when carrying a firearm.¹⁷ **Appendix A** of this report provides dozens of examples where CCW licensees have committed crimes both before and after CCW licensure. Other sources have addressed this problem in greater depth.¹⁸

The Second Step: Forcing Guns Onto Business Property

The gun lobby has not been satisfied, however, with achieving step one – passing shall-issue CCW laws – in a majority of states. It has now chosen to become even more aggressive in making guns ubiquitous in American society.¹⁹ In May 2005, the NRA pushed a law through the Oklahoma legislature that tramples on centuries-old rights of private property owners as well as the rights of businesses to control their workplaces.²⁰

The Oklahoma “forced-entry” law makes it a crime for **anyone** – “person, property owner, tenant, employer, or business entity” – to bar **any** person, except a convicted felon, from bringing a gun onto **any** property in Oklahoma that is “set aside for **any** motor vehicle.”²¹ In addition to making violators subject to criminal penalties, the statute grants individuals a right of action to sue persons, property owners, tenants, employers or businesses to force them to accept guns into any place set aside for motor vehicles and collect court costs and attorneys fees if they prevail.²²

The breadth of the Oklahoma legislation is staggering. The owner of **any** place “set aside” for a motor vehicle – which is defined to include not only cars, trucks, minivans, and sport utility vehicles, but also motorcycles and motor scooters²³ – **must** accept guns onto their private property. Moreover, there is no limitation on **who** property owners must allow to bring a gun onto their property, except that the person cannot be a **convicted** felon.²⁴ The Oklahoma law is not restricted to persons who have obtained a CCW license or received training in firearms safety. Nor is there any limitation on the **type** or **number** of guns that can be brought onto someone’s private property, including AK-47s, UZIs, Tec-9s, or other

assault weapons, or .50 caliber sniper rifles powerful enough to bring down an airplane.

For now the Oklahoma law is in legal limbo. A lawsuit filed by several Oklahoma companies in Federal court²⁵ argued the law was unconstitutional for two reasons. First, it tramples private property and due process rights in violation of the Fifth and Fourteenth Amendments of the United States Constitution.²⁶ Second, the law conflicts with the overarching Federal duty established by the Occupational Safety and Health Act’s General Duty Clause, which requires employers to provide a workplace free from hazards. Thus, the Oklahoma law should give way under the Supremacy Clause of the United States Constitution.²⁷ The court granted plaintiffs a temporary restraining order and blocked enforcement of the law pending a final decision on the merits, which has not yet been issued.²⁸

In addition to Oklahoma, the gun lobby has attempted to pass similar legislation in Georgia, Florida, Texas, Virginia, Indiana, California, Utah, Tennessee, Montana, New Hampshire, and several other states. It has succeeded – albeit with weaker laws – in Alaska, Minnesota, Kentucky, Kansas and Mississippi. Solid opposition from the business community and numerous other groups, including the Brady Campaign, has so far largely held off the gun lobby’s onslaught.²⁹

This legislation attempts to force guns across a critical threshold that has been fundamental to American culture and law for centuries – the right of property owners to control their private property. It would also gut the longstanding right of businesses to set the terms and conditions of the workplace. Unless the gun lobby’s legislative campaigns are stopped, there is no telling how far it will go in its zeal to inject guns everywhere in American society.

The Third Step: Forcing Guns Into Schools and Campuses

After the massacre at Virginia Tech, we are now beginning to see how far the gun lobby is prepared to go in its quest to bar any institutions from attempting to maintain gun-free zones. Before we even knew who the shooter was, or the identity of his victims,

several gun groups had issued press releases calling for legislation to prohibit Virginia Tech and other colleges and universities across the country from maintaining gun-free campuses.³⁰ Many of those press releases called for repeal of the Federal Gun-Free School Zones Act of 1996 that prohibits firearms within 1,000 feet of elementary and secondary schools.³¹



NATIONAL RIFLE ASSOCIATION OF AMERICA
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11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

John Hohenwarter
State Liaison

Memorandum of Opposition

Date: April 2, 2007
To: Honorable Members of the Criminal Justice and Public Safety Committee
From: John Hohenwarter
RE: LD 1000

On behalf of the National Rifle Association of America, I am writing to express our opposition to LD 1000, *Legislation to allow any college or university to regulate the possession of firearms on the property of the college or university.*

In 1989, the Maine Legislature enacted legislation to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Preemption regulating firearms was enacted by the legislature to avoid the possibility of hundreds of separate firearm laws across the state. Without preemption there would be a myriad of local firearm laws making compliance impossible for law-abiding gun owners. In fact, gun owners would have difficulty even knowing about laws, much less understanding them. LD 1000 would create the first loophole to this important statute.

Secondly, this proposed legislation is also in conflict with Article 1, Section 16 of the Constitution of Maine, which states, "*Every citizen has a right to keep and bear arms; and this right shall never be questioned.*" The Maine Constitution was amended with the latter in 1987 to insure the rights of all Maine citizens.

If you should have any questions concerning this matter, I can be contacted at 703-267-1208. Thank you for your cooperation.

The position urged by the NRA in this letter, if adopted, would strip colleges and universities of control over the one issue paramount to school safety and security – the ability to control firearms on campus.

In addition, the NRA Institute for Legislative Action sent a letter to Maine legislators two weeks prior to the massacre making it clear they thought the law of Maine **already** prohibited colleges and universities in that state from “regulat[ing] the possession of firearms on the property of the college or university.”³² *We have reprinted the letter in full here.*

How serious is this threat? Educational institutions need to take it **very** seriously. In addition to revealing its true intentions in Maine, the gun lobby has already convinced the state legislature in Utah to pass a law prohibiting public schools or state institutions of higher education from enforcing or enacting any rule or policy that in “any way inhibits or restricts the possession or use of firearms on either public or private property,” including college campuses.³³ This type of law could turn colleges and universities into armed camps – “**gun-filled zones**” – by permitting students as young as 18 to keep and carry handguns on or off campus, and kids even younger than 18 to keep and carry rifles and shotguns, including military-style assault-rifles with high-capacity magazines. The University of Utah sued to overturn the law on the grounds that it violated principles of academic freedom and autonomy, but lost its case before the Utah Supreme Court.³⁴

Moreover, over the last two years the gun lobby has resorted to extreme hardball tactics with even its most ardent supporters in lobbying for guns-at-work legislation, which suggests they would do the same here. In

Georgia, for example, after the Virginia Tech massacre, the National Rifle Association threatened every member of the legislature who voted to block or defeat that state’s guns-at-work measure with an “F” rating, regardless of whether they had accumulated “A+” ratings from the NRA for years.³⁵ Similar pressure is being brought to bear on legislators in Florida and Texas. The NRA also purchased billboard space and launched a boycott of the companies that sued to block the Oklahoma law.³⁶

If the rights of educational institutions can be trampled in the gun lobby’s mad push to arm students and teachers, what places in our society will remain off-limits to guns? If legislatures can be convinced to prohibit colleges and universities from barring 18-year-old students from carrying handguns to class or sports arenas, or filling their dorm rooms with military-style assault rifles and high-capacity ammunition clips, will anywhere remain a gun-free sanctuary? If elementary and secondary-school teachers are armed, what message does that convey to our children?

Of course, the gun lobby’s extremist campaign has come under fire,³⁷ but this has not deterred them in the past from using scorched-earth tactics to pursue their agenda. The gun lobby’s campaign forces educational institutions to make a choice. They can either stand on the sidelines and be run over in state legislatures, passing laws that trample on the rights of institutions and property owners to establish gun-free policies, or they can lobby aggressively to prevent such laws from being passed in the first place.

If the rights of educational institutions can be trampled in the gun lobby’s mad push to arm students and teachers, what places in our society will remain off-limits to guns?

INCREASING RISKS OF SCHOOL VIOLENCE AND UNDERMINING LEGAL DUTIES

Despite the horrific massacre at Virginia Tech, college and university campuses are much safer than the communities that surround them.³⁸ A U.S. Justice Department study found that from 1995 to 2002, college students aged 18 to 24 experienced violence at significantly lower average annual rates – almost 20% lower – than non-students in the same age group.³⁹ Moreover, **93% of the violence against students occurs off campus.**⁴⁰ Even 85% of the violent crimes against students who live on campus occur at locations off campus.⁴¹

Elementary and secondary schools are also safer than society at large, as fewer than 1% of school-age homicide victims are killed on or around school grounds or on the way to and from school.⁴² Plus, in every year from 1992 to 2000, youths aged 5-19 were at least 70 times more likely to be murdered away from school than at a school.⁴³ Even Gary Kleck, a researcher often cited by the gun lobby, notes these statistics and concludes: ***“Both gun carrying and gun violence are thus phenomena almost entirely confined to the world outside schools.”***⁴⁴

The discrepancy in violence rates on and off school grounds and on and off college campuses is no doubt due, in part, to the fact that nearly every academic institution – from elementary school through higher education – has adopted a policy that either tightly controls possession and use of student firearms or bans guns altogether.⁴⁵ The overwhelming preference among Americans – 94% according to one survey – is to keep it that way.⁴⁶

If the gun lobby is successful in getting state legislatures beyond Utah to upset these longstanding policies and prohibit colleges and schools from barring or controlling gun possession and use by their students, it is not difficult to imagine the increased dangers and risks that will follow. They would, at a minimum, include:

- Diminished safety for students, faculty, staff, and visitors;
- Greater potential for student-on-student and student-on-faculty violence, and more lethal results when such violence occurs;

- An increased risk of suicide attempts ending in fatalities;
- An exponential increase in opportunities for gun theft and subsequent harm to people on and off campus; and
- Potentially huge legal, financial, and public-relations costs should gun violence occur as a result of these policies.

Schools have a legal duty to provide safe environments for their students, employees, and visitors. Courts have established that schools can be held liable if they do not take adequate measures to maintain a safe environment. Schools should have the authority to decide how to fulfill their legal duty to provide a safe environment without being undercut by the gun lobby's campaign to take away schools' discretion over this crucial safety issue. This duty will be undermined if the gun lobby's campaign is successful. Moreover, introducing guns on campus and into schools raises a host of public and student-relation problems.

A. Guns Increase the Risk of Violence in Schools

The primary threat posed by the gun lobby's campaign is to colleges and universities where students are old enough to be legally entitled to purchase or possess all manner of firearms.⁴⁷ As everyone that has lived through adolescence and young-adulthood knows, the college age years – 18 to 24 – are among the most volatile periods in a person's life.⁴⁸ The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has consistently found that criminal gun possession is highest for youths 18 to 24, with the ages 19-21 providing an even

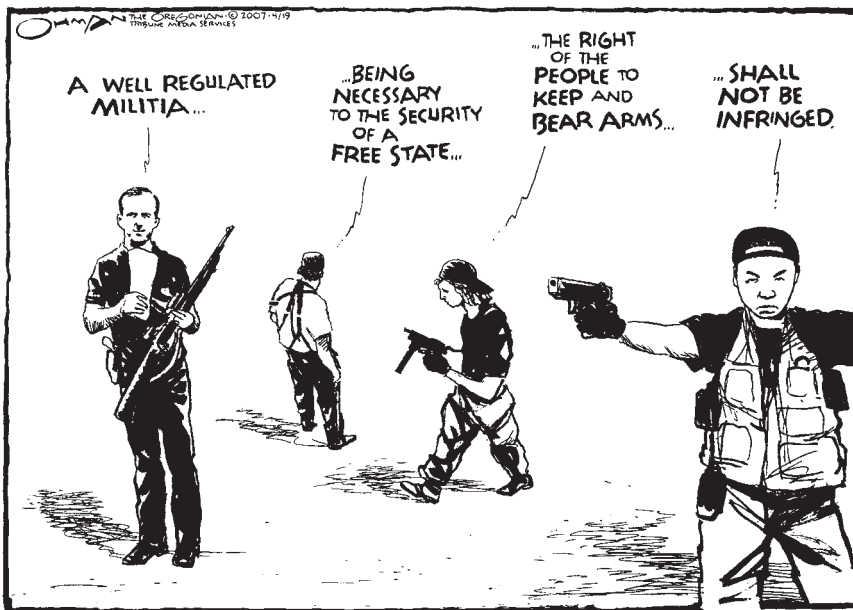
higher peak within this range.⁴⁹ These also happen to be the peak years for persons to commit violent gun crimes, including homicides.⁵⁰

*Also, no one should forget that Seung Hui Cho was a 23-year-old student who the Commonwealth of Virginia thought was a lawful firearms purchaser.*⁵¹ Moreover, having missed the fact that he had been adjudicated mentally defective in December 2005, Virginia would have issued a CCW license to Cho had he applied.⁵² How many other individuals that have carried out school shootings were legally entitled to purchase or possess firearms at the time of the shootings? We are not aware of anyone having made a count, though a review of the school shootings listed in **Appendix B** indicates many of those shooters were so qualified. Thus, the policy solution advocated by the gun lobby to arm all students may well make it easier for those bent on carrying out destruction to bring guns onto campus.

There are a host of reasons why gun violence is likely to increase, perhaps dramatically, if students are able to keep and carry guns on college campuses. We will focus on four: (1) the prevalence of drugs and alcohol, (2) suicide risks and mental health issues, (3) the likelihood of gun thefts, and (4) an increased risk of accidental shootings. In the next section, we address the separately-dangerous suggestion that schools should arm teachers.

Drugs and alcohol

The prevalence of alcohol and drugs on college campuses is a prime reason to keep guns out. Binge drinking is highest among 18-24 year olds.⁵³ Illegal drug use also peaks during these volatile years.⁵⁴ Both activities are



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common among college students. For example, according to a new study by the National Center on Addiction and Substance Abuse at Columbia University, “[n]early half of America’s 5.4 million full-time college students abuse drugs or drink alcohol on binges at least once a month.”⁵⁵ For college gun owners, the rate of binge drinking is even higher – two-thirds.⁵⁶ Of course, both drug and alcohol use greatly increases the risks of injury to users and those around them.⁵⁷ Alcohol, for example, “is involved in two thirds of college student suicides, in 90% of campus rapes, and in 95% of the violent crime on campus.”⁵⁸ Almost 700,000 students between the ages of 18 and 24 are assaulted each year by another student who has been drinking.⁵⁹ If guns were involved, those assaults would be much more likely to be fatal.⁶⁰ Guns, alcohol, and drugs have proven to be an extremely dangerous mix.⁶¹ Drinking alcohol can even make a police officer “unfit for duty.”⁶²

There is also a strong connection between gun ownership by college students and an increased likelihood to engage in dangerous activities. Two studies of college students found

that those who owned guns were more likely than the average student to:

- Engage in binge drinking,
- Need an alcoholic drink first thing in the morning,
- Use cocaine or crack,
- Be arrested for a DUI,
- Vandalize property, and
- Get in trouble with police.⁶³

Moreover, the students that engaged in multiple dangerous activities on this list were even more likely to own a gun.⁶⁴ Gun ownership was also significantly greater among college students who had either been injured in alcohol-related fights or car accidents than students who were not injured at all. The researchers concluded that “*college gun owners are more likely than those who do not own guns to engage in activities that put themselves and others at risk for severe or life-threatening injuries.*”⁶⁵ In addition, substance use, school problems, and perpetration of violence have been significantly associated with gun-carrying adolescents.⁶⁶

Colleges and universities have many programs in place to address drug and alcohol abuse, but it is unlikely that campus drug and alcohol problems will be eliminated any time soon.⁶⁷ Therefore, it is even more critical that schools be able to ban or tightly control firearms possession and use by students. A binge-drinking, drug-using student is dangerous enough; let’s not give him or her a gun.

