

# Nashville Crime

Year	Murder	Rape	Robbery	Ag Asslt
1970	14.1	58.3	226.6	405.0
1980	18.2	150.6	424.2	256.8
1990	12.9	264.1	423.7	803.1
2000	13.0	195.2	413.6	1110.7
2010	9.6	128.4	288.3	757.5
2014	6.5	96.7	245.4	842.3

# Crime Definitions

- **Murder** – unlawful killing of another with malice aforethought
- **Rape** – penetration, no matter how slight, without the permission of the victim
- **Aggravated Assault** – weapon/injury

# More Definitions

- **Robbery** – taking of something from **SOMEONE** with force or threat of force
- **Burglary** – entry into dwelling home/business/school/church, etc. w/intent to commit theft or any felony

# Classical Criminology

- Criminal behavior is freely chosen. Crime is the result of bad choices.
- Problem to be solved: design a system of punishment that will make it too costly for them to commit crimes (Three Strikes, Felony Murder Rule)
- Control theory – all people are naturally bad, all people will commit crime, absence of controls

# Three Strikes Laws (31 States)

- First dangerous felony – regular sentence
- Second dangerous felony – typical sentence doubles
- Third dangerous felony – 25 yrs to life  
(CA – any third felony)

# Felony Murder Rule (46 States)

- In commission of an inherently dangerous felony
- Someone dies
- Everyone involved may be charged with Felony Murder
- Life in prison
- Death penalty (24 states)

# Positivist Criminology

- Criminal behavior is result of external forces – family, school, peers, socioeconomic pressures.
- Problem: Identify causes of criminal behavior

# Gun History

1791 – Second Amendment

"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."



# D.C. v. Heller

- ***District of Columbia v. Heller***, 554 U.S. 570 (2008), Supreme Court ruled that Second Amendment protects an individual's right to possess a firearm, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home
- Washington, D.C.'s handgun ban and requirement that lawfully-owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee.

# 1792

- George Washington signs First and Second Militia Acts of 1792
- Acts require free, able-bodied, 18-45 year old white men to enroll in militia
- Each member must supply own gun, powder, ammunition, shot-pouch, knapsack
- Uses act to put down Whiskey Rebellion of 1794.

# 1800s

- Gun violence existed in frontier America, but not as portrayed in Wild West shows and later movies/novels.
- As soon as frontier area is secured and towns established, violence (especially personal violence) recedes. So does gun carrying

# 19<sup>th</sup> Century Violence

- Violence at “group” level
- Protestants against Catholics
- Yankees against Irish
- Blacks and white abolitionists against Irish and other whites
- Usually over economic issues
- Guns rarely used – fists, rocks, bats, fire

# 1800s

- In response to violence, police forces were organized.
- Mid-1870s, all major cities had police departments and end of century, so did smaller communities.
- Gun violence, stagecoach robberies, range wars mostly exaggeration and sometimes, untrue.

# Frontier

- Settlements became “civilized.”
- State, county, municipal gun laws passed.
- Indiana 1831: “Every person, not being a traveller, who shall wear or carry any dirk, pistol, sword in a sword-cane, or other dangerous weapon concealed, shall upon conviction, be fined up to one hundred dollars.”

# Early Gun Laws

- Prohibition against concealed guns are common
- By late-1800s, many laws dictated that guns could be carried publicly unless hunting, taking weapon for repair or going to/from military muster.
- Most challenges to laws failed.

# Post-Civil War South

- “Black Codes” deprived African Americans of many rights, including right to own and carry firearms
- Mississippi – no freedman, free Negro, or mulatto not in the military service of the United States government, and not licensed so to do by the board of police of his or her country, shall keep or carry firearms of any kind, or ammunition, dirk or Bowie knife.”



# NRA

- Founded in 1871
- Ulysses S. Grant was early president
- 1910 – Congress authorizes giving away of surplus weaponry to NRA-sponsored clubs. Membership grows.
- Focused on supporting National Guard.
- Successful in defeating handgun control proposals.

# Early Gun Laws

- 1911 – New York State’s Sullivan Law. Requires license for purchase carrying of handguns.
- Has little effect on violent crime – motivated by trying to keep guns away from Italians and other recent immigrants.
- 1927 – Mailing Firearms Act (Miller Act). Prohibit mailing handguns through USPS.

# Anti-Gangster Gun Laws

- National Firearms Act of 1934 – anyone in business of selling gangster weapons, must register with IRS and pay transfer taxes.
- Federal Firearms Act of 1938 – requires dealers to obtain federal firearms license.

# U.S. v. Miller (1939)

- National Firearms Act of 1934, Congress could regulate the interstate selling of a short barrel shotgun. The that there was no evidence that a sawed off shotgun “has some reasonable relationship to the preservation or efficiency of a well regulated militia,” and thus “we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.”

# 1961

- Federal Aviation Act Amendment
- No concealable firearms on passenger aircrafts
- Must be in checked baggage

# 1963

- Lee Harvey Oswald buys imported Italian military rifle for \$20 mail order
- Assassinate President Kennedy
- Public stunned by ease of purchase

# 1965

- University of Texas Tower shooting
- Charles Whitman climbs clock tower, kills 15 and wounds 31 others
- Autopsy reveals brain tumor

# 1968

- Assassinations of Reverend Martin Luther King and Senator Robert F. Kennedy.
- Results in Omnibus Crime Control and Safe Streets Act of 1968
- Gun Control Act of 1968



# Gun Control Act of 1968

- Banned importing guns that have “no sporting purpose,” imposed age restrictions for the purchase of handguns (gun owners had to be 21), prohibited felons, the mentally ill, and others from purchasing guns
- Required that all manufactured or imported guns have a serial number

# Late 1960s

- Black Panthers began policing the police.
- <https://diva.sfsu.edu/collections/sfbatv/bundles/206875>

# Mulford Act 1967

On May 2, 1967, 30 fully-armed Black Panthers occupied the California state Capitol. The demonstration was motivated by Republican Assemblyman Don Mulford's bill to repeal the law allowing Californians to openly carry weapons, a direct response to the Black Panthers' "police patrols."



# 1972

- Consumer Product Safety Commission is created to protect against injuries associated with consumer goods.
- Massachusetts uses Consumer Protection Act to enact strict regulations on handguns and “loaded gun indicators.”

# 1986

## Firearms Owners Protection Act

- Prohibited a national registry of dealer records,
- Limited ATF inspections to once per year (unless there are multiple infractions),
- Allowed licensed dealers to sell firearms at “gun shows” in their state. It also loosened regulations on the sale and transfer of ammunition.

# Brady Handgun Violence Bill 1993

- Federal background checks
- 5 day waiting period

# 1994

- Violent Crime Control and Law Enforcement Act, signed by President Clinton in 1994,
- Public Safety and Recreational Firearms Use Protection Act. This is known as the assault weapons ban — a temporary prohibition in effect from September of 1994 to September of 2004. Multiple attempts to renew the ban have failed.

# 2003

- The Tiahrt Amendment, proposed by Todd Tiahrt (R-Kan.), prohibited the ATF from publicly releasing data showing where criminals purchased their firearms and stipulated that only law enforcement officers or prosecutors could access such information.
- The law effectively shields retailers from lawsuits



# 2005

- In 2005, the Protection of Lawful Commerce in Arms Act was signed by President George W. Bush to prevent gun manufacturers from being named in federal or state civil suits by those who were victims of crimes involving guns made by that company.
- Dismissed all pending cases

# Heller

- Overturn Washington DC law