

GUNS

Ladies Against the Constitution

by Philip Jenkins

On balance, would you say you are for or against gun violence? How about motherhood? Pro or con? How about keeping firearms away from children? I know that these are all contentious debates nowadays, and that most of us have to think awfully hard before deciding such questions. Somehow, though, I suspect that a decent majority of us have nagging doubts about the desirability of preteen firefights, at least on school premises.

Now, you may think that these imaginary survey questions are ludicrous, and anyone framing a debate in such a way was simply joking. If you think so, then you clearly were not watching the media coverage of the so-called "Million Mom March" which kept the chattering classes busy during a slow news week this past May. The Marching Moms claimed just to be seeking "responsible" and "sensible" gun laws, which meant registration of all guns and licensing of all owners, "just like cars and drivers," as well as built-in gun locks and "childproofing" weapons. These measures were intended to stop the gun "epidemic," which reputedly claims the lives of 12 children a day in the United States. Forsaking the slightest nod toward objectivity, pretty much the entire mass media portrayed the march's issues in the terms chosen by the group's organizers, who appeared repeatedly in sycophantic television interviews, unchallenged by speakers from any rival perspective. Since the issue was simply one of keeping guns away from kids, there obviously was nothing valid to be said on the other side. Typical of press coverage was the *New York Times*' headline, "Mothers March to Assail Gun Violence." "Mothers sound their call," boasted the *Boston Globe*.

Aging boy wonder Bill Clinton added a superb twist to the campaign by greet-

ing mothers from a Jewish community center in Los Angeles, where three children were shot last year by a racist spree killer. It was brilliant television with a concise message: If you don't support "commonsense" gun policies, you're not only in favor of "kids shooting kids," but you also favor white supremacists and neo-Nazis. Who else but the lunatic right would question the collective wisdom of the thundering maternal herd? Clinton asserted that "if a couple hundred thousand people show up here and several hundred thousand at these sites around the country it ought to send a signal that we want America to be a safe country and common sense gun legislation is part of the strategy." In fact, it was nothing like "a couple of hundred thousand," but it was amusing to see how the papers consistently inflated the number of marchers. If only the late, lamented Carl Sagan were here, we would presumably have got the figure into the billions and billions.

By the way, did anybody notice how easily the gun-control debate has, just in the past few months, segued from demonizing handguns to "guns" in general? There are tens of millions of Americans owning rifles and shotguns who assumed that the whole issue was about pistols and so-called "Saturday Night Specials," and thus had nothing to do with them. Guess again.

Well, there are a great many problems with the policies suggested by the Marching Moms, not least in the basic issue which ostensibly motivates them. For one thing, there is no epidemic of kids killing kids, and the oft-quoted figure of 5,000 children killed by guns each year (12 a day, remember) is baloney. In 1998, the number of youths younger than 18 murdered by any method was fewer than 2,000, according to federal statistics, and an awful lot of those were infants or toddlers killed by parents and family members who virtually never used guns. We can only get a figure vaguely approaching 5,000 by including all homicides of "children" up to age 21, killed by whatever means. And the homicide rate for young people has plummeted in recent years.

But assume, for the sake of argument, that the threat to children is far greater

than any evidence would suggest, and that we are dealing with a "gun-violence crisis." In virtually none of the reporting of the Momists was it acknowledged that Americans do not own guns due to their brutal stupidity or their callous neglect of children's interests, but because they believe they have a fundamental right to gun ownership, and that this right exists for exceedingly good reasons—above all, self-defense. In the real world, there is a wide spectrum of opinions about guns and gun ownership, so that the correctness of the anti-gun position is far from obvious.

From a social-science perspective, a significant body of evidence suggests that guns often deter crime, and that laws permitting private citizens to carry weapons for personal protection have a strong deterrent effect on violent crime. In fairness, any listing of firearms deaths must include numbers for those whose lives were saved by guns. Although this is the well-argued position of an impressive group of scholars, they do not claim infallibility, and future studies may challenge these findings. Nevertheless, what we know now tends to confirm the superbly argued equation of "more guns, less crime" proposed by John Lott, and those who challenge this perspective are on the defensive. One corollary of this conclusion is that gun locks and "smart" guns, which can be fired only by the owner, would detract from the defensive function of firearms. Unless and until robbers and rapists can be induced to respond to the polite request, "Hold on a minute, I'm trying to enter my six-digit code," smart guns are an extraordinarily stupid idea which will cause a great deal of innocent blood to be shed.