Suicide and mental health issues

Mental health issues and the risks of suicides among college students is another

prime reason to prohibit or limit access to guns by college students. Researchers have found that youths aged 18-25 experience the highest rate of mental health problems.⁶⁸ According to the American College Health Association's National College Health Assessment, between 9 and 11% of college students seriously considered suicide in the last school year.⁶⁹ Even more alarming, every year about 1,100 college students commit suicide and another 24,000 attempt to do so.⁷⁰

Introducing firearms into this psychological cauldron could dramatically increase the danger to students. If a gun is used in a suicide attempt, more than 90% of the time the attempt will be fatal.⁷¹ By comparison, suicide attempts made by overdosing on drugs are fatal only 3% of the time.⁷² Thus, while suicides involving firearms account for only 5% of the suicide attempts in America, they accounted for more than half of the 32,439 fatalities.⁷³ Needless to say, increasing firearms availability for college students could lead to a significant increase in the number of fatalities among the 24,000 suicide attempts survived by students each year. After all, the presence of a gun in the home increases the risk of suicide fivefold.⁷⁴

Colleges and universities have devoted considerable resources to address mental health problems and suicide risks on campus.⁷⁵ One thing they have not done, however, is attempt to expel all the students that pose mental health or suicide risks. Nor should they. A college may face legal problems if it discriminates against certain students based on a perception that they are prone to depression or violence.⁷⁶ Moreover, many scholars believe it is not possible to reliably

identify who will go on a rampage,⁷⁷ thus suggesting there is no way for a college or university to distinguish in advance between gun-toters who pose extraordinary risks, and those who may not. According to Dr. James Alan Fox, Dean of the College of Criminal Justice at Northeastern University and one of America's leading criminologists:

It's not a matter of identifying problem cases and dealing with them. It's a matter of changing the way things are done.... You can't just grease the squeaky wheel. You've got to grease the whole machine.⁷⁸

Accordingly, the only safe and non-discriminatory way to reduce the risks of gun violence on college campuses is to keep them gun-free.

Gun theft

Increasing gun ownership among college students, especially if they live in campus dorms, is also likely to provide a prime, tempting target for gun thieves. Between 1993 and 2002, nearly 1.7 million firearms were reported stolen to police.⁷⁹ The U.S. Justice Department has found that 10% of prison inmates incarcerated on gun charges obtained their gun by stealing it.⁸⁰ Stolen guns have already been the source of school shootings in Jonesboro, Arkansas,⁸¹ Springfield, Oregon,⁸² and elsewhere.⁸³

Most guns that are stolen are taken from homes or parked cars.⁸⁴ But these targets seem

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extremely hardened compared to the ease with which guns could be stolen out of college dorm rooms. Dorm rooms are small, limiting the number of places where guns could be hidden or locked up. They often experience considerable numbers of visitors, some of whom might decide to pinch a firearm if they see one, given their resale value on the illegal market. It is also unlikely that college gun owners will be able to keep secret the fact that they have a gun or guns, and many may openly flaunt this fact. Of course, this will also make it easier for gun thieves to learn where the guns are and steal them.

Once a gun is stolen, it is much more likely to be used in subsequent crime.⁸⁵ Thus, if the sensible policies currently in place at nearly all colleges and universities nationwide are replaced by widespread student ownership of firearms, not only will the danger to students on and off campus increase, but so will the danger to surrounding communities.

The best deterrent to firearms theft on college campuses is obviously not to permit students to possess firearms at all. Without guns there can be no gun thefts. Colleges that require students to lock up firearms in a facility managed by campus security or local police also dramatically reduce the risks of gun theft.⁸⁶

Accidental shootings

In addition to the risk factors above, allowing more guns on college campuses and into schools is likely to increase the risk of students being shot accidentally.⁸⁷ Guns in the home are four times as likely to be used in unintentional shootings than in self-defense.⁸⁸ Plus, a 1991 report by the General Accounting Office that surveyed unintentional firearm fatalities found that 23% of those deaths occurred because the person firing the gun was

unaware whether the gun was loaded.⁸⁹ The report explains several ways in which this happens. “For example, one might empty a firearm but not notice that a round remains in the chamber, one might typically leave a weapon unloaded and so assume that it is always unloaded, or one might pull the trigger several times without discharge (dry-firing) and so assume the chamber is empty even though it is not.”⁹⁰ These mistakes are not limited to children. Even trained gun users have made them.⁹¹

If there are no guns on campus, these types of accidents cannot occur.

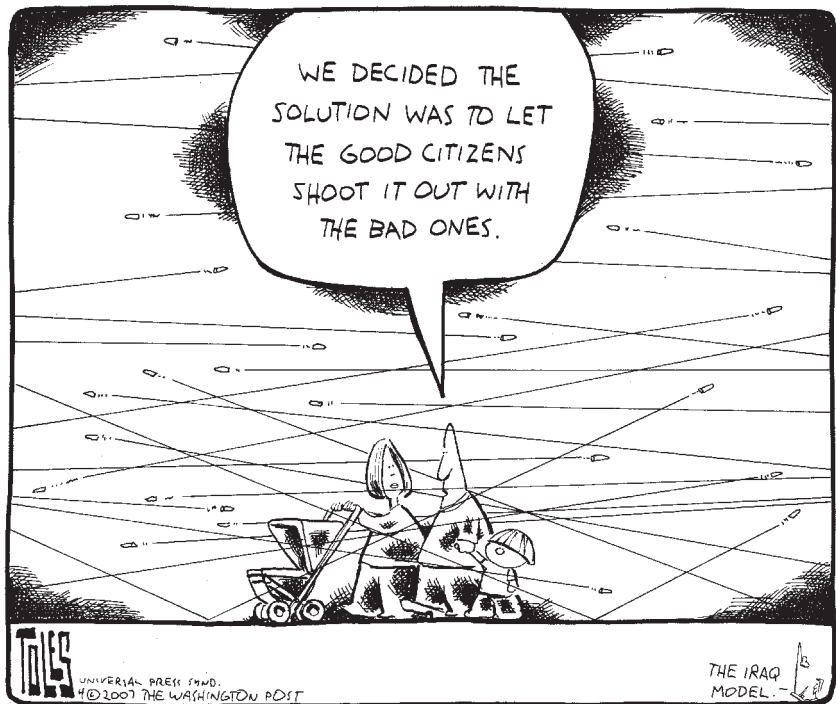
B. Arming Teachers is a Bad Idea

The gun lobby is also pushing to arm elementary and secondary school teachers.⁹² Their push to arm college students would also allow college faculty and staff to arm themselves.

There are a number of reasons why arming teachers is a bad idea. First, it is entirely speculation on the gun lobby’s part that arming teachers (or students) will ever save lives. In the one example often cited by the NRA and gun lobby groups – a January, 2002 shooting at the Appalachian School of Law in Grundy, Virginia – it turns out that the assailant stopped shooting when his gun ran out of bullets, not because some individuals had retrieved their guns and confronted him.⁹³ Indeed, Ted Besen, an unarmed student whom police believed to be the real hero of the incident, recently criticized former House Speaker Newt Gingrich for claiming students with guns had saved the day. Besen said: “*Their guns had no effect on [the shooter.] I already had [the shooter] on the ground before they got their guns out.*”⁹⁴

Moreover, given the frequency with which innocent civilians are killed or injured in urban crossfire and soldiers are killed by friendly fire, it is equally plausible that creating a crossfire might cost additional lives. *Indeed, even trained police officers, on average, hit their intended target less than 20% of the time.*⁹⁵ After the shooting at Virginia Tech, the executive director of the Virginia Association of Chiefs of Police said: “I have my own concerns that, *had there been a number of people who had been in that classroom with guns, [there could have been] additional persons killed just as a result of poor judgment calls.*”⁹⁶ According to security professionals, there are numerous survival options for students, faculty, and staff when confronted with an armed attacker that do not involve carrying a gun and firing back at him.⁹⁷

Second, if the person attacking a school knows that teachers may be armed, that would simply make the teacher the likely first victim. Teachers can hardly be expected to outdraw surprise assailants like in some Wild West gunfight fantasy. Assailants might also respond to armed teachers by increasing their own firepower or wearing flak jackets. A decade ago, two bank robbers in Los Angeles donned body armor and, using automatic weapons, held off practically the entire Los Angeles police department.⁹⁸ Unfortunately, the expiration of the Federal Assault Weapons ban and its attendant ban on ammunition magazines of more than 10 rounds has made it far easier for school assailants to increase the firepower they can bring to bear. Most of the magazines Seung



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Hui Cho used in his assault had at least 15 rounds, and at least one may have had 33-rounds,⁹⁹ which Glock advertises for sale on its website.¹⁰⁰

Third, many of the shooters that have assaulted schools are students themselves.¹⁰¹ As a society, do we really want our teachers to be prepared to shoot children, perhaps killing them? Certainly everyone would want to stop the carnage inflicted by Seung Hui Cho at Virginia Tech, or by teenagers Eric Harris and Dylan Klebold at Columbine High School, but what about the student that merely flashes a gun threateningly? In one recent school year, 2,143 elementary or secondary school students were expelled for bringing or possessing a firearm at school.¹⁰² In how many of those instances would an armed teacher have been tempted to shoot the student because of a perception of danger? Recently enacted laws lowering the threshold for CCW licensees to shoot others with their firearms have led to a host of unwarranted shooting incidents.¹⁰³

Even trained police officers have shot people they momentarily thought were dangerous who turned out not to be.¹⁰⁴ And what about fist or knife fights that occur at schools? Should teachers be drawing their guns and trying to intercede?

Fourth, arming teachers is not like arming pilots. Pilots' firearms are stored in a secured cockpit where access is very tightly controlled. Teachers would be forced to carry weapons into classrooms filled with children and teens, thus opening many more opportunities for the guns to fall into the wrong hands. If you counter this risk by requiring gun safes in each classroom, aside from the exorbitant cost, it makes it even less likely the gun could be used to stop a school shooting, given the time it would take to retrieve the weapon. Kim Campbell, President of the Utah Education Association, put it this way:

“I would be opposed to guns in school, period. No matter where I would put a gun in a classroom, a class full of little people would find it. And if it were locked up for safety, there would be no chance to get it.”¹⁰⁵

Arming teachers will tend to turn schools into fortresses and teachers into prison guards. Yet, presumably, teachers did not sign up for that duty. Teachers are not members of the armed forces or trained police officers. They are teachers. We need to find better ways to make classrooms safer than by introducing guns into them.

In the aftermath of the Columbine High School massacre in 1999, even NRA Executive Vice President Wayne LaPierre shot down the idea of introducing guns into schools before the amassed NRA membership:

First, we believe in absolutely gun-free, zero-tolerance, totally safe schools. That means no guns in America's schools, period ... with the rare exception of law enforcement officers or trained security personnel.

We believe America's schools should be as safe as America's airports. You can't talk about, much less take, bombs and guns onto airplanes. Such behavior in our schools should be prosecuted just as certainly as such behavior in our airports is prosecuted.¹⁰⁶

This is one of the very few times we have agreed with Mr. LaPierre. Since he made this statement, however, the NRA has shown ambivalence about this issue.¹⁰⁷

C. Permitting Guns Violates the Duty to Provide a Safe School Environment

Schools need discretion to set policies that affect the safety of students, faculty, and staff. Indeed, schools can be held liable for failing to take adequate security measures or otherwise failing to maintain a sufficiently safe environment. Courts have recognized that a school owes its students, employees, and visitors a duty of reasonable care as to their safety.¹⁰⁸ For example, universities that own and operate student housing have duties under tort law, just like other landlords, requiring them to provide safe premises for residents and visitors.¹⁰⁹ Likewise, schools have a duty to exercise reasonable care for the protection of students,

teachers, and others on all other sorts of premises on campus, from academic buildings to athletic facilities.¹¹⁰ Schools also can be held liable for negligence in connection with overseeing recreational, social, and other student life programs.¹¹¹

Many decisions have confirmed the potential liability of schools for criminal assaults on school grounds. For example:

- The Supreme Court of Arizona held that Phoenix College could be held liable where two students argued while registering for classes, and one of them said that he was going home to get a gun and coming back to campus to kill the other. The threatened student asked a college security guard for help. An hour later, the threatening student returned with a briefcase, pulled out a gun, and killed the other student.¹¹²
- The Supreme Court of California held that a community college could be held liable to a student attacked in the stairway of a campus parking facility.¹¹³
- The California Court of Appeal affirmed a \$2.4 million verdict against a school district based on a sexual assault of a junior high school student.¹¹⁴
- The Supreme Court of Delaware held that the University of Delaware could be held liable for injuries sustained during a fraternity hazing incident in which oven cleaner was poured over his head.¹¹⁵
- A Florida Court of Appeals held that Florida A&M could be held liable for the rape of a student in a dormitory.¹¹⁶
- The Kansas Supreme Court held that Kansas State University could be held liable for a sexual assault in a dormitory.¹¹⁷
- Massachusetts's highest court held that Pine Manor College could be held liable for the abduction of a student from college housing and a sexual assault in the school's dining facility.¹¹⁸
- New York's highest court held that the state university system could be held liable for an abduction and rape in a dormitory at SUNY – Stony Brook.¹¹⁹
- The Supreme Court of Texas held that the University of Houston could be held liable for assaults committed by a criminal intruder in a residence hall.¹²⁰
- The Supreme Court of Washington held that Washington State University could be held liable for the abduction and rape of a student near her dormitory on campus, if the risk of criminal assault was foreseeable.¹²¹

These decisions recognizing the potential liability of schools for foreseeable criminal attacks are “not the exceptional situation” and their rulings have been “widely accepted and applied.”¹²² Moreover, as assaults and other crimes at schools “are now front page news,” courts are becoming ever more willing to impose liability on schools “to encourage a greater concern for student safety and a safe learning environment.”¹²³

The right to safe schools is even enshrined in the constitutions of some states. For example, California's Constitution provides that “[a]ll students and staff of public primary, elementary, junior high and senior high schools

have the inalienable right to attend campuses which are safe, secure and peaceful.”¹²⁴

With legal doctrines making schools responsible for the safety of students, schools’ liability exposure has grown substantially. For example, colleges and universities “have experienced a significant increase in criminal and civil incidents which involve, in whole or part, assault or battery (or other violence) upon students by other students or by third parties.”¹²⁵ A statistical study by United Educators Insurance Risk Retention Group showed that premises liability and assault/criminal claims accounted for 64% of all general liability excess claims brought against colleges and universities.¹²⁶

Under these circumstances, depriving schools of the discretion to set policies concerning firearms leaves them exposed to potential liability but without the means to establish sensible policies to reduce risks. Sheldon Steinbach, vice president and general counsel of the American Council on Education, has explained that, compared to other sorts of landlords or other businesses, schools face unique risks and have special responsibilities when it comes to setting policy on firearms.¹²⁷ For instance, special concerns arise regarding guns because of the fact that many college students reside in dormitories, fraternity or sorority houses, or other communal living accommodations. Even if a student who owns a gun knows about gun safety, Steinbach explained, there is a serious risk that other students in the dormitory will not.¹²⁸ Moreover, colleges already have huge problems with intoxicated students making poor choices,

and “adding guns to the mix in dormitories would invite trouble.”¹²⁹

Suicide is a problem of particular concern for schools. Suicide rates among young people are high and continue to increase dramatically.¹³⁰ Courts have recognized that liability for a suicide can be imposed “where the defendant is found to have actually **caused** the suicide, or where the defendant is found to have had a **duty to prevent** the suicide from occurring.”¹³¹ For example, the Arkansas Supreme Court held that university officials could be held liable for a student’s suicide committed

Many decisions have confirmed the potential liability of schools for criminal assaults on school grounds.

with a firearm, where it was alleged that they enabled the student, a football player suffering from a shoulder injury, to have access to large doses of a pain-killing drug with addictive and depressive effects.¹³² Likewise, a Federal court in Virginia held that a college could be held liable for a student who committed suicide by hanging himself in his on-campus dormitory room, where college officials required the student to sign a statement saying he would not hurt himself, knew that the student had emotional problems, and knew that he had told friends he was going to commit suicide.¹³³ A school could face liability for a suicide in a host of other situations, such as if a student committed suicide after being wrongly punished under a disciplinary or honor code, after being subjected to hazing, or while in the custody of campus police or in a university hospital or other health care facility.¹³⁴ Gun availability is a significant risk factor for youth suicide,¹³⁵ and therefore potential liability for suicides provides additional reason for schools to be given the discretion to prohibit possession of guns.

