



# A DCI Deliberation Guide

## Guns in America:

*How Shall We Balance Concerns about Gun Rights and Gun Risks?*

### Format for Deliberation

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#### Before the Deliberation

- I. Read this document
- II. Read The Flag's article, "[Gun Control Pros and Cons: Where Both Parties Stand](#)"
- III. Read Britannica's Procon.org article, "[Should More Gun Control Laws Be Enacted?](#)"
- IV. Read this NBC News article, "[Six Proposals to Reduce Gun Violence and How They Work](#)"
- V. Read this Constitutional Rights Foundation article, "[Policies on Guns](#)"
- VI. (Optional) Review any of the resources listed in the appendix or conduct your own research on the topic for familiarity

#### During the Deliberation

- I. Setting Expectations - 10 min.
- II. Getting to Know Each Other - 10 min.
- III. Understanding Tensions between Gun Rights and Gun Risks - 30 min.
- IV. Examining New York's Concealed Carry Law - 25 min
- V. Identifying, Evaluating, and Prioritizing Policies - 30 min.
- VI. Reflections - 15 min.

### Background

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**The Second Amendment** of the U.S. Constitution states, "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."<sup>1</sup> After receiving scant attention in the courts for nearly two centuries, the meaning of this amendment has been hotly debated in recent decades.<sup>2</sup> With recent mass shooting incidents and a gun rights case currently before the U.S. Supreme Court, these debates about gun ownership and possession remain highly salient in American politics.

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<sup>1</sup> "[Constitution of the United States of America \(1787\)](#)." Bill of Rights Institute.

<sup>2</sup> Kernell, Samuel et al. 2022. *The Logic of American Politics*. Thousand Oaks, CA: CQ Press.

With 120.5 guns per 100 people, the **U.S. has the highest per capita gun ownership in the world**; almost one-fourth of Americans own at least one gun.<sup>3</sup> In 2020, 45,222 people died from gun-related injuries, representing a 14% increase from 2019 and a 43% increase from 2010. The per capita rate (gun deaths per 100,000 people) in 2020 was the highest it has been since the mid-1990s, but it remains below its peak level in the 1970s. Compared to other countries, the United States ranks 30<sup>th</sup> worldwide in terms of per capita gun-related homicides and 2<sup>nd</sup> worldwide in terms of gun-related suicides.<sup>4</sup>

**Most of the gun-related deaths** in the U.S. (in 2020, 54%) have been the result of suicide. The second most common cause was murder (43% in 2020), followed by three less common causes (unintentional, involved law enforcement, or undetermined).<sup>5</sup> The number of deaths resulting from active shooter cases increased from 16 in 2000 to 102 in 2019, with a record 143 killed in 2017.<sup>6</sup> This violence has not spared America's most vulnerable, as more than 1500 children and teens – four every day – lost their lives to guns in 2021.<sup>7</sup> One study found that between 2006 and 2016 firearms were the second-leading cause of death in children in the United States.<sup>8</sup>

These statistics are often cited by proponents of stronger gun regulations who are deeply concerned about the risks associated with guns. Advocates for stronger gun rights also reference these data to justify making it easier for people to own guns to protect themselves. They also argue that they have a constitutional right to bear arms as articulated in the Second Amendment. Gun control advocates in turn assert that the Second Amendment refers to a collective right of local militias to bear arms, not an individual's right to do so.<sup>9</sup>

In 2008, the U.S. Supreme Court ruled in *District of Columbia v. Heller* that the District's ban on hand guns violated the Second Amendment, supporting the view that it protects an individual's right to bear arms.<sup>10</sup> In the summer of 2022, the Court is scheduled to rule on a case (***New York Rifle & Pistol Association v. Bruen***) involving seven states, including New York, that have restrictive laws regarding carrying guns outside of the home.<sup>11</sup> The challengers to these laws argue that "the right to carry guns outside the home is like the right to free speech or any other right guaranteed by the Constitution," while the State of New York argues that guns are designed to kill people and that public safety should be the primary consideration.<sup>12</sup>

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<sup>3</sup> "[Gun Control](#)." ProCon.org. 7 Aug. 2020.

<sup>4</sup> Santhanam, Laura. 2018. "[There's a New Global Ranking of Gun Deaths. Here's where the U.S. Stands](#)." *PBSNewsHour*.

