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ENGLISH 204
FINAL EXAM
SUMMER 2001-2002

Time: 2 ½ hours

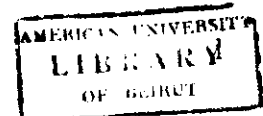
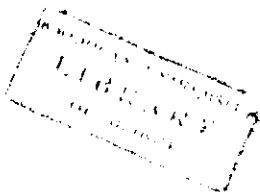
Directions: Passages A and B focus on the issue of gun control. Use the information in passage B to write a coherent, well-developed critique of passage A in 5-7 paragraphs. Try to include general knowledge and/or any other ideas you may have on the topic.

Passage A:

Armed and Dangerous
by
Tom Campbell

Republican Tom Campbell (b. 1952) earned his B.A., M.A. and Ph.D. at the University of Chicago and his J.D. (magna cum laude) from Harvard University. He held several government posts in the White House and Supreme Court, culminating in a stint as a United States Representative for California in 1989-92. He is currently the state senator for California's 11th District. He has served as editor of the Harvard Law Review, and has published law review articles on topics such as employment discrimination, labor law and economics. He was a professor at the Stanford Law School from 1983-88.

1. In Louisville, Ky.; Stockton, Calif.; Jacksonville, Fla.; Killeen, Tex.; and San Francisco, Calif.; the same horrible story was repeated, all within the last five years. A mentally unstable person used a semi-automatic, large-capacity clip weapon to kill innocent people, then turned the weapon on himself. Men, women, children lay dead or maimed for life. In Louisville, eight were killed; in Stockton, five; in Jacksonville, nine; in Killeen, 22; in San Francisco, eight. In each instance, the murderer killed himself, after taking the lives of so many innocent others.
2. The threat of prison or even the death penalty will not deter in cases like this. The killing is done without consideration of arrest or punishment.
3. Some criminals, of course, can be deterred. For this reason, we need tougher criminal penalties for using a weapon in the commission of a crime. People who commit crimes with guns should go to jail or be put to death. The moral culpability of one who shoots a gun at another is the same whether someone is hit or not. For all this, however, not everyone is deterrable.

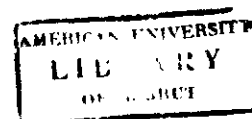


4. Would the San Francisco or Stockton massacres have occurred if large-capacity, semiautomatic weapons had not been available for easy purchase? Possibly. It could be that such a mentally unstable person would have smashed his car into the restaurant in Stockton, or into the office building in San Francisco. We can never know. But can we reduce the likelihood of such killings by limiting the accessibility of these weapons? Almost certainly. If the weapon is fast enough and the capacity of the cartridge clip is large enough, many will die before anything can be done to stop the killer. In the recent Long Island railway case, passengers found the opportunity to rush the killer as he attempted to change ammunition clips.
5. It is stultifyingly stupid to recite the mantra: "Guns don't kill, people do." The mentally unstable may have the urge to kill, but it is the easy accessibility of guns capable of killing many people that makes it more likely that many people *will* be killed.
6. What is called for is a distinction. Weapons that are used for the protection of self or home or are used for hunting should be allowed, but weapons that carry the potential for mass killing should be banned. For protecting one's home or store, assuming one wants to use a gun, a shotgun is ideal. An AK-43 is not. A high velocity, large-capacity, assault-style weapon has great potential for indiscriminate harm. Its high velocity bullets can pierce walls, at tremendous risk to beyond immediate range, but within that range, its intimidation value is exceptionally high.
7. It is important to keep a clear view of this distinction between weapons used for self-protection and weapons that carry the potential for mass killing. Large-capacity clips are not necessary for self-protection. Only in war movies does a single individual hold off a horde with a sub-machine gun. And as for hunting, no hunter goes into the woods with a 30-round clip. Weapons that were built to produce rapid fire are likewise unnecessary. The key is not necessarily that a weapon is semiautomatic (that is, using some of the force of the previous shell to load the next round into the firing chamber). The key is whether the weapon is geared to rapid fire.
8. In like manner, neither a hunter nor a home protector needs a "Saturday Night Special" — a small, concealable weapon. Indeed, the ability of the homeowner to intimidate rests on the weapon being large and quite visible.
9. The arguments that revolve around the sale of various kinds of ammunition should also be couched in terms of what is necessary for self-defense. The NRA originally opposed banning the sale of the armor-piercing bullets and those that could pierce bullet-proof vests: the so-called "cop killers." Eventually, the NRA saw the weakness of its own argument, and that it was costing the organization credibility. The same poor judgment characterizes the opposition to banning shells that expand on contact, ravaging soft tissue. This kind of ammunition is