D. Guns Pose Public and Student-Relations Problems

Rather than making anyone feel safer, allowing students to possess and use firearms on college campuses will likely breed fear and paranoia among fellow students since no one will know whether the other person can simply retrieve or pull out a gun 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.

In one national study of gun-owners and non-gun-owners alike, 71% of those surveyed said they would feel less safe if more people in their community acquired guns.¹³⁶ Among non-gun-owners, the numbers were even higher, with 85% indicating that the increased presence of guns in their neighborhood would lessen their safety.¹³⁷ Even among gun owners, roughly half did not want more people to acquire guns.¹³⁸ Although this study focused on the increased presence of guns in homes, it offers a powerful message to legislators that may be considering requiring colleges and schools to allow guns. How could it possibly be a good idea to increase fear and anxiety levels among college students?

Moreover, will parents be more or less likely to spend tens of thousands of dollars to send their child to a college or university that permits widespread gun possession and use among its students? No one needs a Ph.D to understand that introducing guns among binge-drinking, drug-using, suicide-contemplating, hormone-raging college students would not

help a parent sleep more easily at night. We are not suggesting that these risky behaviors are exhibited by a majority of college students. But they are exhibited frequently enough that it would be unconscionable to introduce guns into these settings. Accordingly, it is not surprising that public surveys have found overwhelming opposition to possession or carrying of guns on college campuses.¹³⁹

Arming teachers should also be a non-starter. We have demonstrated above the additional safety risks that would introduce into elementary and secondary school classrooms. Such plans could also present public-relations problems. If public-school teachers start being armed, will parents strongly consider private school? What if a teacher accidentally discharges a gun?

Of course, if a violent incident by an armed student or teacher ever does occur, student and faculty morale could be shattered. In the aftermath of shootings, institutions have often needed to provide counseling for many months. For the survivors, the school sanctuary no longer feels safe, but has become threatening. Morale was certainly shattered at Virginia Tech and Columbine High School. However, in both of these tragedies, while the schools may not have prevented the shootings, neither event was brought on by a school policy that permitted gun carrying on campus. Who would want to attend a school where shootings have taken place because guns were allowed?

Accordingly, it is critical to the health of an educational institution and its community to tightly limit or ban access to firearms by students and faculty.

TRAMPLING ACADEMIC FREEDOM AND PROPERTY RIGHTS

A. Rights of Academic Institutions to Set Basic Policies Affecting Life at School

“Academic freedom” is a vital, cherished concept in our Nation. It ensures that schools, teachers, and students can carry on all aspects of the educational process and pursuit of knowledge without undue interference.

Protecting free expression of teachers and students is the most obvious way in which academic freedom must be secured. Teachers must be able to address even the most controversial subjects, in their research and writing endeavors as well as in the classroom, without fear that they will be punished for challenging conventional thought or espousing provocative ideas. Students must have the same ability to pursue knowledge without risk of being penalized or restrained by those who might disagree with the students’ views. The Supreme Court of the United States has recognized that academic freedom has “long been viewed as a special concern of the First Amendment”¹⁴⁰

and “is of transcendent value to all of us.”¹⁴¹ It is thus an area in which government “should be extremely reticent to tread” and no “strait jacket[s]” should be imposed.¹⁴²

While free expression is tremendously important, academic freedom means more than simply letting teachers and students speak their minds. It also means respecting the need for academic institutions to be able to make independent decisions about the wide range of significant matters that surround the educational enterprise. Just as outsiders should not dictate what questions a teacher may ask or what answers a student may offer, schools should be given the authority and discretion to set policies that shape the academic environment in which teaching and learning will occur.

The Supreme Court has recognized that academic freedom includes this institutional component, a right of universities to engage in “autonomous decisionmaking.”¹⁴³ Indeed, this “institutional right of self-governance in academic affairs” is the core principle endorsed in the Supreme Court’s discussions of academic freedom.¹⁴⁴



Other courts have similarly recognized the importance of deferring to the decisionmaking and discretion of academic institutions. For example, when administrators at the University of Wisconsin suspended classes because of anti-war demonstrations in the early 1970s, courts recognized the importance of “[r]espect for the autonomy of educational institutions” and refused to overturn school officials’ determinations about how best to ensure the safety of the academic community and to pursue the university’s educational mission.¹⁴⁵

Academic freedom is not only a well-established legal principle, but also a strong cultural and professional norm in this country. The principal articulation of academic freedom principles, a statement issued by the American Association of University Professors in 1940, has been endorsed by hundreds of scholarly groups and every major higher education organization in the Nation.¹⁴⁶ Recent decades have seen a movement toward consistently greater legislative recognition of and respect for the importance of autonomy for educational institutions.¹⁴⁷

This principle of institutional autonomy has even been enshrined in the constitutions of many states. For example:

- Alabama’s Constitution provides that the state’s university shall be under the management and control of its board of trustees.¹⁴⁸
- California’s Constitution gives the Regents of the University of California “full powers of organization and government, subject only to such legislative control as may be necessary” to insure financial security and compliance with the terms of endowments and competitive bidding procedures.¹⁴⁹

- Florida’s Constitution provides that the statewide board of governors shall operate, regulate, control, and be fully responsible for the management of the whole university system, subject to the legislature’s powers to appropriate for the expenditure of funds.¹⁵⁰
- Georgia’s Constitution states that the government, control, and management of the state’s university system and all institutions within it shall be vested in the system’s board of regents.¹⁵¹
- Idaho’s Constitution assigns the responsibility for general supervision of the university to the school’s regents.¹⁵²
- Michigan’s Constitution gives each board of regents the power of general supervision over the institution.¹⁵³
- Mississippi’s Constitution assigns responsibility for the management and control of the state’s institutions of higher learning to a board of trustees.¹⁵⁴
- Missouri’s Constitution provides that government of the state university system shall be vested in the board of curators.¹⁵⁵
- Nevada’s Constitution declares that the state’s university shall be controlled by a board of regents.¹⁵⁶
- North Dakota’s Constitution gives the state’s board of higher education full authority over the state’s educational institutions, including power to delegate to its employees the details of administration of the institutions.¹⁵⁷
- Oklahoma’s Constitution vests the government of the state’s university in a board of regents.¹⁵⁸

In one instance, a court has ruled that a state legislature deprived its universities of discretion to establish their own policies with

respect to firearms.¹⁵⁹ In that case, the court found that the Utah legislature had specifically opted to override the University of Utah's autonomy and its rule prohibiting its students, faculty, and staff from possessing firearms on campus. The court went out of its way, however, to emphasize that Utah provided an abnormally low measure of autonomy to its universities, compared to other states.¹⁶⁰ Unlike other state constitutions, such as those mentioned above, Utah's Constitution assigns responsibility for "general control and supervision of the higher education systems" to the state legislature rather than to a governing body such as a board of regents or trustees.¹⁶¹

The Utah court also emphasized that it was not deciding whether the Utah legislature's action violated Federal constitutional guarantees,¹⁶² and that its decision should not be taken as suggesting that the state legislature made a wise decision in disregarding traditional principles of autonomy for educational institutions.¹⁶³

Academic freedom thus remains a significant American value, reflected in law, tradition, and contemporary practice throughout the Nation. Institutional autonomy, including authority to make significant policy decisions, lies at the heart of academic freedom.

B. Introducing Guns Threatens Academic Freedom

A school's autonomy and independent decisionmaking authority should include the right to set policies concerning the presence of guns on campus. Possession of firearms at a

school is a significant safety issue, as well as an important factor in the educational atmosphere created in an academic environment, over which a school should have control.

Firearms policies raise very significant and special issues for schools, as they have the unique mission of imparting learning and advancing knowledge. Each school strives to create a secure and constructive environment in which its educational mission can best be accomplished. As Justice Felix Frankfurter explained, "[i]t is the business of a university to provide that atmosphere which is most conducive to

Earl Warren speculation, experiment and creation."¹⁶⁴

That objective brings with it a responsibility to regulate the behavior of students, faculty, staff, and visitors in ways that not only promote safety, but also promote the achievement of educational goals.¹⁶⁵ The Supreme Court's Chief Justice Earl Warren correctly observed that "[s]cholarship cannot flourish in an atmosphere of suspicion and distrust."¹⁶⁶ Likewise, while sitting on the U.S. Court of Appeals for the Eighth Circuit before joining the Supreme Court, Harry Blackmun recognized that college regulations of students' conduct are "part of the educational process itself" and that a school should have "latitude and discretion in its formulation of rules and regulations and of general standards of conduct."¹⁶⁷

A school could reasonably conclude that fostering the appropriate atmosphere for education would not be served by allowing students to carry guns to class or permitting professors to arm themselves for faculty

meetings. A school's decision should be respected to the extent that it determines, in the exercise of its discretion, that it should restrict or prohibit possession of guns at school.

C. Forcing Guns Into Private Schools Would Also Trample Property Rights

Denying a private school the ability to make its own decisions about firearms would be particularly inappropriate because it would infringe on the school's authority as property owner. The right to own and control one's own property is virtually a sacred aspect of American law and culture. From the time when America obtained its independence, private property rights have been treated as a fundamental aspect of freedom. For example, Arthur Lee, a member of the Continental Congress, proclaimed that "[t]he right of property is the guardian of every other right."¹⁶⁸ Likewise, as they headed into battle, George Washington reminded his troops that they were fighting to determine "whether they are to have any property they can call their own."¹⁶⁹ Alexis de Tocqueville observed that "[i]n no other country in the world, is the love of property keener or more alert than in the United States, and nowhere else does the majority display less inclination toward doctrines which in any way threaten the way property is owned."¹⁷⁰

The Bill of Rights provided protection to property rights through the Fifth Amendment, which guaranteed that people would not be deprived of their property rights without due process of law and that just compensation would be paid for any government taking of

private property for public use.¹⁷¹ Consistent with that, the Supreme Court has recognized that "government can scarcely be deemed to be free, where the rights of property are left solely dependent upon the will of a legislative body, without any restraint. The fundamental maxims of a free government seem to require, that the rights of personal liberty and private property should be held sacred."¹⁷²

Defying this fundamental tradition of respect for property rights, as we noted in the **Introduction**, the gun lobby recently has been pushing for passage of "forced-entry laws" that would force property owners to permit possession of guns on their property.¹⁷³ The American Bar Association, among others, has condemned the gun lobby's campaign and forced-entry laws as an improper infringement of traditional property rights of employers and other private property owners.¹⁷⁴ "Forced entry laws deprive employer businesses and other property owners of their fundamental right to exclude individuals who possess firearms from their property," the ABA report found, and "such laws place substantial burdens on employer businesses by subjecting them to the risks associated with firearms in their workplaces without due process."¹⁷⁵

The gun lobby's campaign to push guns into schools and campuses also raises property rights concerns. Unlike businesses, which control property as private enterprises, most educational institutions in this country are public entities under some level of state control. However, private schools are in the same position as other businesses to set firearms policy on their property. Should the gun lobby seek to push laws like Utah's across that threshold, it will be invading the centuries-old tradition of respect for private property.

PROTECTING SCHOOL SAFETY AND ACADEMIC FREEDOM

The smart choice by educational institutions – and one apparently made by nearly all schools and colleges¹⁷⁶ – is a policy that bans or tightly controls firearms. It is the only policy that gives control to those responsible for the safety of students, faculty, staff, and visitors.

No reasonable school administrator or campus security officer would want students or faculty to be armed. Education professionals understand the risks on college campuses – alcohol and drugs, suicide and mental health issues, gun theft risks, and accidental shootings – that would be exacerbated if guns were introduced. They also understand why it is not a good idea to arm teachers. Moreover, they understand that a climate of learning and free discussion and debate is not fostered when some of the people in classrooms have guns. These are just some of the reasons why the University of Utah, for example, took its case all the way to the Utah Supreme Court and filed a separate Federal lawsuit to defend its no-guns policy.¹⁷⁷

It is only the people **not** responsible for school safety or guarding academic freedom that favor turning schools into armed camps. The Utah legislature has no responsibility for the safety of anyone that attends or visits school campuses. Slavish obedience to the wishes of the gun lobby appear to drive that legislature's choices, not student, or even public, safety.

It is only the people NOT responsible for school safety or guarding academic freedom that favor turning schools into armed camps.

Educational and law enforcement professionals agree that a policy tightly restricting or banning firearms on campus should be an essential part of every school security plan.

- The **International Association of Chiefs of Police** recommends suspending or expelling students that possess firearms on school property or at school events.¹⁷⁸
- The **National Education Association** recommends a clear and strictly enforced code that guns are not tolerated on school grounds. "A 'Zero Tolerance' policy is acceptable in these cases."¹⁷⁹

- The **American Council on Education** and several other higher educational institutions have written: “A university’s decision to prohibit firearms on campus creates a secure, educational environment that ensures that the university’s mission, the educational process and the quality of higher education can thrive – for the benefit of the entire academic community and the public good.”¹⁸⁰

With a policy that tightly controls guns or bans them altogether, colleges and schools can ensure that the only people carrying guns are their security guards and the police. This is the way it has likely always been, and schools are safer because of it. For maximum safety and security, this is the way it should always be.

