

Home Office Select Committee

Submission to the Inquiry into Firearms Control

Derek Bernard
20th August 2010

Summary

1. Despite major UK gun control legislation in 1903, 1920, 1936, 1967/8, 1988 and 1997, there is no evidence of beneficial social effects, e.g. beneficial crime trends, arising from any of these Acts.
 2. I have found no evidence of beneficial effects arising from similar legislation anywhere in the world.
 3. On the contrary, I have found a great deal of evidence, especially in the UK, of perverse consequences arising from introducing stricter firearm ownership and use controls.
 4. By way of contrast, there is very strong and consistent evidence from the USA that allowing ordinary citizens to possess firearms for self-defence and to use them for that purpose, has a significant, beneficial effect on violent crime trends. (*Ref. See especially the work of John Lott, jr. e.g. "More Guns, Less Crime", 4th edition*)
 5. There is strong and consistent evidence that all sport shooting and especially target shooting, is extraordinarily safe and encourages the development of discipline.
 6. The evidence is overwhelming that the considerable police and private resources consumed in applying gun control procedures are entirely wasted – and wasted in a destructive manner.
 7. The present controls should be scrapped in their entirety.
 8. All adult UK citizens should be entitled to a Firearms Certificate for life if they have not been convicted of a serious crime of violence for 10 years. The Certificate could only be withdrawn on conviction for such an offence; or on permanent departure from the UK. The issuing authority, preferably entirely independent of the police and coming under the umbrella of a Ministry responsible for sport administration, would have no discretion to deny the Certificate when the clear and unambiguous tests of residency and clear criminal record were met. The Certificate would entitle the holder to acquire, hold, transport and use any number of any type of smallarm and ammunition with inert projectiles, including the ingredients for loading ammunition, without any registration procedure whatsoever.
 9. The constitutional right of every citizen to effective self-defence and to defend others should be fully recognised by statute law. The rulings of the Lord Chief Justice in "Hussey" 1924 and Mr Justice Codd in "Rungle" 1951, should be the guide.
-

a. The Author

I write as a student of the costs and effects of firearm laws on a world-wide basis since 1979.

I have also been a serious target pistol shooter since 1969 and interested in guns and target shooting since about 1948. I have represented Jersey in pistol shooting since 1979 in a wide variety of locations up to and including the 1990 Auckland Commonwealth Games and continue to do so. While these activities have led to considerable practical experience of the application of gun control procedures, in and of themselves they generated no understanding whatsoever about the effects of gun control legislation on criminal activity.

Despite my considerable interest in guns and my activities as a target shooter from about 1948 to 1979, I had never read a Firearms Law, nor carried out any research into gun control legislation efficacy, until I decided to study the subject in 1979.

b. Initial Research Objectives

When I started my research into the costs and effects of firearm laws in '79, I assumed that the UK Firearms Law (and somewhat similar Jersey Law) were generating clear and substantial social benefits. I was interested in attempting to establish which of the many control mechanisms contained in these long and complex laws, actually produced the benefits. For example, was it the police certification of the individual owner; or the frequent renewal of that certification; or the registration of the individual firearms; or the security requirements; or the restrictions on ammunition, transport, servicing and usage, etc, etc.

My hypothesis was that, in all probability, the vast majority of the benefits came from very few of the controls, perhaps just one. If true, perhaps the system could be simplified, with benefits to both police resource consumption and the lawful shooting community.

After 3 years of study of published research material and a great deal of discussion, as well as writing to police and governmental authorities in several different countries, I was forced to accept – with a considerable sense of surprise, even shock – that none of the jurisdictions considered could demonstrate any measurable improvements in crime trends, or indeed, social benefits of any kind, arising from the introduction of their firearm laws, whether one considered specific control mechanisms, like individual firearm registration, or the effects of the law as a whole.