<sup>5</sup> Gramlich, John. 2022. "[What the Data Says about Gun Deaths in the U.S.](#)" Pew Research Center.

<sup>6</sup> "[Active Shooter Incidents 20 Year Review 200-2019](#)." Federal Bureau of Investigations.

<sup>7</sup> "[Responsible Gun Owners Act Proposal](#)." YouTube.

<sup>8</sup> Wadman, Meredith. 2018. "[Guns Kill More U.S. Kids than Cancer. This Emergency Physician Aims to Prevent those Firearm Deaths](#)." *Science*.

<sup>9</sup> Kernell, Samuel et al. 2022. *The Logic of American Politics*. Thousand Oaks, CA: CQ Press.

<sup>10</sup> "[District of Columbia v. Heller](#)." Oyez.

<sup>11</sup> "[Gun Rights Are Back at the Supreme Court for the First Time in More than a Decade](#)." NPR.

<sup>12</sup> *Ibid*.

More generally, **supporters of increased gun restrictions** argue that the “widespread availability of firearms has made it easier for criminals and people with mental illness to perpetrate mass shootings.” They suggest that government authorities can and should impose common-sense restrictions on guns that will reduce gun-related fatalities without violating the Second Amendment.<sup>13</sup>

**Opponents of gun restrictions** maintain that most gun owners are lawful citizens who purchase firearms for protection or sport. They argue that limiting the right to buy, own and carry guns is a violation of their Second Amendment rights and that “strictly regulating gun ownership will only benefit criminals by disarming those who could otherwise defend themselves and save others.”<sup>14</sup>

## Setting Expectations (10 min)

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In this section, we will review the “Expected Outcomes,” Deliberative Dispositions,” and “Conversation Agreements” below.

### Expected Outcomes of the Conversation

The purpose of this deliberation is to deepen our understanding of gun policies in the United States. Over the course of the deliberation, we will have the opportunity to listen to the perspectives of our fellow deliberators as well as share our own experiences and beliefs related to guns and federal and states’ laws that regulate them. By the end of the conversation, we will have deliberated about the strongest and weakest arguments for strengthening or weakening gun regulations and discussed our highest and lowest priorities for reforming gun policies in the United States. We will also have talked about whether we believe the Supreme Court should uphold or strike down New York State’s concealed carry law. Finally, we will have reflected on our conversation, our areas of both agreement and disagreement, and what we have learned from our time together.

### Deliberative Dispositions

The DCI has identified several “deliberative dispositions” as critical to the success of deliberative enterprises. When participants adopt these dispositions, they are much more likely to feel their deliberations are meaningful, respectful, and productive. Several of the Conversation Agreements recommended below directly reflect and reinforce these dispositions, which include a commitment to egalitarianism, open mindedness, empathy, charity, attentiveness, and anticipation, among others. A full list and description of these dispositions is available at <https://deliberativecitizenship.org/deliberative-dispositions/>.

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<sup>13</sup> “[Gun Control](#).” Issues & Controversies, Infobase, 24 Mar. 2021.

<sup>14</sup> Ibid.

## Conversation Agreements

In entering into this discussion, to the best of our ability, we each agree to:

1. Be authentic and respectful
2. Be an attentive and active listener
3. Be a purposeful and concise speaker
4. Approach fellow deliberators' stories, experiences, and arguments with curiosity, not hostility
5. Assume the best - and not the worst - about the intentions and values of others, and avoid snap judgements
6. Demonstrate intellectual humility, recognizing that no one has all the answers, by asking questions and making space for others to do the same
7. Critique the idea we disagree with, not the person expressing it, and remember to practice empathy
8. Note areas of both agreement and disagreement
9. Respect the confidentiality of the discussion
10. Avoid speaking in absolutes (e.g., "All people think this," or "No educated people hold that view")

## Getting to Know Each Other (10 min)

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In this section, we will take less than a minute to share our names, where we are currently located, and 4-5 aspects of our identities that are important to us. These could be our gender pronouns, our occupation, our family status (e.g., husband, mother, etc.), our hometown, our favorite hobby, etc. There is no pressure to do so, but everyone is welcome to type in any, all, or none of these aspects of your identity into your Zoom nameplate (just right-click on your own image and click Rename).

## Understanding Tensions Between Gun Rights and Gun Risks (30 min)

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In this section, we will examine the arguments for and against gun regulations, which often revolve around concerns about gun rights and gun risks (Britannica's [list of pro and con arguments](#) is a good resource for this discussion). We will each take 1-2 minutes to answer each of the questions below, without interruption or crosstalk.