even advertised, with express descriptions of its gruesome purpose and effect, in magazines appealing to would-be soldiers of fortune. The purpose of this communication is not to kill animals for food, and not simply to stop a threatening human. The purpose is to kill as horribly as possible.

10. For some kinds of weapons, all we need is a waiting period—to prevent heat-of-an-argument killings, and to do a background check. Does a waiting period “interfere” with one’s ability to obtain a weapon during a riot? If a waiting period law is well publicized, storekeepers and others who feel they need a weapon can obtain one in advance, just as they obtain their insurance of door locks in advance.
11. What of the store owner who does buy a shotgun before there is any riot? Or the homeowner who wants to keep such a gun at hand to protect home and family? No reasonable adherent of gun control proposes taking away that right. However, given the statistics of accidental killings from keeping a gun in one’s home or business, one should weigh the decision carefully. But having done so, the law should, and does, make possible legitimate ownership of such a weapon.
12. Sensible gun control, therefore, comes down to this: (1) a waiting period to reduce heat-of-passion killings; (2) a background check, to prevent at least those already certified as criminal or insane from obtaining guns; (3) a list of unavailable weapons, based on the capacity of clip, rapidity of fire, concealability, and velocity and characteristics of the bullet. Other weapons, for target sport, for hunting or for self-defense, would remain entirely legal after a waiting period. This analysis must be done by function, not simply by gun name and model number—since gun manufacturers can readily change either of those.
13. Some gun owners fear that “faceless bureaucrats” could use these criteria to ban all guns. That would be an abuse of the law, and courts have for many years now been available to prevent such abuses in other administrative law contexts. If an administrator oversteps his or her authority, an appeal to the judicial branch is a well-traveled, and quite successful, route in U.S. law.
14. Would criminals still get guns? Of course. Criminals obtain every substance of which society attempts to deprive them. All we can do is make such items harder to obtain. The more consistent our effort, the more likely we are to have significant effect. Failure to achieve a perfect effect is no reason not to try for some positive effect. Would it seriously be argued that seat belts are a bad idea because they don’t prevent all traffic deaths?
15. Does gun control mean that only criminals will have guns? No. Any responsible citizen wanting to protect himself or herself can have a gun suited to that purpose. (And it wouldn’t be a bad idea if training in the use of guns and gun safety were required with every such legal purchase, to cut down on the possibility of accidental death at home.)



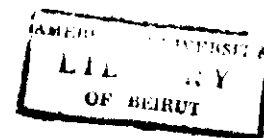
16. One of the NRA's most common and most deceptive arguments is its quoting only part of the Second Amendment to say "the right of the people to keep and bear arms shall not be infringed." The complete Second Amendment provides: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The courts have consistently held that this provision preserves the right to impose reasonable regulations on gun ownership and use, consistent with public safety. What is being urged here (waiting periods, registration, banning of certain weapons because of public safety concerns) certainly falls within the gambit of "well-regulated."
17. The case for reasonable gun control is compelling.
18. Why has reasonable gun control been so difficult? Because those who believe in it won't vote or donate on that basis, while those who oppose it will. The solution is as obvious as it is harsh, as it is necessary. Vote against a congressman or congresswoman who voted no on the Brady Bill or who voted against the pending assault-weapon bill. Vote against a state legislator who shies away from outlawing weapons capable of killing scores of humans. Until the rest of us, the potential victims of gun-supported violence, vote with the same conviction as the other side, they will win. Vote like your life depended upon it.