FIGHT EFFORTS TO PUSH GUNS INTO COLLEGES AND SCHOOLS

Now is the time to take action to protect the rights of educational institutions to keep guns off campus. Unfortunately, those legal rights are now under attack by the gun lobby. The gun lobby is not known for issuing idle threats, and it has certainly made clear that it intends to push hard for arming students and teachers.¹⁸¹ Indeed, barely a week after the massacre at Virginia Tech, there is already a bill introduced in South Carolina that would permit anyone with a CCW license to carry a concealed weapon “on the premises or property owned, operated, or controlled by a public school, elementary school, secondary school, college, university, technical college, or other post-secondary institution.”¹⁸² The bill would repeal existing South Carolina law that expressly prohibits CCW licensees from carrying guns into schools.¹⁸³

However, if educational institutions and communities band together in opposition to these laws, they can likely be stopped. Faced with the gun lobby’s threat to pass legislation prohibiting employers from barring guns on company property, the business community has organized strong opposition in nearly every state where legislation has been proposed. The result has been a series of resounding defeats for

the gun lobby.¹⁸⁴ There is no reason that all of the people and institutions that run or support schools should not be similarly successful.

Institutions that educate and protect our children should not have their legal rights trampled by organizations promoting an extremist agenda. We need to make society safer by reducing easy access to guns by criminals, and mentally ill, unstable, or suicidal people, not make our schools more dangerous by making guns more accessible in colleges and schools.

Please visit our website at www.bradycenter.org if you would like to download and distribute copies of this report, and for ongoing updates regarding the gun lobby’s campaign and our attempts to defeat it.

If we can be of assistance, please contact us at:

Legal Action Project
Brady Center to Prevent Gun Violence
1225 Eye Street, Suite 1100
Washington, DC 20005
202.289.7319

ASSORTED CRIMES AND MISDEEDS BY CCW LICENSEES

Over and over again, the gun lobby claims that CCW permit holders are all law-abiding members of society, and that carrying concealed firearms will make the public safer. But when a Florida newspaper recently discovered that over 1,400 Florida CCW permit holders were “responsible for assaults, burglaries, sexual battery, drug possession, child molestation – even homicide,” that was almost 10 times as many as the 158 that the State had reported beforehand. As the following examples show, holding a concealed-carry gun permit in no way guarantees public safety. In fact, often it can be a license to kill.

- **January-February 2007:** The Florida *Sun-Sentinel* found that the state had not suspended or revoked the licenses of 216 people with active warrants, 128 people with domestic violence restraining orders, 9 people charged with felonies or violent reckless misdemeanors, 6 registered sex offenders, and at least 1 prison inmate. Another 1,400 people who had pled guilty or no-contest to felony charges also have CCW licenses in Florida. Before the newspaper had published its investigation, however, the State of Florida admitted to only 158 criminal CCW permit holders, almost 10 times fewer than the actual number.¹
 - > **LYGLENSON LEMORIN, AGE 32:** Now an accused terrorist alleged to have ties to al-Qaeda, Lemorin retained his CCW license after two domestic violence arrests in 1997 and 1998. The first time he allegedly threw a beer bottle at his girlfriend’s neck. The second time he allegedly punched a pregnant former girlfriend, flashed his gun and warned her, “I’ll kill you.” His CCW license was suspended in February 2000 for carrying a weapon with a restraining order against him, but was actually reinstated a month later. It was finally suspended again in 2006 when Lemorin was arrested under suspicion of a terrorist plot. Lemorin was indicted with six other defendants in a terrorist plot to destroy the Sears Tower in Chicago. An acquaintance of Lemorin used Lemorin’s Hi-Point 9mm to shoot at a third party.²
 - > **NATHANIEL FERGUSON, AGE 47:** Ferguson actually retained his CCW permit for some 18 months *after* he was arrested for shooting a woman – the 30 year-old mother of a young son – in a parking lot outside a bar.
 - > **EDWARD CALDWELL, AGE 33:** A registered sex offender since 1997, Caldwell got a

¹ *License to Carry: A Sun-Sentinel Investigation*, Florida Sun-Sentinel, Jan. 28-Feb. 15, 2007.

² *Terrorism Suspect’s Commitment Waned*, Miami Herald, Aug. 6, 2006.

concealed weapon license in 2004. He served 7 months in jail and 5 years probation for threatening to shoot a woman if she didn't do what he said. Caldwell had also amassed an even longer criminal record since 2001: acquitted on a charge of lewd conduct toward a child under 16; a domestic violence restraining order between 2002-2003; and a warrant issued against him for failure to report his sex offender status. Caldwell had also made references to committing "suicide by cop." The state of Florida finally moved to suspend his license again in 2006.

- **Vancouver, WA, October 3, 2006.** Jon W. Loveless, unemployed for ten years, daily marijuana smoker, and father of two children – said that he shot “until my gun was empty” at Kenneth Eichorn, because Eichorn had “a weird look” on his face. Loveless also claimed that Eichorn held a handgun, but the Eichorn family disputes the claim. Loveless was charged with one count of second-degree murder.³
- **Northville Township, Michigan, July 13, 2006.** A group of three possibly drunken friends were about to explore the tunnels underneath a state hospital, when one accidentally shot another in the leg with his handgun.⁴
- **Miami-Dade County, Florida, June 28, 2006.** Kostja Roy, a one-time School Board police officer, was arrested for impersonating a police officer and false imprisonment, after a string of roadside motorist stops and warnings he gave to them. One motorist witnessed Roy with a gun in his hand.⁵
- **St. Louis, Missouri, April 29, 2006.** Randolph Stevens allegedly shot Henry Kotyla to death with a .45- caliber handgun. According to reports, Stevens had a CCW permit from Florida that Missouri law recognized by reciprocity. Stevens was charged with first-degree murder and unlawful use of a weapon. While police reportedly recovered eight shell casings, Kotyla was wounded 14 times.⁶
- **Richmond, Virginia, January 26, 2006.** Del. John S. “Jack” Reid (R-72nd Dist.), Delegate to the Virginia Assembly, accidentally discharged his .380 handgun inside his Assembly office, shooting the bulletproof vest that was hanging on his coat rack. No injuries were reported.⁷
- **Fort Lauderdale, Florida, January 1, 2006.** Rogelio Monero, 49, allegedly shot and killed Victor Manuel Villanueva, 17, during a New Year's altercation as Moreno tried to stop a fight between Villanueva and a third party. Moreno was charged with manslaughter.⁸

³ Documents: *Suspect Fired Gun 'Until Empty'*, *Columbian*, Oct. 3, 2006.

⁴ *Shooting Renews demands to Secure Hospital; Northville Officials Call on State to Exercise More Control of Shuttered Psychiatric Facility*, *Detroit News*, July 14, 2006.

⁵ *Fired Cop Arrested in Blue-Light Charade: An Ex-Cop Was Arrested and Charged with Playing the Role After He Should Have Turned in His Badge*, *Miami Herald*, July 1, 2006.

⁶ *Man with Permit Is Charged with Murder in Shooting*, *St. Louis Post-Dispatch*, May 2, 2006.

⁷ *Gun-Toting Delegate Misfires at Va. Capitol*, *Washington Post*, Jan. 27, 2006.

⁸ *Argument at a New Year's Party Ends in Teen's Death*, *Miami Herald*, Jan. 2, 2006.

- **Detroit, Michigan, November 16, 2005.** A man was arrested on suspicion of drunk driving. His gun and permit were seized, because Michigan law forbids carrying a concealed weapon while intoxicated.⁹
- **Sunrise, Florida, August 5, 2005.** Anthony Diotaiuto, a suspected drug dealer, was shot to death in a confrontation with the SWAT team assigned to arrest him.¹⁰
- **Orange County, California, August 1, 2005.** Raymond K. Yi, an Orange County, CA “sheriff’s reserve deputy,” was arrested for brandishing a firearm at a golf course. Reserve deputies are honorary and have no police power. Reportedly, a golfer ahead of Yi hit Yi’s ball out of the fairway. Yi confronted the man with his badge and gun, and after some escalation, allegedly pointed his weapon at him and said, “I will kill you.”¹¹
- **Fairfax County, VA, April 26, 2005.** Timothy D. Fudd, a teacher in Fairfax County, VA, was charged with carrying a loaded handgun in his car onto the property of his school, Westfield High School, in violation of Virginia law.¹²
- **Ocala, Florida, January 12, 2005.** Steven Ekberg was arrested for carrying a weapon into a bar, a violation of Florida law, as well as cocaine possession. Ekberg was also under suspicion for possession of ricin, a lethal biological agent.¹³
- **Prince William County, Maryland, October 3, 2004.** Michael G. Fouche accidentally left his handgun in the bag of supplies taken to school by his special-needs son. Mr. Fouche, charged with allowing children access to firearms, took full responsibility for the mistake after the school discovered the weapon.¹⁴
- **Louisville, Kentucky, August 10, 2004.** U.S. Rep. John Hostettler (R-IN, 8th Dist.) pleaded guilty “to a misdemeanor charge of carrying a concealed deadly weapon into Louisville International Airport in April.” Rep. Hostettler agreed to a discharged 60-day jail sentence conditional on his good behavior over the following two years, and had to surrender his semi-automatic handgun. In the 2006 election, the NRA gave Rep. Hostettler an A grade, and endorsed him for re-election.¹⁵
- **Pittsburgh, Pennsylvania, July 13, 2004.** Arabo “Raybo” Allen allegedly shot a bystander in the leg with a 9mm pistol, during an altercation with another person. Allen was later arraigned on charges of aggravated assault, attempted homicide and reckless endangerment. The charges were later dropped when a witness failed to appear in court.¹⁶

⁹ *Police Beat*, Detroit Free Press, Nov. 25, 2005.

¹⁰ *Officers Cleared in Deadly Shooting*, Miami Herald, Oct. 19, 2006.

¹¹ *Golfers Say Deputy Drew Gun; Orange County Sheriff’s Reserve Officer Is Arrested After Players Say He Threatened Them*, Los Angeles Times, Aug. 4, 2005.

¹² *Va. Teacher Accused of Taking Gun to School; Loaded Weapon Found in Locked Car*, Washington Post, Apr. 27, 2005.

¹³ *Ocala Man Had Biotxin, Police Charge*, Miami Herald, Jan. 14, 2005.

¹⁴ *Va. Father Who Left Gun in Pack Praises School’s Action*, Washington Post, Oct. 4, 2004.

¹⁵ *Congressman Guilty in Gun Case*, Louisville Courier-Journal, Aug. 11, 2004.

¹⁶ *Legwork, Luck Led Police to Suspect – Within Hours of Downtown Shooting, Detectives Were Hot on the Trail of the Accused Gunman*, Pittsburgh Post-Gazette, July 17, 2004, and *News Briefs*, Pittsburgh Post-Gazette, Nov. 30, 2004.

- **Miami Beach, Florida, February 18, 2004.** Deborah Cubides, wife of a Miami Beach police officer, held up the Pembroke Pines bank, apparently to get enough money to keep her family's house from foreclosure proceedings. Cubides said she used a gun during the robbery, but police never recovered one.¹⁷
- **Miami, Florida, January 19, 2004.** Travis Jenkins, Jr., age 3, found his father's 9mm semi-automatic handgun on the floor of his father's car, and shot himself in the head, rendering him brain dead. Mr. Jenkins, Sr., a CCW permit-holder, was later charged with culpable negligence. He agreed to probation, and the surrender of his weapon and his CCW license.¹⁸
- **Greenacres, Florida, January 13, 2004.** It was reported that James Anthony Settembre, a vocal gun advocate, shot his wife Debra twice, and then shot himself in the head.¹⁹
- **Lexington, Kentucky, December 18, 2003.** Donald Byrom – a lawyer and former interim circuit judge – was cited for bringing a loaded Ruger .22-caliber pistol into the Blue Grass Airport. Byrom said his crime was one of “carelessness.” He later pleaded guilty to a Federal misdemeanor and paid a \$500 fine.²⁰
- **Bethesda, Maryland, November 24, 2003.** A man threatening to commit suicide was taken to the hospital after police seized from his apartment: “17 rifles, 10 handguns, a homemade silencer, two stun guns, two blowguns, two concealed-weapons permits, more than 1,300 rounds of ammunition, 48 knives and six samurai swords in sheaths.”²¹
- **Chartiers Valley School District, Pennsylvania, August 29, 2003.** Charles Bolden, transportation director of the Chartiers Valley School District, carried a loaded Glock 27, 40-caliber handgun onto school property in one of his motorcycle saddlebags. The School Board later suspended Bolden “for four months without pay for incompetency, neglect of duty, unintentionally bringing a loaded firearm onto school property and hindering an investigation.”²²
- **Manchester, New Hampshire, July 19, 2003.** New Hampshire State Rep. Howard Dickinson (R-Conway) brought a loaded .38 caliber handgun in his carry-on luggage into the Manchester Airport. Dickinson was the first person to have been caught doing so at the Airport since Federal employees took over screening. Dickinson said, “It was the most devastating experience I’ve ever been in, in my whole life. It was a combination of just this incredible confrontation and feeling very stupid because clearly you screwed up.” In 2006, Dickinson received an A+ rating from the NRA and was endorsed for re-election.²³

¹⁷ *Arrest of Officer's Wife Stuns Suburb*, Miami Herald, Feb. 21, 2004, and *Cop's Wife Gets Year for Bank Job*, Miami Herald, Aug. 13, 2005.

¹⁸ *Doctor: 'Brain Doesn't Work Anymore'*, Miami Herald, Jan. 21, 2004, and *Around Miami-Dade*, Miami Herald, Mar. 27, 2004.

¹⁹ *Around Florida*, Miami Herald, Jan. 13, 2004.

²⁰ *Lawyer Fined for Gun in Airport*, Lexington Herald-Leader, Mar. 3, 2004, and *You're Busted – Have a Nice Flight: Guns, Knives Land Passengers in Court*, Lexington Herald-Leader, Feb. 8, 2004.

²¹ *Metro in Brief*, Washington Post, Nov. 26, 2003.

²² *Bolden v. Chartiers Valley School Dist.*, 869 A.2d 1134 (Pa. Commonw. Ct. 2005).

²³ *Dickinson Says Carrying Gun in Luggage Was 'A Total Mistake'*, Portsmouth Herald, July 21, 2003.

- **Davie, Florida, April 30, 2003.** Michael Pecora walked into his business partner's office, sat down and shot him twice in the head. He then shot himself.²⁴
- **Key West, Florida, April 8, 2003.** Gerald Norman Leggett – senior director of communications for, and reserve deputy for the Monroe County Sheriff's Department – was arrested at Key West International Airport for “attempting to board an aircraft with a concealed dangerous weapon,” a loaded Llama .380 semi-automatic handgun. Leggett later pleaded guilty and was sentenced to one year of probation.²⁵
- **Tucson, Arizona, October 29, 2002.** Robert Flores, Jr. shot and killed three professors, and then himself, in a rampage at the University of Arizona School of Nursing, where he was a failing student. Reportedly, he had told classmates about a year before that he had obtained a CCW permit.²⁶
- **Tampa, Florida, October 28, 2002.** Quinn Burchfield, age 3, found his father Steven's .32-caliber pistol in the pocket of his jeans, and accidentally shot himself in the neck. Quinn died five days later. Steven Burchfield, a CCW permit-holder, was charged with culpable negligence.²⁷
- **Lexington, Kentucky, March 14, 2002.** Former Kentucky Militia leader and convicted felon, Charlie Puckett, slipped out of his electronic monitoring bracelet and fled authorities after he was placed under house arrest. Puckett was indicted for “being a felon who illegally owned guns, pipe bombs, and almost 30,000 rounds of ammunition.” Puckett was later sentenced to 30 months in prison.²⁸

²⁴ *Police: Tension Escalated Before Shootings*, Miami Herald, May 1, 2003.