Since then I have continued my work in this field for further 28 years, which further study has had the effect of greatly reinforcing the conclusions stated above.

c. Actual Effects of the Laws

But that does not mean that the laws are without effect. They have a number of significant effects, all of them socially perverse:

- i. They generally have the effect of increasing violent crime, sometimes apparently quite dramatically. Until the 1972 “Temporary Custody Order”, the Republic of Ireland had had for many years a consistently low homicide rate of approximately 0.5/100,000. This immediately doubled in 1972 and stayed at the new higher level of 1/100,000 for over 20 years, when it started to increase again. Despite the elimination of all legal pistols and virtually all centre fire rifles, approximately 19% of all the Irish murders over the whole 20 year period were by shooting; a proportion rather more than double the equivalent UK proportion over the same period (i.e. prior to the introduction of the UK pistol ban). (*Ref. Author’s own research, available on request; and “Homicide in Ireland, 1972 – 1991”, Dept. of Justice*).

A similar, consistent pattern of substantial increases in armed criminal activity trends can be seen with each tightening of the firearm laws in the UK, e.g. in 1968, 1988 and 1997/8. (*Ref. Author’s own and many others’ research, available on request*).

- ii. They consume police resources without any measurable benefit, no matter the length of period studied. It is well appreciated that much police work is precautionary, but most bodies charged with considering police efficiency and cost-effectiveness take the view that resource consumption should, over time, be associated with measurable, beneficial results. Therefore, as a generality, it is reasonable to suggest that, had those police resources been applied to a wide range of other uses with better records of effectiveness, material social benefits could well have been obtained. This is either a waste, or a lost opportunity cost, or both.
- iii. They cause, at best, considerable inconvenience and cost to law-abiding citizens and businesses wishing to pursue or service sport shooting, collect firearms, or study firearm technology or history. Often they effectively deny them the right to do some or all of these things. At worst, they ensnare individuals, who have committed no anti-social act whatsoever, in the criminal justice system for minor technical infringements, sometimes with extremely serious consequences for the individual.
- iv. They greatly reduce the chance of an individual citizen mounting an effective self-defence against criminal violence, or the threat of violence. This severely undermines a fundamental Human Right to self-defence. (*Ref. See especially Professor Gary Kleck’s work, e.g. “Point Blank”*).
- v. They prevent the general population from acquiring basic training in the safe handling of firearms. This widespread ignorance not only generates fear of the unknown, but ensures that those entering the Armed Services require, at taxpayers’ expense, a great deal of training to become even moderately competent. Deep and widespread ignorance also makes accidents more likely when firearms are come across by chance. What relatively little work has been done on the effects on children of familiarity with firearms suggest considerable benefits for society, with no downside effects, if this is allowed to take place in an open and lawful way. (*Ref. “Urban Delinquency & Substance Abuse”, US Dept. of Justice 1993; “We Don’t Play With Guns Here”, by child psychologist Penny Holland*).

- vi. They make a broad and effective resistance to invasion, or to tyranny, much more difficult. In 1940, when the UK faced a very real threat of invasion, because the UK's gun laws had greatly reduced gun ownership and severely damaged the UK's gun-making ability, the UK government placed numerous advertisements in American sporting magazines, appealing to American gun-owners to donate guns **"to protect British homes"**.
- vii. They encourage an irrational, but widespread belief that guns are evil, rather than simply inanimate, mechanical objects, completely without moral characteristics. Encouraging irrationality is not sensible public policy.

Conclusion

The UK's firearm laws are certainly ripe for a major overhaul. I would suggest that a fresh approach based on the Summary above would likely substantially reverse the perverse social and other effects generated by the gun control policies of the last 90 years; reduce the administrative costs by over 90%; and virtually eliminate the present substantial financial and human costs of criminal prosecutions for alleged firearms law infringements despite the total absence of any anti-social act or intent.

In particular it would likely contribute very significantly and rapidly to the UK losing its shameful position as having the highest personal crime rates in the developed world; in particular, drastically lowering its extraordinarily high burglary levels.

Derek Bernard
Chalet Abaco
Green Road
St. Clement
Jersey
JE2 6QA

Tel.: 01534 769460
Fax: 01534 769466
E: DB@TSLjersey.com