In legal and constitutional matters, too, there is ample room for debate, but from where we stand now, the pro-gun arguments have a strong advantage. This is particularly true of the tired arguments about whether the Framers intended the Second Amendment to recognize an individual or a collective right to bear arms. For the anti-gunners, the wording implies gun ownership only in the context of "a well regulated Militia" such as the National Guard; for their opponents, the right is as individual as the right of free speech or religion. For anyone familiar

with English and colonial American history, the debate is largely irrelevant because both sides are correct. Of course the clause refers to a militia, but a militia made up of individuals who bring their own private weapons with them to train and fight, the weapons in question being the appropriate military technology of the era. Throughout the Middle Ages, governments were deeply involved in enforcing the equivalent of "gun control," which meant harassing and fining the king's subjects until they could be induced to obey their legal duties to be armed sufficiently to help defend the realm. From the point of view of an honest historian, the Second Amendment not only permits individuals to own and carry weapons, it implies that such ownership is demanded as a condition of citizenship. We can speculate on why such a requirement is not stated explicitly in the Bill of Rights, but 700 years of previous statutes make it pretty clear that this was intended. Our present legal position, therefore, seems a "commonsense" and "responsible" compromise between the ludicrous extremes of either banning or demanding the private ownership of firearms.

In the interests of consistency, I see no reason why the limitations on Second Amendment rights should not be extended to other equally clear parts of the Constitution. Think, for example, of the unhappiness that arises from the excessive use of the free-speech rights allegedly protected in the First Amendment, which allows citizens to criticize their neighbors or even the government. Don't white supremacists abuse their free-speech rights? Commonsense free-speech laws would recognize that the overbroad language of this clause reflected a barbarous age and should be reinterpreted for more advanced modern conditions. A cooling-off period is a natural development. Before anyone says or writes anything which might cause discomfort or unhappiness to some individual or group, he should be required to submit his remarks a week or so in advance to some agency, perhaps a Bureau of Tobacco, Firearms, and Harsh Language, where trained psychological experts could assess the speaker's suitability to engage in controversy. The discomfiting speech could then be presented publicly, subject to a limitation on the number of times in a month that speech censes should be granted to any one individual. It would be particularly impor-

tant to enforce a federal standard here, so that citizens could not utter speech in one of the less responsible jurisdictions—San Francisco, say, or Las Vegas—which could then be imported into a more polite environment, such as Washington, D.C. A decade or so of stringent licensing could greatly increase the degree of civility in this country. And I have not even begun to discuss the potential of civil litigation to help clean up the damage wrought by the extremist and absolutist upholders of the First Amendment. I can't wait until the Marching Moms latch on to this issue.

Making fun of the Million Moms and their media admirers would be much easier if there were not painful signs that the political currents are clearly moving in their direction, and that the right to gun ownership is under greater danger than ever before. The consequences are frightening. If we cannot defend the eminently lucid words of the Second Amendment, the intent of which is clear to any unbiased reader, why should any other part of the Constitution be sacrosanct? Commenting on the subversion of the Constitution in the 1850's, Lincoln remarked, "Our progress in degeneracy appears to me to be pretty rapid." Gradually, American principles were qualified and perverted by fanatics until the law was nothing more than a partisan tool. If the Constitution was to be so debased, Lincoln declared, "I should prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy." Anyone for a trip?

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MEDIA

Big Laughs With Important People

by Janet Scott Barlow

Last spring, ABC News sent movie heartthrob Leonardo DiCaprio to interview Bill Clinton for an Earth Day special, a decision which reflected a love-

ly symmetry: In terms of human maturation, the 25-year-old actor and the 54-year-old President are approximately the same age (19).

Symmetry aside, all hell broke loose. The resultant tempest, played out over several weeks, was classic: full of irony aplenty, hypocrisy galore, and displays of ego so boundless that only celebrities could be the source.

The story goes that when ABC's veteran correspondents got wind of the DiCaprio/Clinton interview, they pitched a fit. Oh my, there was displeasure. It seems that having Mr. DiCaprio interview Mr. Clinton on Issues of Importance had violated that holy of holies, journalistic credibility—a commodity that heretofore had been, as every news consumer in America knows, absolutely rock solid and angel pure until young Leo winged in from Hollywood to defile the temple. (Are you laughing yet?)

Let us take a closer look at the ABC lineup that got so indignant at the prospect of a punk actor encroaching on its pristine turf. First, there is Sam Donaldson, whose preparation for his Sunday show *This Week* appears so superficial and meager that every question he asks and every observation he makes can be counted on, unfailingly, to be the wordiest possible example of the previous week's received wisdom. Donaldson's Sunday partner is Cokie Roberts, whom I have come to think of as Miss Cokie because she is given to rolling her eyes and announcing how "mothers would handle it," regardless of the topic being discussed. Roberts is the June Cleaver of American journalism, and most Sundays, she looks like it's all she can do to keep from pointing a finger and sputtering, "Sam, go to your room!"

Sharing the list with Sam and Miss Cokie is ABC's anchor-god, Peter Jennings, a man whose on-air urbanity has evolved over the years into genuine *hauteur*, as he gives off unmistakable hints of barely controlled disdain for every political conservative who has walked the face of the earth since the beginning of time.

And let us not forget Diane Sawyer, she of the wow-have-I-scored "interview" with six-year-old Elian Gonzalez, an event that was redefined as a "visit" after being roundly criticized as exploitative. No matter. The important thing was how empathic, how downright sweet, Sawyer appeared as she sat on the floor, the better to "relate" to little Elian.

Finally, we have arrived at Barbara