²⁵ *Loaded Gun Brings Arrest at Airport*, Miami Herald, Apr. 9, 2003, and Judgment, U.S.A. v. Leggett, No. 4:03-cr-10023-KMM (S.D. Fla. filed June 13, 2003).

²⁶ *3 Professors Shot Dead at University of Arizona*, Washington Post, Oct. 29, 2002.

²⁷ *Dad Charged After Son, 3, Shoots Self*, Miami Herald, Jan. 7, 2003.

²⁸ *Judge Won't Drop Charges Against Militia Leader – Puckett Claims He Was Misled by ATF*, Lexington Herald-Leader, May 23, 2002, and Ky. *Fugitive Surrenders to Police*, Associated Press, Apr. 4, 2002.

TEN YEARS OF SCHOOL SHOOTINGS

As we explained above in Section One, schools and colleges are far safer than society at large precisely because they have strict policies banning or tightly controlling firearms possession and use. Nevertheless, there have been many horrific incidents of school violence, as noted below.

We would like to make two points about these shooting incidents. First, many of the shooters were legally entitled to purchase or possess firearms at the time they carried out their shooting attack, and many of those were students at the schools. Thus, the policy solution advocated by the gun lobby to arm all students will make it easier for those bent on carrying out destruction to bring guns on campus. Seung Hui Cho, who carried out the attack at Virginia Tech, was considered a legal handgun purchaser until *after* the shooting. It was only then, after a closer look at his mental health records, that it became clear he should have been flagged as an illegal handgun buyer and owner. Yet the gun lobby would have happily permitted him to bring all the guns he wanted on campus and into his dorm room.

Second, if, as is true, students are often the ones shooting others on school grounds, do we really want America's teachers to be armed and trained to shoot to kill their students? What if the student only flashes the gun menacingly? Even law enforcement officers who train for years to deal with these situations sometimes make mistakes.

- **Blacksburg, Virginia. April 16, 2007.** Seung Hui Cho massacres 32 students and faculty and wounds 15 more, armed with a Glock model 19 handgun and a Walther P22 handgun. It is the worst single act of gun violence in American history.²⁹
- **Clinton, South Carolina. November 9, 2006.** A North Carolina man, suspected of assaulting his wife, committed suicide after wounding a police officer on the campus of Presbyterian College.³⁰
- **Joplin, Missouri. October 9, 2006.** A 13-year-old boy, obsessed with the Columbine school shootings, brought a MAC-90 semiautomatic assault rifle (a replica of an AK-47) to school, pointing it at students and firing it into the ceiling until the gun jammed.³¹

²⁹ *Gunman Kills 32 at Virginia Tech in Deadliest Shooting in U.S. History*, Washington Post, April 18, 2007.

³⁰ *Man Shoots S.C. College Police Officer Before Killing Himself*, Associated Press, Nov. 10, 2006.

³¹ *Missouri Boy Fires Rifle in his School; All Are Safe*, New York Times, Oct. 10, 2006, and *Student Arrested After 1 Shot Fired in School; Missouri Authorities Say 13-Year-Old Boy Had Fascination with 1999 Columbine Attack*, Chicago Tribune, Oct. 10, 2006.

- **Nickel Mines, Pennsylvania. October 2, 2006.** A dairy truck driver walked into a one-room Amish schoolhouse with a shotgun, a semi-automatic handgun, and 600 rounds of ammunition, selected all the female students, and shot them execution-style, killing five and seriously wounding six. The man then shot himself, apparently having left suicide notes beforehand.³²
- **Cazenovia, Wisconsin. September 29, 2006.** A student walked into a rural school with a handgun and a shotgun and shot the principal several times, killing him.³³
- **Bailey, Colorado. September 27, 2006.** A lone gunman entered a high school and held six female students hostage, sexually assaulted them, killed one of them, and then himself after a four-hour standoff.³⁴
- **Pittsburgh, Pennsylvania. September 17, 2006.** Five Duquesne University basketball players are wounded, one critically, after a shooting on campus following a dance, the first such incident in the 128-year history of the University.³⁵
- **Green Bay, Wisconsin. September 14, 2006.** Two boys, teased at school and obsessed with the mass killings at Columbine, are arrested for amassing an arsenal of guns and bombs and for planning an attack on East High School.³⁶
- **Montreal, Quebec, Canada. September 13, 2006.** Marc Lepine massacres 14 women at the Ecole Polytechnique of the University of Montreal, “apparently because he felt that women were taking too many seats at the university.”³⁷
- **Hillsborough, North Carolina. August 30, 2006.** After shooting his father to death, a student opens fire at his high school, injuring two students. Deputies found guns, ammunition, and homemade pipe bombs in the student’s car. The student had emailed Columbine High’s Principal, telling him that it was “time the world remembered” the shootings at Columbine.³⁸
- **Essex, Vermont. August 24, 2006.** A gunman shoots five people, killing two of them, in a rampage through two houses and an elementary school, before wounding himself.³⁹
- **Red Lake Indian Reservation, Minnesota. March 21, 2005.** At the time, the worst school-related shooting incident since the Columbine shootings in April of 1999. Ten killed and seven injured in a rampage by a high school student.⁴⁰

³² *Man Shoots 11, Killing 5 Girls, in Amish School*, New York Times, Oct. 2, 2006.

³³ *Principal Killed by Shot in Struggle With Angry Student*, New York Times, Sept. 30, 2006.

³⁴ *Student and Gunman Die in Colorado High School Standoff*, New York Times, Sept. 28, 2006, and *Bailey Shooter Sat in School Lot for Hours*, Denver Post, Oct. 12, 2006.

³⁵ *2nd Arrest Is Made in Duquesne Attack*, New York Times, Sept. 21, 2006, and *After Arrest, a 2nd Suspect Is Sought in Duquesne Case*, New York Times, Sept. 20, 2006.

³⁶ *Schoolmates Made Fun of Boys Charged in Plot; 2 Had Columbine Fascination, Police Say*, Washington Post, Sept. 23, 2006.

³⁷ *Why They Kill*, Los Angeles Times, Apr. 17, 2007.

³⁸ *Teenager Is Accused of Multiple Shootings*, New York Times, Sept. 1, 2006.

³⁹ *Deadly Rampage in Quiet Vt. Town; Man Kills Two, Hurts Two Others*, in *Shootings at School, Homes*, Boston Globe, Aug. 25, 2006.

⁴⁰ *A Very Quiet Sense of Shock; Small Community Struggles to Cope*, Washington Post, Mar. 23, 2005.

- **Bellflower, California. March 16, 2005.** Another Columbine was averted when two juveniles were arrested for plotting to shoot up their high school.⁴¹
- **Cumberland City, Tennessee. March 2, 2005.** School bus driver shot and killed while driving a school bus carrying 24 students – from kindergarten through 12th grade – by a 14-year-old student who had been reported to administrators by the driver for chewing tobacco on the bus.⁴²
- **Nine Mile Falls, Washington. December 10, 2004.** A 16-year-old high school junior committed suicide with a .38-caliber handgun at his high school's entryway around 1:20 p.m.⁴³
- **Joyce, Washington. March 17, 2004.** A 13-year-old student shot and killed himself in a school classroom where about 20 other students were present. The boy reportedly brought a .22-caliber rifle hidden in a guitar case and pulled it out during the 10 a.m. class.⁴⁴
- **Philadelphia, Pennsylvania. February 11, 2004:** A 10-year-old student was shot in the face and died outside a Philadelphia elementary school. A 56-year-old female school crossing guard was also shot in the foot as she tried to scurry children across the street as bullets were flying and children were on the playground.⁴⁵
- **Washington, D.C. February 2, 2004.** A 17-year-old male high school student died after being shot several times and another student was injured after shots were fired near the school's cafeteria.⁴⁶
- **Henderson, Nevada. January 21, 2004.** Gunman shoots and kills a hostage in his car on school campus. The gunman was allegedly looking for his ex-girlfriend as he searched the school full of children in an after-school program.⁴⁷
- **Sugar Land, Texas. November 8, 2003.** A 17-year-old female high school student was shot and killed as a fight broke out at the side of a stadium at a high school football game.⁴⁸
- **Cold Spring, Minnesota. September 24, 2003.** Two students are shot and killed by 15-year-old John Jason McLaughlin at Rocori High School.⁴⁹
- **Hopkinsville, Kentucky. September 16, 2003.** A 16-year-old girl fatally shot another teen and then killed herself as the two sat in a car parked at a shopping center across from their school.⁵⁰

⁴¹ 2 Boys Charged in Plot; Bellflower Teens Are Accused of Planning Killings at Their School, Los Angeles Times, Mar. 16, 2005.

⁴² School Bus Driver Slain, New York Times, Mar. 3, 2005.

⁴³ Student's Suicide Stuns Community; Counselors Available as School Officials Strive to 'Restore a Sense of Safety', Spokane Spokesman-Review, Dec. 12, 2004.

⁴⁴ Student Shoots Himself at School in Washington State, Associated Press, Mar. 17, 2004.

⁴⁵ Boy, 10, Shot at School - 10-Year-Old Hit by Stray Bullet Outside School, 'This Is a Philadelphia Tragedy', Philadelphia Inquirer, Feb. 12, 2004.

⁴⁶ Student Slain in Shooting at Ballou, Washington Post, Feb. 3, 2004.

⁴⁷ Two Dead After Standoff, Las Vegas Sun, Jan. 22, 2004.

⁴⁸ Man Charged in Fatal Shooting Outside High School Game, Associated Press, Nov. 10, 2003.

⁴⁹ Boy Opens Fire in Central Minnesota School; One Killed, Another Critically Wounded, Associated Press, Sept. 25, 2003.

⁵⁰ Police Say Teens' Deaths Near School a Murder-Suicide, Associated Press, Sept. 20, 2003.

- **Fort Worth, Texas. September 10, 2003.** A 16-year-old boy fatally shot a classmate, then dumped his body in a nearby construction site.⁵¹
- **San Diego, California. September 5, 2003.** A 14-year-old boy jogging with his high school cross-country team is shot and killed in an ambush by his father, who then killed himself after a standoff with police.⁵²
- **Red Lion, Pennsylvania. April 24, 2003.** Principal of Red Lion Area Junior High is fatally shot in the chest by a 14-year-old student, who then committed suicide, as students gathered in the cafeteria for breakfast.⁵³
- **New Orleans, Louisiana. April 14, 2003.** One 15-year-old killed and three students wounded at John McDonough High School by gunfire from four teenagers in a gang-related shooting.⁵⁴
- **Tucson, Arizona, October 29, 2002.** Robert Flores, Jr. shot and killed three professors, and then himself, in a rampage at the University of Arizona School of Nursing, where he was a failing student. Reportedly, he had told classmates about a year before that he had obtained a CCW permit.⁵⁵
- **October 7, 2002. Bowie, Maryland.** A 13-year-old boy was shot and critically wounded by the DC-area sniper outside Benjamin Tasker Middle School.⁵⁶
- **New York, New York. January 15, 2002.** Two students at Martin Luther King Junior High School in Manhattan were seriously wounded when an 18-year-old opened fire in the school.⁵⁷
- **Caro, Michigan. November 12, 2001.** A 17-year-old student took two hostages at Caro Learning Center with a .22-caliber rifle and a 20-gauge shotgun, before killing himself.⁵⁸
- **Ennis, Texas. May 15, 2001.** A 16-year-old sophomore upset over his relationship with a girl, took 17 hostages in English class, and shot and killed himself and the girl.⁵⁹
- **Gary, Indiana. March 30, 2001.** 17-year-old expelled from Lew Wallace High School kills classmate.⁶⁰

⁵¹ *Teenager Accused of Fatally Shooting Classmate*, Fort Worth Star-Telegram, Sept. 16, 2003.

⁵² *San Diego Teen Killed in Ambush by Father*, Associated Press Online, Sept. 5, 2003.

⁵³ *Student Kills Principal at Middle School, Then Self*, Associated Press, Apr. 23, 2003.

⁵⁴ *School Officials Say They'll Bolster Security after New Orleans Shooting Leaves Teen Dead*, Associated Press, Apr. 16, 2003.

⁵⁵ *3 Professors Shot Dead at University of Arizona*, Washington Post, Oct. 29, 2002.

⁵⁶ *Boy Critically Wounded Outside Md. School in Latest Sniper Attack*, Associated Press, Oct. 8, 2002.

⁵⁷ *Two Students Injured in MLK High School Shooting*, Associated Press, Jan. 15, 2002.

⁵⁸ *Teen Takes 2 Hostages at School, Kills Self*, Associated Press, Nov. 13, 2001.

⁵⁹ *Student Kills Self After Teacher Tried to Get Him to Give up Gun*, Associated Press, May 15, 2001.

⁶⁰ *Teen Charged in Fatal School Shooting Was Expelled Two Years Ago*, Associated Press, Apr. 1, 2001.

- **Granite Hills, California. March 22, 2001.** One teacher and three students wounded by a student at Granite Hills school.⁶¹
- **Willamsport, Pennsylvania. March 7, 2001.** Classmate wounded by a 14 year-old-girl, in the cafeteria of Bishop Neuman High School.⁶²
- **Santee, California. March 5, 2001.** A 15-year-old student killed two fellow students and wounded 13 others, while firing from a bathroom at Santana High School in San Diego County.⁶³
- **Baltimore, Maryland. January 17, 2001.** 17-year-old student shot and killed in front of Lake Clifton-Eastern High School.⁶⁴
- **New Orleans, Louisiana. September 26, 2000.** Two students wounded in a gun fight at Woodson Middle School.⁶⁵
- **Lake Worth, Florida. May 26, 2000.** A 13-year-old honor student killed his English teacher, Barry Grunow, on the last day of classes after the teacher refused to let him talk to two girls in his classroom.⁶⁶
- **Prairie Grove, Arkansas. May 11, 2000.** Seventh grade student injures police officer in a hay field north of the student's school after leaving campus in an apparent fit of rage.⁶⁷
- **Savannah, Georgia. March 10, 2000.** Two students killed by a 19-year-old while leaving a dance sponsored by Beach High School.⁶⁸
- **Mount Morris Township, Michigan. February 29, 2000.** A 6-year-old boy shot and killed a 6-year-old girl at Buell Elementary School with a .32 caliber handgun.⁶⁹
- **Fort Gibson, Oklahoma. December 6, 1999.** A 13-year-old student, armed with a handgun, opened fire outside Fort Gibson Middle school, wounding four classmates.⁷⁰
- **Deming, New Mexico. November 19, 1999.** 12-year-old boy came to school dressed in camouflage and shot a 13-year-old girl with a .22 caliber as students were returning from lunch.⁷¹

⁶¹ *Latest School Shooting Has Parents Seeking Alternatives*, Associated Press, Mar. 24, 2001.