1. What are the **strongest arguments for limiting restrictions** on gun possession and ownership?
2. What are the **weakest arguments for limiting restrictions** on gun possession and ownership?

Once everyone has answered these questions, we will each take 1-2 minutes to answer the next two questions:

3. What are the **strongest arguments for increasing restrictions** on gun possession and ownership?
4. What are the **weakest arguments for increasing restrictions** on gun possession and ownership?

After everyone has answered these questions, the group is welcome to take a few minutes for clarifying or follow up questions and responses. Continue exploring the topic as time allows.

### **Examining New York’s Concealed Carry Law (25 min)**

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In November 2021, the Supreme Court heard arguments in *New York State Rifle & Pistol Association v. Bruen* and will be ruling on the case this summer. We will each address the central questions of the case below, and then discuss them further as time allows.

1. **Do individuals have a constitutional right to carry weapons outside the home?**
2. **Should the Supreme Court uphold or strike down New York’s standard of “proper cause,” which requires unrestricted gun license applicants to “demonstrate a special need for self-protection distinguishable from that of the general community...”?<sup>15</sup>**

In examining this case, it may be helpful to refer to the excerpts below from the petitioners’ and respondents’ briefs describing New York’s proper cause doctrine (citations have been removed for readability). To learn more about the arguments on each side, you are welcome to review the full briefs (cited in the footnotes below) or this [summary](#) of the case.

PETITIONERS (New York State Rifle & Pistol Association Inc., et al.): Despite its importance as a condition precedent to the exercise of the right to carry a firearm, the phrase “proper cause” is not defined in the New York Penal Code. But New York courts have fashioned “a substantial body of law instructing licensing officials on the application of [the ‘proper cause’] standard.” As those cases illustrate, the standard is extraordinarily demanding. “A generalized desire to carry a concealed weapon to protect one’s person and property does not constitute ‘proper cause.’” An applicant instead “must ‘demonstrate a special need for self-protection distinguishable from that of the general community or of persons engaged in the same profession.’” Good, even impeccable, moral character plus a simple desire to exercise a fundamental right is not sufficient. Nor is living or being employed in a “high crime area...” For example, courts have repeatedly affirmed findings of no “proper cause” for applicants whose jobs require them to “carry large amounts of cash in areas ‘noted for criminal activity.’”<sup>16</sup>

RESPONDENTS (Kevin P. Bruen, et al.): New York concealed-carry licenses “shall be issued” where applicants meet general eligibility requirements and have certain kinds of employment, including state and local judges, correctional facility employees, and bank messengers. For all other qualified applicants, concealed-carry licenses “shall be issued” if the applicant shows “proper cause.” New York courts have defined “proper cause” to include “carrying a handgun for target practice, hunting, or self-defense.”

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<sup>15</sup> Schwinn, Steven. [“Argument Preview: Can a State Require ‘Proper Cause’ for Public Carry?”](#) *Constitutional Law Prof Blog*.

<sup>16</sup> [New York State Rifle & Pistol Association, Inc., Robert Nash, Brandon Koch v. Kevin P. Bruen](#). 2021. Brief for Petitioners.

Where an applicant demonstrates proper cause to obtain a license for specific purposes, the licensing officer may restrict the license to those purposes. A license may be restricted to specific activities, such as hunting and target shooting. Or it may be restricted to specific locations where a person has shown a need for self-defense, such as “between [his] home and his place of employment,” or in areas not “frequented by the general public.” An “unrestricted” license allows concealed carry anywhere not specifically prohibited by state or federal law.<sup>17</sup>

## Identifying, Evaluating, and Prioritizing Policies (30 min)

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We will now identify, evaluate, and prioritize specific measures to take related to guns in America. We will each address the question below, and then together we’ll explore our areas of agreement and disagreement. We can also generate additional ideas that may transcend and elicit more support than existing proposals.