*Taken from Thinking in Writing by
Donald McQuade and Robert Atwan*

Passage B:

Ms. Froman's Rebuttal

1. Professor Campbell's arguments would be more convincing if he would get his facts straight. He reassuringly states, "No reasonable adherent of gun control proposes taking away" the right to own defensive firearms. But that is exactly what Handgun Control Inc. (HCI) in *Guns Don't Die, People Do* proposes, claiming that, if faced by a rapist or robber, "the best defense against injury is to put up no defense—give them what they want or run."
2. National data, analyzed by Professor Gary Kleck of Florida State University, show that victims resisting with a gun are both far less likely to be raped or robbed and far less likely to be injured than those who follow HCI's advice and throw themselves on the mercy of violent felons. But HCI sees Bradley Bill as only the first step toward a national gun-licensing scheme to confine guns to sportsmen—self-defense would not be recognized as a legitimate purpose. Last October, in an interview in the *Tampa Tribune*, Sarah Brady stated, "To me, the only reason for guns in civilian hands is for sporting purposes."
3. Gun control proponents in Congress propose to follow the law currently in effect in Washington, D.C. (adopted at the behest of HCI), which makes it illegal for householders to own a handgun or keep any firearm assembled for self-defense. Under such a law, Bessie Jones, a 92-year-old wheelchair-bound Chicago woman who last November used a handgun in self-defense to kill a teenage robber in her home, would be a lawbreaker.
4. Professor Campbell would not recommend shotguns over handguns for in-home self-defense if he had ever held an attacker at bay while dialing 911. Or if he had considered how difficult it would have been for Bessie Jones to get to or use a shotgun from her wheelchair. It was a small-caliber, concealable revolver—the gun HCI wants to ban, and Professor Campbell says no one needs for self-defense—that saved Bessie Jones from being another helpless victim of crime.
5. Citing a few high-profile tragedies, Professor Campbell attempts to make a case for banning semiautomatic firearms. All his factual and technical errors aside, these incidents would have been completed with almost any type of firearm for one simple reason. There was no one there willing or capable of offering any assistance—the kind of responsible armed resistance that Professor Kleck says stops crime up to 2.5 million times per year.



6. Official government surveys show that so-called "assault weapons" are involved in only about 1 percent of gun crime. An article in *The Journal of California Law Enforcement* stated, "It is interesting to note, in the current hysteria over semiautomatic and military look-alike weapons, that the most common weapon used to murder peace officers was that of the .38 special and the .357 Magnum revolver." A New York City Police Department study found the average number of rounds fired at police per encounter was only 2.55.
7. Proposals to ban certain defensive pistol ammunition are likewise based on ignorance. Every law enforcement officer knows of incidents in which brutal attackers continued to maim and kill after being shot several times with traditional ammunition. Controlled expansion ammunition, like the Black Talon brand, was developed in response to such incidents. It is designed to stop the assailant quickly with the minimum number of hits. It is ideal as a defensive round because the fewer rounds fired, the less likely that bystanders will be hit. Also, the way the metal jacket peels back keeps the round in the target so it does not pass through and injure someone else. Yet gun control advocates persist, on alleged humanitarian grounds, in trying to ban such ammunition. These misguided efforts, if successful, will result in police and law-abiding citizens using less effective ammunition at greater risk to themselves and innocent bystanders.
8. California's crime figures show that 70 percent of violent crime is committed by only 6 percent of the population, a small number of violent, repeat offenders passing through our revolving-door criminal justice system. Perhaps it is time to lock those doors and focus on controlling criminals, rather than on the rights of law-abiding citizens.

*Taken from Thinking in Writing by
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