⁶² *One Teen Girl Shoots Another at Pennsylvania Catholic School*, Philadelphia Inquirer, Mar. 8, 2001.

⁶³ *Two Dead, 13 Wounded when Gunman Opens Fire at High School*, Associated Press, Mar. 6, 2001.

⁶⁴ *Student Shot Outside Baltimore High School*, Associated Press, Jan. 17, 2001.

⁶⁵ *Two Students Critically Injured in Middle School Shooting*, Associated Press, Sept. 20, 2000.

⁶⁶ *Police: Teacher Fatally Shot by Student on Last Day of Classes*, Associated Press, May 26, 2000.

⁶⁷ *Student, Police Officer Hurt in Exchange of Gunfire Near School*, Associated Press, May 12, 2000.

⁶⁸ *School Dance Ends in Gunfire, Killing Two Teens, Injuring One Other*, Associated Press, Mar. 11, 2000.

⁶⁹ *Community Grieves Death of 6-Year-Old*, Associated Press, Mar. 1, 2000.

⁷⁰ *Friends, Neighbors Look for Answers in School Shooting*, Associated Press, Dec. 7, 1999.

⁷¹ *Girl Shot at Middle School, Boy Taken into Custody*, Associated Press, Nov. 19, 1999.

- **Conyers, Georgia. May 20, 1999.** 15-year-old sophomore opens fire with a rifle and a handgun on Heritage High School students arriving for classes, injuring six.⁷²
- **Littleton, Colorado. April 20, 1999.** Students Eric Harris, 18, and Dylan Klebold, 17, killed 12 students and a teacher and wounded 23 with two sawed-off shotguns and a TEC-DC9 before killing themselves at Columbine High School.⁷³
- **Notus, Idaho, April 16, 1999.** Student “rode the bus to school with a shotgun wrapped in a blanket. He pointed the gun at a secretary and students, then shot twice into a door and at the floor. He had a death list, but told one girl he wouldn’t hurt anyone. He surrendered.”
- **Springfield, Oregon. May 21, 1998.** Two teenagers were killed and more than 20 people hurt when a teenage boy opened fire at a high school, after killing his parents. Kip Kinkel, 17, was sentenced to nearly 112 years in prison.⁷⁴
- **Fayetteville, Tennessee. May 19, 1998.** Three days before his graduation, an 18-year-old honor student opened fire at a high school, killing a classmate who was dating his ex-girlfriend.⁷⁵
- **Edinboro, Pennsylvania. April 24, 1998.** A 15-year-old student opened fire at an eighth-grade dance, killing a science teacher.⁷⁶
- **Jonesboro, Arkansas. March 24, 1998.** Two boys, 11 and 13, fired on their middle school from woods, killing four girls and a teacher and wounding 11 others.⁷⁷
- **West Paducah, Kentucky. December 1, 1997.** Three students were killed and five wounded at Heath High School by a 14-year-old.⁷⁸
- **Pearl, Mississippi. October. 1, 1997.** A 16-year-old student fatally shot two students and wounded seven others after stabbing his mother to death.⁷⁹

⁷² *A Loud Pop, Then Chaos Again*, Associated Press, May 20, 1999.

⁷³ *Banned Assault Weapon Used in Littleton School Shooting*, Associated Press, Apr. 23, 1999, *Emergency Workers Cope with Trauma of Their Own*, Associated Press, Apr. 25, 1999, and *Man May be Arrested in Gun Sale Linked to Columbine Massacre*, Associated Press, Apr. 29, 1999.

⁷⁴ *Second Student Dies from Wounds in Oregon School Shooting*, Associated Press, May 22, 1998, and *Some Fatal Shootings that Took Place at U.S. Schools*, Associated Press, Oct. 4, 2006.

⁷⁵ *List of Recent US School Shootings*, Associated Press, May 22, 1998, and *Police Say School Gunman Left Note Prior to Shooting*, Associated Press, May 28, 1998.

⁷⁶ *3,500 Attend Pa. Teacher Funeral*, Associated Press Online, Apr. 28, 1998.

⁷⁷ *Two Cousins in Camouflage Now Wear Orange Jail Coveralls*, Associated Press, Mar. 25, 1998.

⁷⁸ *Shaken Students Pray for Victims of Shootings*, Associated Press, Dec. 2, 1997.

⁷⁹ *Teen Passed Note Before Shooting: ‘I Am Not Insane. I Am Angry’*, Associated Press, Oct. 2, 1997.

ENDNOTES

¹ Within hours of the shooting, several gun lobby organizations either made statements or issued press releases calling for universities to implement policies allowing the carrying of guns on their campuses. **Gun Owners of America** claimed: “It is irresponsibly dangerous to tell citizens that they may not have guns at schools.” GOA press release, *Virginia Tech Shooting – Gun Bans Are the Problem, Not the Solution*, Apr. 16, 2007, at <http://www.gunowners.org/pr0704.htm>. The **Virginia Civil Defense League** railed: “ENOUGH OF ELITIST BALONEY FROM COLLEGES AND UNIVERSITIES.” VCDL press release, *Gun Control Claims Lives at Virginia Tech*, April 16, 2007, at <http://www2.vcdl.org/webapps/vcdl/vadetail.html?RECID=1702146>. **Jews for the Preservation of Firearms** blamed the university for the deaths and the “cowardly police who hid behind trees as the carnage ensued.” Paul Joseph Watson & Alex Jones, *Campus Gun Ban Disarmed Virginia Victims*, Apr. 16, 2007, at <http://www.prisonplanet.com/articles/april2007/160407gunban.htm>. Mere hours after the shootings the Ohio-based **Buckeye Firearms Association** was blaming gun control advocates and state and university officials, arguing that Ohio’s concealed carry laws should be changed. J. Irvine, *Yet Another Shooting in a ‘Gun Free Zone’: At Least 32 Dead at VA Tech*, April 16, 2007, at <http://www.buckeyefirearms.org/article3663.html> (“every victim’s body at VT is piled up in a ‘gun free’ zone”). The call to arms continued the next day, as John Snyder of the **Citizens’ Committee for the Right to Keep and Bear Arms** blamed the university’s no-gun policy for the deaths of its students. John M. Snyder, *News from Virginia Underscores Need for Carrying of Firearms by Law-Abiding People*, Apr. 17, 2007, at <http://www.expertclick.com/NewsReleaseWire/default.cfm?Action=ReleaseDetail&ID=16184>. See also Hillary Hylton, *The Gun Lobby’s Counterattack*, Time, Apr. 18, 2007 (reporting gun lobby’s “call to arms” in wake of massacre at Virginia Tech); Moises D. Mendoza, *Having Guns on Campus Debated*, St. Petersburg Times, Apr. 23, 2007 (discussing the gun lobby’s push to put guns on campus).

Before the massacre at Virginia Tech, the **National Rifle Association** advocated expanding the right to carry concealed weapons in colleges and universities. Indeed, as we explain below, the NRA Institute for Legislative Action issued a letter on April 2, 2007, just two weeks prior to the shooting, opposing legislation in Maine that reinforced the rights of colleges and universities in that state to bar guns on campus. We have reprinted the letter in full on page 3 of this report. In addition, the NRA spoke out in favor when the Virginia legislature was considering a bill to prohibit state universities like Virginia Tech from maintaining its no-firearms policy. Speaking in Roanoke, Virginia, NRA president Wayne LaPierre claimed that guns can make campuses safer. Greg Esposito, *Gun Bill Targets Colleges*, Roanoke Times, Jan. 26, 2006, at <http://www.roanoke.com/politics/wb/49915>; see also Ken Schwartz, *Packing Heat in Lecture*, Business Today, Mar. 1, 2006, at http://www.businesstoday.org/index.php?option=com_content&task=view&id=205&Itemid=43 (“The National Rifle Association Head, Wayne LaPierre, supports the bill.”). The NRA also opposed the University of Utah’s efforts roll back legislation that prohibited it from restricting firearms on campus. See NRA Institute for Legislative Action, *Utah Legislature Taking Up Concealed Firearm Restriction*, Feb. 16, 2007, at <http://www.nraila.org/Legislation/Read.aspx?id+2626> (“If institutions of higher education can be exempt from Utah’s current firearms uniformity law, who will try next to discriminate against law-abiding gun owners? Please contact your State Legislator today and urge him or her stand up for law-abiding gun owners by OPPOSING SB 251.”); see also NRA Institute for Legislative Action, *Utah Legislature Taking Up Concealed Firearms Restriction!*, Feb. 16, 2007, at <http://www.nraila.org/Legislation/Read.aspx?id=2626> (“SB 251 would restrict the possession and carrying of concealed firearms on the property of institutions of higher education in specified faculty and staff offices, as well as authorize the institution to allow a dorm resident to have only roommates who are not licensed to carry a concealed firearm. Please contact your House member... and ask for his or her “NO” vote should it come before them for a vote.”). All of this ties in with the NRA’s larger campaign, discussed in the **Introduction**, to push guns into every nook and cranny of society. See Schwartz, *supra* (“Regarding guns on campus, the NRA’s arguments remain essentially the same, with a few variations on the theme, such as the vulnerability of young people, especially women, and their need for self-protection.”). However, it appears to be at odds with statements made by NRA Executive Vice President Wayne LaPierre in the aftermath of the massacre at Columbine High School in 1999. Speaking before the NRA membership, LaPierre unequivocally stated that law enforcement officers or trained security personnel should be the only persons armed on school grounds. Wayne LaPierre, *Speech Before the NRA Annual Convention*, May 1, 1999, <http://www.nra.org/speech.aspx?id=6043>.

² See GOA press release, *supra* note 1 (calling for repeal of law); see also Gun Owners of America, Fact Sheet, Nov. 1996, at <http://www.gunowners.org/fs9611.htm> (attacking Federal law); Think Progress, *Conservatives Take Aim at Bush-Backed Gun Law*, at <http://thinkprogress.org/2007/04/18/bush-gun-free-schools/> (identifying other groups calling for repeal). The law they are seeking to repeal is the Gun-Free School Zones Act, Pub. L. No. 104-208, § 657, 110 Stat. 3009 (1996), codified at 18 U.S.C. § 922(q).

The **Gun Owners of America's** President, Larry Pratt, has said that “All adults working at schools must be armed.” Larry Pratt, *When Terror Comes to School*, Dec. 2006, at <http://gunowners.org/op0648.htm>. Gun Owners of America also published a piece on its website demanding that teachers be armed. Dr. Patrick Jonston, *Stop School Shootings: Let Teachers Carry Guns*, Oct. 2006, at <http://gunowners.org/op0643.htm>. State gun groups like the **Buckeye Firearms Association** have also backed this idea. E.g., Ken Hanson, *The Uncomfortable Truth About School Shootings*, Oct. 5, 2006, at <http://www.buckeyefirearms.org/modules.php?name=News&file=article&sid=3311>. Other pro-gun commentators have advocated arming teachers. E.g., Kevin Roeten, *Virginia Tech Security Teaches us About Gun Possession*, Apr. 24, 2007, at http://www.opinioneditorials.com/guestcontributors/kroeten_20070424.html; Bradford Wiles, *Student Pleaded with Tech: Allow Guns*, Roanoke Times, Apr. 20, 2007.

The **NRA** has talked out of both sides of its mouth with respect to arming teachers. As noted in endnote 1, NRA Executive Vice President Wayne LaPierre said in the aftermath of the Columbine massacre that law enforcement officers or trained security personnel should be the only persons armed on school grounds. Wayne LaPierre speech, *supra* note 1. However, after a 2005 school shooting in Minnesota, Sandra Froman, then the Vice President of the NRA, said: “[W]e as a society, we as a community have to provide a way for the teachers to [arm themselves].” Associated Press, *Arm Teachers, NRA Official Suggests*, Mar. 25, 2005, at <http://www.msnbc.com/id/7297575/>. After being criticized for these comments, the NRA equivocated further. Rachel Graves, *NRA to Display ‘Five Acres of Guns and Gear,’* Houston Chronicle, Apr. 7, 2005, at B1 (noting that NRA’s then-president Wayne LaPierre responded to Froman’s comments by stating that the NRA was not backing any national legislation to arm teachers, that the group supports the federal Gun-Free School Zones Act, but adding that “[i]f ‘some school somewhere’ wanted to arm a teacher... the NRA would not object.”). Froman herself retreated from her earlier statement by saying: “The only people that ought to have firearms in the schools are law enforcement and trained security personnel.” Rachel Graves, *NRA Convention Profile: A Break from Tradition*, Houston Chronicle, Apr. 13, 2005, at B1. However, in its December 2006 edition of *America’s First Freedom*, the NRA’s flagship magazine, the lead article by David Kopel pushed as one of the solutions to school violence the choice of arming teachers. David Kopel, *Defending Our Schools*, *America’s First Freedom*, Dec. 2006, at 34-35. Even before that article was published, Kopel wrote another piece in the National Review that unequivocally called for arming teachers. Dave Kopel, *The Resistance: Teaching Common-Sense School Protection*, National Review Online, Oct. 10, 2006 at <http://article.nationalreview.com/?q=YTNmZDZhYzg4NTMwODFIMzFmOTJhNjhhODMzYzYzMWU>.

³ The 1968 Gun Control Act made it “unlawful for any person ... who has been adjudicated as a mental defective ... to receive any firearm or ammunition.” 18 U.S.C. § 922(g)(4). Bureau of Alcohol, Tobacco, Firearms and Explosives regulations define “adjudicated as a mental defective” as “(a) A determination by a court ... that a person, as a result of ... mental illness ... (1) Is a danger to himself ...” 27 C.F.R. § 478.11. After a series of steps, on December 14, 2005, Special Justice Paul M. Barrett in Montgomery County, Virginia, signed a “Certification and Order for Involuntary Admission to a Public or Private or Licensed Private Facility” in which he checked the box indicating he concluded that Sueng Hui Cho “1. Presents an imminent danger to himself as a result of mental illness.” Accordingly, Cho fit squarely within a disqualifying category of Federal law. See Michael Luo, *U.S. Rules Made Killer Ineligible to Purchase Gun*, New York Times, Apr. 21, 2007, at 1; Matthew Barakat, *Rules Should Have Barred Weapon Purchase*, Associated Press, Apr. 20, 2007.

⁴ See Brady Center to Prevent Gun Violence, *The NRA: A Criminal’s Best Friend* 12-18 (2006), at <http://www.bradycenter.org/xshare/pdf/reports/criminals-best-friend.pdf>.

⁵ See, e.g., 2006 Virginia H.B. 1572, Jan. 20, 2006. See also *supra* note 1.

⁶ See *Guns & Business Don’t Mix*, at Appendix C (listing dozens of criminal offenses committed by CCW licensees in Florida alone, <http://www.bradycenter.org/xshare/pdf/reports/gunsnbusiness.pdf>); see also William Rempel & Richard Serrano, *Texas Concealed Handgun Law: Felons Get Concealed Gun Licenses Under Bush’s ‘Tough’ Law*, Los Angeles

Times, Oct. 3, 2000, at 1 (finding that more than 400 criminals - including rapists and armed robbers - had been issued CCW permits in Texas, with 3,000 more arrested for criminal behavior or found to be mentally unstable).