### 3. How should gun policies in the United States be reformed?

In considering this question, we can refer to the list below of specific gun policy proposals. Which one of these policies is your highest priority? Which is the lowest? Why? Are there other ideas that you believe are also important to consider?<sup>18</sup>

#### *Policies restricting access to guns:*

- a. Prevent people with mental illnesses from purchasing guns
- b. Make private gun sales and sales at gun shows subject to background checks
- c. Create a federal government database to track all gun sales
- d. Ban assault-style weapons
- e. Ban high-capacity ammunition magazines that hold more than 10 rounds

#### *Policies expanding access to guns:*

- f. Allow people to carry concealed guns in more places
- g. Allow teachers and school officials to carry guns in K-12 schools
- h. Shorten waiting periods for people who want to buy guns legally
- i. Allow people to carry concealed guns without a permit

To learn more about these and other gun policy options, these [NBC News](#) and [Constitutional Rights Foundation](#) articles are useful resources.

If there is strong disagreement in the group, try to explore the underlying reasons for the disagreement – are they based on different factual interpretations, different value emphases, or different life experiences? Perhaps you can agree on where precisely you disagree, which can be helpful. Alternatively, if there is widespread agreement in the group, try to dig deeper

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<sup>17</sup> [New York State Rifle & Pistol Association, Inc., Robert Nash, Brandon Koch v. Kevin P. Bruen](#). 2021. Brief for Respondents.

<sup>18</sup> Schaeffer, Katherine. 2021. [“Key Facts about Americans and Guns.”](#) Pew Research Center.

and examine the nuances of these policies – are there particular contexts, for example, where your agreement breaks down? Or perhaps your reasons for supporting particular policies are different? Exploring this complexity can be helpful as well.

## **Reflections (15 min)**

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While today's conversation is an important step in the journey, effectively balancing concerns about Second Amendment rights and the harmful effects of guns will take time and commitment. Please reflect on the insights from your discussion with your fellow participants today, and then answer one of the questions below without interruption or crosstalk. After everyone has answered, we can continue exploring additional questions as time allows.

1. What was most meaningful or valuable to you during this deliberation?
2. Where are the areas of both agreement and disagreement in your group?
3. Have any new ways to think about this issue occurred to you as we have talked today? Any new ideas that might transcend our current way of conceiving of the problem and its potential solutions?
4. Was there anything that was said or not said that you think should be addressed with the group? Are there any perspectives missing from this conversation that you feel would be important to hear?
5. What did you hear that gives you hope for the future of conversations on issues related to gun policy?
6. Is there a next step you would like to take based upon the deliberation you just had?

## About This Guide

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### The Deliberative Citizenship Initiative

The Deliberative Citizenship Initiative (DCI) is dedicated to the creation of opportunities for Davidson students, faculty, staff, alumni, and members of the wider community to productively engage with one another on difficult and contentious issues facing our community and society. The DCI regularly hosts facilitated deliberations on a wide range of topics as well as organizes training workshops for deliberation facilitators. To learn more about these opportunities, visit [www.deliberativecitizenship.org](http://www.deliberativecitizenship.org).

### DCI Deliberation Guides

The DCI has launched this series of Deliberation Guides as a foundation for such conversations. They provide both important background information on the topics in question and a specific framework for engaging with these topics. The Guides are designed to be informative without being overwhelming and structured without being inflexible. They cover a range of topics and come in a variety of formats but share several common elements, including opportunities to commit to a shared set of Conversation Agreements, learn about diverse perspectives, and reflect together on the conversation and its yield. The DCI encourages conversations based on these guides to be moderated by a trained facilitator. After each conversation, the DCI also suggests that its associated Pathway Guide be distributed to the conversation's participants.

### DCI Pathways Guides

For every Deliberation Guide, the DCI has also developed an associated Pathways Guide, which outlines opportunities for action that participants can consider that are related to the covered topic. These Pathways Guides reinforce the DCI's commitment to an action orientation, a key deliberative disposition. While dialogue and deliberation are themselves important contributors to a healthy democracy, they become even more valuable when they lead to individual or collective action on the key issues facing society. Such action can come in a range of forms and should be broadly understood. It might involve developing a better understanding of a topic, connecting with relevant local or national organizations, generating new approaches to an issue. or deciding to support a particular policy.

If you make use of this guide in a deliberation, please provide attribution to the Deliberative Citizenship Initiative and email [dcide@deliberativecitizenship.org](mailto:dcide@deliberativecitizenship.org) to tell us about your event. To access more of our growing library of Deliberation Guides, Pathway Guides and other resources, visit [www.deliberativecitizenship.org/readings-and-resources](http://www.deliberativecitizenship.org/readings-and-resources).