⁷ Implicit in the NRA's letter is the potential threat that the NRA will press its claim that state preemption law prohibits public colleges and universities in Maine from maintaining policies restricting firearms on campus. Moreover, this potential threat could extend far beyond Maine. One of the NRA's top priorities has been to push broad preemption statutes through state legislatures to restrict "political subdivisions" of those states from enacting ordinances controlling firearms. Forty-one states currently have some form of significant firearms preemption. See Legal Community Against Violence, State & Local Laws, at http://www.lcav.org/content/state_local.asp (searchable database of state firearms laws, including preemption laws).

⁸ Utah Code Ann. § 63-98-102(5) (2004).

⁹ *Id.* § 63-98-102(2)(b).

¹⁰ Act of March 12, 2007, Utah Laws Ch. 193 (S.B. 251) (authorizing higher education institutes allow dormitory residents to request roommates who are not licensed to carry concealed firearms). The University of Utah was forced to drop a Federal lawsuit in order to have this law enacted. See KCPW News, *U of U Drops Lawsuit Over Guns on Campus*, at <http://www.kcpw.org/article/3154>.

¹¹ Utah Code Ann. § 63-98-102 (2004). Note that Federal Gun-Free School Zones Act covers only elementary and secondary schools and does not touch on schools of higher education. 18 U.S.C. § 921(a)(26).

¹² 18 U.S.C. § 922(x)(2)(2004).

¹³ Licensed dealers are prohibited from selling a rifle to persons under the age of 18. 18 U.S.C. § 922(b)(1) (1968). However, Federal law provides no age limitations with respect to the sale of a long gun, including an assault rifle, by an unlicensed person.

¹⁴ See *supra* note 2.

¹⁵ Utah Code Ann. § 63-98-102. The NRA is also claiming that state preemption laws and "keep and bear arms" provisions of state constitutions bar such policies. See *supra* note 7 and accompanying text.

¹⁶ The NRA has succeeded in getting shall-issue carrying concealed weapons ("CCW") laws passed in 38 states. Only Alabama, California, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York, Rhode Island and Wisconsin still prohibit the carrying of concealed handguns or grant law enforcement discretion to deny CCW applicants a license to those who cannot demonstrate a need to carry a gun.

¹⁷ Brady Center to Prevent Gun Violence, *Forced Entry: The National Rifle Association's Campaign To Force Businesses to Accept Guns at Work* 1 (2005), at <http://www.bradycampaign.org/action/workplace/>.

¹⁸ See *supra* note 6.

¹⁹ The prevalence of guns in American society is a prime reason why America has a much higher rate of violent gun crime than other industrialized societies. See David Hemenway, *Private Guns, Public Health* 45-46 (2004) (finding the murder rate in the United States "five times higher than the average rate for other developed nations," and ranking the United States first among developed nations in homicide rates); Franklin E. Zimring & Gordon Hawkins, *Crime Is Not the Problem: Lethal Violence in America* 106-23 (1997) (discussing how the prevalence of firearms in the United States increases the lethality of violence in this country as opposed to other industrialized nations).

²⁰ The NRA pushed through the first version of this law in 2004 (Okla. Stat. tit. 21 §§ 1289.7a & 1290.22 (2004)), but then went back to amend the law in 2005 (2005 Okla. Sess. Laws H.B. 1243 (to be codified at Okla. Stat. tit. 21 § 1289.7a)) after the law was challenged by various Oklahoma corporations. See *Williams Cos. v. Henry*, No. 04-CV-820 H (J), 2004 U.S. Dist. LEXIS, 2004 WL 3200338 (N.D. Okla. Dec. 20, 2004).

²¹ The law states, in full:

- “A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked motor vehicle, or from transporting and storing firearms locked in or locked to a motor vehicle on any property set aside for any motor vehicle.
- B. No person, property owner, tenant, employer, or business entity shall be liable for in any civil action for occurrences which result from the storing of firearms in a locked motor vehicle on any property set aside for any motor vehicle, unless the person, property owner, tenant, employer, or owner of the business entity commits a criminal act involving the use of the firearms. The provisions of this subsection shall not apply to claims pursuant to the Workers’ Compensation Act.
- C. An individual may bring a civil action to enforce this section. If a plaintiff prevails in a civil action related to the personnel manual against a person, property owner, tenant, employer or business for a violation of this section, the court shall award actual damages, enjoin further violations of this section, and award court costs and attorney fees to the prevailing plaintiff.
- D. As used in this section, ‘motor vehicle’ means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be registered under the Oklahoma Vehicle License and Registration Act.”

H.B. 1243, *supra* note 20. A decision by the Court of Criminal Appeals of Oklahoma has held this is a criminal statute that subjects violators to imprisonment in the county jail or a fine, or both. *Whirlpool Corp. v. Henry*, 110 P.3d 83, 85 (Okla. Crim. App. 2005)

²² H.B. 1243, *supra* note 20 (to be codified at Okla. Stat. tit. 21 § 1289.7a(C)). The NRA’s decision to support expanding the rights of citizens to sue American businesses is completely hypocritical, as its other major legislative priority over the last several years has been to push a bill in Congress that grants broad legal immunity *from* lawsuits by persons directly injured due to the negligence of gun dealers or gun manufacturers. A version of that legislation – S.397 – passed the U.S. Senate on July 29, 2005, and the U.S. House on October 20, 2005. The President signed the bill into law on October 26, 2005.

²³ H.B. 1243, *supra* note 20 (to be codified at Okla. Stat. tit. 21 § 1289.7a(B)).

²⁴ There are a host of other dangerous types of people who cannot be excluded from bringing guns onto private property under the Oklahoma law. A partial list would include: violent misdemeanants, persons charged with a violent felony, persons suffering from mental illness, and persons on the terrorist watch list.

²⁵ See *Williams Cos. v. Henry*, No. 04-CV-820-TCK-PJC (N.D. Okla. Aug. 8, 2005) (stipulation of dismissal of plaintiff). Some of the original company plaintiffs withdrew from this suit, however, after the NRA announced a boycott of ConocoPhillips.

²⁶ See *Whirlpool Corp.*, 110 P.3d 83 (motion for temporary restraining order and/or preliminary injunctive relief and brief in support).

²⁷ See *id.* (supplemental authority in further support of motion for preliminary injunctive relief).

²⁸ In granting a temporary restraining order, the court ruled that the corporations opposing the Oklahoma law “ha[ve] shown... a substantial likelihood of prevailing on the merits.” *Whirlpool Corp. v. Henry*, No. 04-CV-820H(J) (N.D. Okla. Nov. 3, 2004) (order granting temporary restraining order).

²⁹ The Brady Campaign’s has a webpage devoted to fighting the gun lobby’s guns-at-work campaign. See <http://www.bradycampaign.org/action/workplace/>.

³⁰ See *supra* note 1.

³¹ See *supra* note 2; 18 U.S.C. § 921(a)(25) (Supp. II 1990).

³² See *supra* note 7.

³³ Utah Code Ann. § 63-98-102.

³⁴ *University of Utah v. Shurtleff*, 2006 Utah 51 (2006). This last legislative session, the University agreed to drop a Federal lawsuit in return for the legislature amending the law to allow dorm room members to opt out of rooming with students possessing guns. Sheena McFarland, *U of U Guns-on-Campus Suit Dismissed*, Salt Lake Tribune, Mar. 14, 2007.

³⁵ *Down for the Count, the NRA Made One Last Stab*, Atlanta Journal-Constitution, Apr. 17, 2007; see also Lyle V. Harris, *Gun Lobby Throws Its Weight Around*, Atlanta Journal-Constitution, Apr. 19, 2007 (“Even as America was dealing with the initial shock of the deadly shootings at Virginia Tech, the National Rifle Association never stopped arm-twisting Georgia lawmakers into approving a measure that would allow employees to keep guns in their workplace parking lots... [T]he NRA went ballistic. Facing defeat, a top NRA lobbyist made his rounds at the state capitol where he reportedly issued veiled threats to Lt. Gov. Casey Cagle and other lawmakers, promising political retribution if they dared to disobey the organization’s instructions.”); *NRA Loses Senator, Who Says Group Acting Like ‘Hysterical Teenaged Girl*, Atlanta Journal-Constitution, Mar. 26, 2007 (“Over the weekend, the NRA sent out a crush of e-mails to members, accusing many big corporations — United Parcel Service, Wal-Mart and AFLAC among them — of curtailing Second Amendment rights... [Sen. John] Douglas accuses the NRA of ‘acting like a hysterical teenaged girl.’”).

³⁶ *Forced Entry*, *supra* note 17, at 3.

³⁷ Numerous newspaper editorials and columnists have rejected the idea that more guns in schools will improve safety. See, e.g., *Our View on Limiting Gun Violence: Beef up Background Checks; Leave College Gun Bans Alone*, USA Today, Apr. 23, 2007 (listing numerous potential consequences of bringing more guns to campus, including accidents, suicides, gun thefts from dorm rooms, and “[g]uns in the hands of students as young as 18 in a place where immaturity, alienation, stress, and the use of drugs and alcohol combine to an unusually intense degree”); *It’s Easy to Focus on Guns, but What About Mental Illness?*, Tennessean, Apr. 19, 2007 (“I think once you start putting weapons in teachers’ and professors’ hands, mistakes start getting made,” quoting Dr. Alvin F. Poussaint); *Virginia Tech Tragedy No Cause to Bear More Arms*, Decatur Daily, Apr. 18, 2007 (“Handguns are so easy to acquire and even easier to conceal. That was the reason the shooter in the Virginia Tech shootings went undetected for so long.”); *Students Do Not Need Handguns on Campus*, The Exponent, Apr. 23, 2007 (“In no way would allowing students to carry concealed weapons make Purdue any safer.”); Ellis Henican, *Gun Woes Call for More Guns?*, New York Newsday, Apr. 18, 2007, at A4 (“There’s no denying school violence is a scary epidemic. Parents are concerned everywhere. We’re lucky these on-campus shootings don’t happen more often than they do. But pistols in the cafeteria? Uzis in the science lab? Shotguns on the quad? God only knows what arsenals some frat boys would build in their basements if they could.”).

Others oppose the idea of arming teachers. See, e.g., *Educators Should Focus on Teaching, Not Target Practice*, Duluth News-Tribune, Oct. 8, 2006; Joel McNally, *Absurd Idea to Arm Teachers Puts States on the Spot Again*, Capitol Times (Madison, WI), Oct. 14, 2006; Thomas Biel, *On Principle, Principals Shouldn’t Pack*, Milwaukee Journal-Sentinel, Oct. 18, 2006; John Dimambro, *Schools Need Better Security, but Not Gun-toting Teachers*, Nevada Appeal, Dec. 27, 2006. Still others have pointed out that the idea of firearms in classrooms is inconsistent with an open academic environment. See, e.g., *Guns at the U.: Utah Supreme Court Upholds Wrongheaded Policy*, Salt Lake City Tribune, Sept. 13, 2006 (“The U[niversity of Utah] has argued convincingly that its gun policy has worked well. It makes sense that if people are going to engage in uninhibited debates, as academic freedom demands, that the U. does not wish to open the door to intimidation or accidents by people carrying guns.”). Some commentators have simply rejected the entire argument that more guns will lead to a greater level of safety. See E.J. Dionne, Jr., *Gun Law Pragmatism*, Washington Post, Apr. 20, 2007 at A31 (“Opponents of gun control shout ‘No!’ Guns don’t kill people, people kill people, they say, and anyway, if everybody were carrying weapons, someone would have taken out the murderer and all would have been fine. And we do nothing. This is a stupid argument, driven by the stupid politics of gun control in the United States.”).

There have also been dozens of editorials blasting the NRA’s campaign to force businesses to accept guns in employees cars. See, e.g., *Legislature: Bill Too Dangerous*, Florida Times Union, Apr. 10, 2007; *Leave Guns, Assault Weapons at Home*, Miami Herald, Apr. 6, 2007; *Gun Measure Deserves Defeat*, Macon Telegraph, Apr. 2, 2007; *NRA Power Play Stomps on Safety*, St. Petersburg Times, Apr. 2, 2007; *A Business Decision*, Orlando Sentinel, Apr. 1, 2007; *Guns in Employee Cars: Let Bill Die*, Atlanta Journal-Constitution, Mar. 30, 2007; *Workers’ Safety and the Gun Lobby*,

New York Times, Mar. 30, 2007; *Workplace Safety: Shooting Blanks*, Savannah Morning News, Mar. 25, 2007; *Gun Proposal Violates Rights of Businesses*, Gainesville Times, Mar. 23, 2007; *Guns 'n' Bosses*, South Florida Sun Sentinel, Feb. 21, 2007; *NRA Dead Wrong in Oklahoma*, Atlanta Journal-Constitution, Aug. 5, 2005; *Guns/Parking Lot Bans Are Reasonable*, Minneapolis Star-Tribune, Aug. 5, 2005; *Off Target: NRA Goes Too Far with Boycott*, Dallas Morning News, Aug. 5, 2005.

³⁸ See Matt Assad, *Hitting the Lottery More Likely than Campus Murder*, Allentown Morning Call, Apr. 22, 2007.

³⁹ Katrina Baum & Patsy Klaus, U.S. Dep't of Justice, *Violent Victimization of College Students, 1995-2002*, at 1 (2005).

⁴⁰ *Id.* at 5.

⁴¹ *Id.*

⁴² Bureau of Justice Statistics and National Center for Education Statistics, *Indicators of School Crime and Safety: 2004*, at iii (2004).

⁴³ *Id.* at 1.

⁴⁴ Gary Kleck, *Targeting Guns: Firearms and Their Control* 204 (1997).

⁴⁵ A national survey of college campus gun policies on 150 of the largest U.S. colleges and universities reveals that none of them has the type of policy now adopted in Utah that permits almost unlimited possession and use of firearms by students on campus. All restrict firearm possession by students in some significant manner, including (1) banning guns outright (82 schools); (2) requiring storage of firearms in a university-sanctioned storage facility (25 schools); (3) restricting possession to authorized use only – ROTC, rifle team or a specific educational activity (27 schools); (4) registration with the university (5 schools, 2 of which also require storage of the firearm); (5) prior authorization to bring a rifle onto campus (22 schools). Alliance for Justice, *National Survey of College Campus Gun Possession Policies* (2003).

Federal law limits the possession and use of firearms within 1,000 feet of an elementary or secondary school campus. 18 U.S.C. § 921(a)(25) (Supp. II 1990); 18 U.S.C. § 921 (q) (1996). There are exceptions within this law for persons with CCW licenses (§ 922(q)(2)(B)(ii)), for guns that are not loaded and within a locked container (§ 922(q)(2)(B)(iii)), for uses in a program approved by the school in the school zone (§ 922(q)(2)(B)(iv)), for individuals in accordance with a contract with the school (§ 922(q)(2)(B)(v)), for law enforcement officers (§ 922(q)(2)(B)(vi)), and for guns in cars traversing school grounds to reach private hunting lands, if the school permits it (§ 922(q)(2)(B)(vii)).

Many states have enacted laws cutting back on these exceptions to the Federal Gun-Free School Zones Act. In addition, private schools have the same rights that private businesses do to adopt whatever policies they choose with respect to firearms, up to and including total bans. See Center to Prevent Handgun Violence, *Guns & Business Don't Mix* (1996) (explaining the law with respect to businesses). Thus, “98.0% of states, 99.1% of districts, and 96.1% of schools have a policy prohibiting weapon possession or use by students.” U.S. Dep't of Health and Human Servs., *Healthy Youth!*, Fact Sheet (2005), at <http://www.cdc.gov/healthyouth/shpps/factsheets/vio.htm>.

⁴⁶ David Hemenway, D. Azrael & Matthew Miller, *National Attitudes Concerning Gun Carrying in the United States*, 7 *Injury Prevention* 282, 283 (2001). See also Tom W. Smith, National Opinion Research Center, *National Gun Policy Survey of the National Opinion Research Ctr.: Research Findings* 4 (2001) (“79% feel that “public places, such as stores, movie theaters, and restaurants’ should ‘prohibit people from carrying concealed weapons on their premises’”).

⁴⁷ See *supra* notes 12-13 and accompanying text.

⁴⁸ See, e.g., Brent Roberts, Avshalom Caspi & Terrie Moffitt, *The Kids Are Alright: Growth and Stability in Personality Development from Adolescence to Adulthood*, 18 *J. of Personality & Soc. Psychology* 670 (2001); Joyce M. Gayles, *Is It Just Adolescent Behavior? How to Know If Your Teen is in Trouble and What to Do About It* 1 (2004) (“The emotional turbulence of adolescence is in itself a source of trouble for teens. Simply as a function of the massive biological, psychological and social changes going on at this stage, your child is experiencing a range of new emotions, needs, and motivations.”).

⁴⁹ See, e.g., Bureau of Alcohol, Tobacco & Firearms, *Crime Gun Trace Reports* (2000), at 6-7 (2002); Bureau of Alcohol, Tobacco & Firearms, *Crime Gun Trace Reports* (1999), at 6-7 (2000).

⁵⁰ Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics Online*, at <http://www.albany.edu/sourcebook/pdf/t472005.pdf>.

⁵¹ See *supra* notes 3-4 and accompanying text.

⁵² Va. Code § 18.2-308(E)(10).

⁵³ See, e.g., U.S. Dep't of Health and Human Servs., *2001 Household Survey on Drug Abuse*, Chapter 3 (alcohol use), at <http://www.oas.samhsa.gov/nhsda/2k1nhsda/vol1/Chapter3.htm>.

⁵⁴ U.S. Dep't of Health and Human Servs., *Sub State Estimates of Substance Use*, Tables 1, 4 (2006), at <http://www.oas.samhsa.gov/subStateTABS/AgeTabs.htm>.

⁵⁵ Donna Leinwand, *College Drug Use, Binge Drinking Rise*, USA Today, Mar. 15, 2007; The National Center on Addiction and Substance Abuse, *Wasting the Best and the Brightest: Substance Abuse at America's Colleges and Universities* 4 (March 2007).

⁵⁶ Matthew Miller, David Hemenway & Henry Wechsler, *Guns and Gun Threats at College*, 51 J. of Am. Coll. Health 57, 63 (Sept. 2002).

⁵⁷ See Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Interpersonal Violence and Alcohol and Other Drug Use 2* (2002), at http://www.higheredcenter.org/pubs/factsheets/fact_sheet4.pdf (“Students are more likely to become aggressive when their blood alcohol level rises rapidly (for example, following heavy drinking), lessening capacity for conflict resolution and decreasing inhibitions. In addition, many students use intoxication as an excuse for inappropriate and violent behavior.”).

⁵⁸ Matthew Miller, David Hemenway & Henry Wechsler, *Guns at College*, 48 J. Am. College Health 7 (1999) (citing Commission on Substance Abuse at Colleges and Universities, *Rethinking Rites of Passage: Substance Abuse on America's Campuses* (1994)).

⁵⁹ Ralph Hingson, Timothy Heeren, Michael Winter & Henry Wechsler, *Magnitude of Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-24*, 26 Annual. Rev. Public Health 259, 267 (2005).

⁶⁰ See, e.g., Franklin Zimring, *Firearms, Violence and the Potential Impact of Firearms Control*, 32 J. L. Med. & Ethics 34, 35 (2004) (noting a Chicago study that found that attacks carried out with guns were five times more fatal than the next most lethal instrument, as well as the fact that street robberies taking place in commercial districts and involving guns had a fatality rate three times that of robberies carried out with knives and ten times that of robberies involving other personal force).

⁶¹ See Entertainment Industries Council, *Spotlight on Depiction of Health and Social Issues* (2001) (Chapter 2, *Guns, Drugs and Alcohol: A Dangerous Cocktail*), at <http://www.eiconline.org/publications/gvbk/gvb1-2.pdf>.

⁶² See Michael Wilson, *Policy for Police Force: Guns and Drunkenness Don't Mix*, New York Times, Jan. 30, 2006 (quoting New York Police Department Patrol Guide, which states: “Members of the service SHOULD NOT be in possession of their firearms if there is any possibility that they may become unfit for duty due to the consumption of intoxicants.”).

⁶³ See *Guns at College*, *supra* note 58; *Guns and Gun Threats at College*, *supra* note 56, at 59. In addition, gun owners as a whole have been found more likely to engage in binge drinking and other risky activity. Hemenway, *Private Guns*, *Public Health*, *supra* note 19, at 97.

⁶⁴ *Guns at College*, *supra* note 58.

⁶⁵ *Id.*; see also *Guns and Gun Threats at College*, *supra* note 56, at 62-64.

⁶⁶ Cheryl M. Kodjo, Peggy Auinger, & Sheryl Ryan, *Demographic, Intrinsic, and Extrinsic Factors Associated With Weapons Carrying at School*, 157 Arch. Pediatr. Adolesc. Med. 96, 101-02 (2003).

⁶⁷ The U.S. Department of Education has established a Higher Education Center for Alcohol and Other Drug Prevention. Its website identifies what campuses are doing. See <http://www.higheredcenter.org/>.

⁶⁸ U.S. Dep't of Health & Human Servs., *Results from the 2002 National Survey on Drug Use and Health: National Findings*, chap. 9 (2003), at <http://www.oas.samhsa.gov/NHSDA/2k2NSDUH/Results/2k2results.htm#chap9> (finding that rates of "serious mental illness" in the nation were highest for persons aged 18 to 25).

⁶⁹ American College Health Ass'n, National College Health Assessment, *Data Highlights*, at http://www.acha-ncha.org/data_highlights.html (providing data from Spring 2000 through Spring 2006).

⁷⁰ Miriam Cintron, *College Campuses Grapple with Escalating Suicide Rates*, at <http://www.nearwestgazette.com/Archive/1006/newsstory1006k.htm>; see also Am. Ass'n of Suicidology, *Youth Suicide Fact Sheet* (2004) (stating that there were 3,971 youth suicides in 2001, and that for every youth suicide, roughly 100-200 attempts were made); Peter Lake & Nancy Tribensee, *The Emerging Crisis of College Student Suicide: Law and Policy Responses to Serious Forms of Self-Inflicted Injury*, 32 Stetson L. Rev. 125 (2002).

⁷¹ Matthew Miller et al., *Household Firearm Ownership and Rates of Suicide Across the 50 United States*, J. of Trauma, Apr. 2007, at 1029.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Arthur L. Kellerman et al., *Suicide in the Home in Relation to Gun Ownership*, 327 N. Engl. J. Med. 467 (1992).

⁷⁵ See, e.g., Substance Abuse and Mental Health Services Administration, *Campus Suicide Prevention Grants FY 2006*, at http://www.samhsa.gov/Grants/2006/SM_06_004.aspx; see also Lake & Tribensee, *supra* note 70, at 153-57.

⁷⁶ See, e.g., Stephen Joel Trachtenberg, *Our Worst Nightmare*, Washington Post, Apr. 19, 2007, at A27 (discussing lawsuit against George Washington University); Daniel de Vise, *GWU Settles Lawsuit Brought by Student Barred for Depression*, Washington Post, Nov. 1, 2006, at B5 (same).

⁷⁷ Helen Frank Bensimon, *Violence in the Workplace, Training and Development* 26 (1994) (quoting Dr. James Alan Fox, Dean of the College of Criminal Justice at Northeastern University).

⁷⁸ *Id.* at 30.

⁷⁹ See Americans for Gun Safety, *Stolen Firearms: Arming the Enemy* 1 (Dec. 2002); see also Philip J. Cook, Stephanie Molliconi & Thomas B. Cole, *Regulating Gun Markets*, 86 J. Crim. L. & Criminology 59, 81-82 (1995); Marianne W. Zawitz, *Guns Used in Crime*, U.S. Dep't of Justice, Bureau of Justice Statistics, July 1995, at 3; Michael Rand, *Guns and Crime: Handgun Victimization, Firearm Self-Defense, and Firearm Theft*, U.S. Dep't of Justice, Bureau of Justice Statistics, Apr. 1994, at 3.

⁸⁰ See *Stolen Firearms*, *supra* note 79, at 14.

⁸¹ See Peter Katel, *Ark. Boys Stole Family Guns*, USA Today, Mar. 26, 1998, at 1A.

⁸² See Timothy Egan, *Oregon Freshman Goes to Court As Number of Deaths Rises to 4*, N.Y. TIMES, May 23, 1998, at A1.

⁸³ See *infra* Appendix B (listing school shootings over the last 10 years, many of which involved stolen guns).

⁸⁴ *Stolen Firearms*, *supra* note 79, at 6 (according to the Bureau of Justice Statistics 81.2% of firearms thefts are from the home or car, with the rest being stolen from gun stores, places of business, off their person, from common carriers, or from other sources).

⁸⁵ *Id.* at 14; see also James T. Dixon, *On Lemon Squeezers and Locking Devices: Consumer Product Safety and Firearms, A Modest Proposal*, 47 Case W. Res. L. Rev. 979, 990-91 & nn.87-93 (1997) (discussing role of stolen firearms in crime).

⁸⁶ Firearm theft rates are also dramatically lower in states that have safe storage laws. *Stolen Firearms*, *supra* note 79 at 12.

⁸⁷ Just this month, two students were accidentally shot inside Chicago Vocational Career Academy when one of the students was showing off a handgun and it went off. Mary Owen & Jason Meisner, *2 Students Wounded in Accidental Shooting at Chicago School*, Chicago Tribune, Apr. 10, 2007.

⁸⁸ Arthur L. Kellermann, et al, *Injuries and Deaths Due to Firearms in the Home*, 45 J. Trauma, Injury, Infection, & Critical Care 263 (1998).

⁸⁹ *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented*, GAO/PEMD-91-9, at 2-3 (Mar. 1991).

⁹⁰ *Id.* at 4.

⁹¹ See, e.g., *Girl, 5, Accidentally Shot by Police Officer*, WKYC, Apr. 8, 2007, at http://www.wkyc.com/news/news_article.aspx?storyid=65716&provider=top (police officer accidentally shot his daughter while cleaning his gun).

⁹² See *supra* note 2.

⁹³ Rick Montgomery, *NRA Charges News Media Ignore Popularity of Guns*, Kansas City Star, Mar. 4, 2002 (noting that Virginia State Police confirmed the shooter's weapon was empty, that he had been tackled by two unarmed students named Ted Besen and Todd Ross before two armed students arrived, and that, in police spokesman Stater's view, the biggest heroes were the unarmed men who lunged at the shooter).

⁹⁴ Chris Kahn, *Gingrich's Va. Tech Remarks Questioned*, Seattle Post-Intelligencer, Apr. 24, 2007. See also Grant Duwe, Tomislav Kovandzic, and Carlisle Moody, *The Impact of Right-to-Carry Concealed Firearms Laws on Mass Public Shootings*, 6 Homicide Studies 271, 289 (2002) ("There is no evidence that the presence of a [right to carry] law or the number of people with carry permits ... reduces the number of people killed and injured during shooting attacks.")

⁹⁵ See Gregory B. Morrison, *Deadly Force Programs Among Larger U.S. Police Departments*, 9 Police Quarterly 331, 332 (2006) ("Importantly, bullet hit rates hovering around one in five shots have persisted from the earliest measurements in the 1970s through the 1990s, this despite the many changes in such training during that period.")

⁹⁶ Jared Flesher & Alexandra Marks, *Should Students Be Allowed to Carry Concealed Weapons?*, Christian Science Monitor, Apr. 18, 2007. Moreover, if there a crossfire between students, how will police responders know immediately who poses the threat? Will police accidentally shoot the wrong person or take longer to bring a shooting incident under control if there are multiple guns and shooters involved?

⁹⁷ Bill Redeker, *Surviving a School Shooting*, ABC News, Apr. 17, 2007, at <http://abcnews.go.com/US/story?id=3050247&page=1> (discussing security expert's five options for survival: (1) try to get away, (2) lock the door and barricade it, (3) concealment, (4) play dead and (5) fight back if you're sure you'll be shot).

⁹⁸ Sharon Bernstein & Andrew Blankstein, *Vivid Memories of a Bloody Bank Heist*, L.A. Times, Mar. 1, 2007, at 1.

⁹⁹ Pete Williams, *Cho Prepared in Advance for Rampage*, NBC News, Apr. 19, 2007, <http://www.msnbc.msn.com/id/18209746/>.

¹⁰⁰ See Glock 19 specifications at http://www.glock.com/english/glock19_tech.htm (standard magazine size is 15 rounds, with optional 17, 19 and 33-round magazines available) (last visited Apr. 22, 2007). Glock also boasts that "GLOCK pistols are superior in firepower to conventional pistol models of the same size," http://www.glock.com/english/magazines_intro.htm (last visited Apr. 22, 2007).

¹⁰¹ See Appendix B.

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103 See <http://www.shootfirstlaw.org/>.

104 See, e.g., John Fuddy, 'Shots fired'; *Columbus Police Are Stingy with Records of Police Shootings, but Reports Indicate Officers Who Pull the Trigger Almost Always Get It Right*, Columbus Dispatch, Jan. 14, 2007, at 1A (review of Columbus, OH shootings by police officers found four "in which officers fired at a suspect under the mistaken impression that the person was armed"); Christopher Maag, *In Cincinnati, Life Breathes Anew in Riot-Scarred Area*, New York Times, Nov. 26, 2006, at 10 (discussing police shooting death of unarmed suspect Timothy Thomas); Robert McFadden & Kit R. Roane, *U.S. Examining Killing of Man In Police Volley*, New York Times, Feb. 6, 1999, at 1 (discussing police shooting death of unarmed suspect Amadou Diallo).

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110 *Id.* at 761-62.

111 *Id.* at 755-56, 780-83.

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120 *Delaney v. University of Houston*, 835 S.W.2d 56 (Tex. 1992).

121 *Johnson v. Washington*, 894 P.2d 1366 (Wash. 1995).

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- 131 *McLaughlin v. Sullivan*, 461 A.2d 123, 124 (N.H. 1983), *quoted in* Lake & Tribbensee, *supra* note 70, at 130.
- 132 *Wallace v. Broyles*, 961 S.W.2d 712 (Ark. 1998).
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- 184 The best way to monitor that fight is to continue checking this Brady Campaign webpage:
<http://www.bradiycampaign.org/action/workplace/>.



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