

HOW GOVERNMENTS CREATE CRIME

AN OVERVIEW OF CRIME CONTROL, GUN CONTROL, PEOPLE CONTROL AND THE LOSS OF RIGHT TO SELF-DEFENCE.

by Dr Lech Beltowski.

INTRODUCTION

Over the last 80-90 years, a wide range of ever-more restrictive gun control laws have become an accepted part of every government's approach to crime control. The gun control debate has been raging for almost as long. In spite of this, and although these laws have been "toughened-up" after each high-profile failure (Aramoana (NZ), Dunblane (UK), Port Arthur (Aust), Columbine (US),) such incidents still occur and violent crime continues to rise.

HOW CAN THIS BE?

Surely if gun laws worked as we are told they work, the trend should surely be the opposite and each tightening up on firearms use and possession would result in a fall in crime not a sharp increase. Might it not be that we are seeing "cause and effect", with such legislation substantially contributing to the increase in violent crime?

The firearms debate and the related issue of effective self-defence in the face of rising criminal violence are key components in any crime/ law and order debate. It is important to have a realistic grasp of all the relevant facts before discussing or attempting to formulate policy.

Gun control is a complex area and any understanding requires knowledge of many overlapping topics and policy areas:

- 1) Legal/Criminal Justice systems
- 2) Constitutional law and International law
- 3) Policing - current procedures and past and present policy
- 4) Psychology
- 5) Criminology
- 6) Mental health
- 7) History
- 8) Politics
- 9) Role of Prisons/ Corrections Policy

Fundamentally, the gun control debate (which includes the topic of self-defence) is characterised by two opposing world views. The first sees the entire responsibility for crime control and the maintenance of law and order rest totally with the government and its agencies.

- *Use of deadly force is delegated to police and army.*
- *Ordinary citizens play no part in maintaining law and order and are not considered trustworthy enough.*

- *Individuals are not allowed to protect themselves - especially not with firearms and any pre-existing right of self defence is frowned upon and weakened.*
- *Such a point of view clearly supports gun control measures.*

The opposite point of view considers governments to be simply elected servants of the people and to operate under delegated authority from the people. One fundamental, if often forgotten, principle is that the master (the people) should always have more power than the servant (government and its various agencies).

- *Power is thus shared between people and government.*

Most importantly, both parties have complementary if separate roles to play in the creation of a safe and well-functioning society. Optimum outcomes result from allowing the citizen to have maximum input into maintaining law and order, with the State protecting the fundamental rights of the law-abiding citizen and not usurping them. This clearly opposes the fundamental concept of gun control and is clearly in step with the basic principles of any properly functioning democracy:

- *Individuals are the rightful owners of their own lives and therefore have inherent freedoms and responsibilities.*
- *The proper purpose of government is to protect such freedoms and not to assume such responsibilities.*

FIREARMS LEGISLATION: A BRIEF HISTORY LESSON

Gun laws are relatively recent additions to our statute books. They attempt to control an item sometimes used in crime rather than the individuals who commit crime. They first appeared in their present form in the 1920s in the English speaking world and were refined by the Fascist governments of Hitler and Mussolini. Stalin also was an enthusiastic proponent of gun laws and used draconian firearms laws to rapidly disarm the Russian people. Since then, gun laws have become almost universal. The toughest laws on private firearm ownership seem to occur in the most politically repressive countries.

- *While not all countries with tough gun control laws are tyrannies, all tyrannies have tough gun control laws.*

THE UNITED STATES AND ITS FIREARMS LEGISLATION

Most people consider the US to have no gun laws. In fact, at present it has over 20,000 Federal, State and Local laws and ordinances dealing with firearms.

Before and after the civil war in the US, gun laws had been passed in virtually all Southern states. The aim was to keep the blacks disarmed and thus subject to white authority. This became even more important after the slaves were freed

The first “modern” gun laws in the US were in New York City in 1911. These were known as the “Sullivan Laws” after the mayor at the time. They were justified on the grounds that they would control crime committed by new migrant groups such as Italians, Jews and Eastern Europeans. The underlying motive, however, was to give the existing political elite (of Irish descent) a greater degree of political power and control over other newly-arrived ethnic groups.

GREAT BRITAIN AND ITS FIREARMS LEGISLATION

In the UK, the 1920 Firearms Act was the model for similar legislation throughout the British Empire and its Dominions. This included Australia and New Zealand. It was an extension of the Defence of the Realm Act passed during the 1st year of the First World War. This granted the administration vague, enormously expanded economic and legal powers, some at the expense of basic rights. During wartime, civilian gun ownership was not significantly hindered, since the government had need of millions of armed subjects in case of a German invasion and officers at that time were required to purchase their own pistols. Once the danger had passed, however, it would be a different matter.

The Firearms Act of 1920 was the first piece of legislation in British history that removed from British subjects the right to be armed and was the culmination of almost 50 years of effort by British governments of every political stripe.

Then, as now, the announced rationale by the ruling coalition government was an increase in armed crime, yet statistics for London show no such increase (1)

The real motive for this legislation was that the government was unwilling to relinquish its immense wartime powers. Private cabinet papers showed that the Government was afraid not of crime but of political disorder, more specifically Bolshevik revolution by a working class with little real political power and low wages. A general strike had been called.

GOVERNMENT JUSTIFICATION FOR FIREARMS CONTROLS

In summary, control of the working class and not crime control was the underlying motive for the 1920 Gun laws in the UK. Foreshadowing modern times, the UK Government also justified its gun control legislation on the grounds that it would enable government to carry out its international obligations under the Arms Traffic convention. Our present government justifies similar legislation by also citing rising crime and United Nations treaty obligations.

NEW ZEALAND AND ITS FIREARMS LEGISLATION

In New Zealand, as in other countries, gun control legislation was more about people control than crime control. In this case, the people were Maori and the first legislation, the Arms Importation Ordinance of 1845 was intended to disarm the warlike Maori tribes of the upper North Island. It failed, and was tightened up in 1860 to include licensing and registration for white settlers, even in areas with few Maori.

Although this was relaxed in the 1880s, after the land wars had ended, more gun control legislation was passed in 1908 because of a fear of left-wing agitation and the birth of organisations like the International Workers of the World and the Federation of Labour. While such organisations failed to mobilise the working class, they certainly did manage to terrify the government (2).

The return of servicemen after World War 1, with their service guns and war trophies, made the authorities nervous about large scale industrial demonstrations or riots in an era of deteriorating industrial relations. In 1920, in tandem with the UK, New Zealand passed an Arms Act requiring the registration of every firearm and making semi-automatic pistols a prohibited item. As in the UK, gun control legislation was passed due to fear of legitimate political protest and not crime. Indeed, crime rates at that time were very low compared to present day rates not just in NZ but also in the UK and even in the US. They have not remained low.

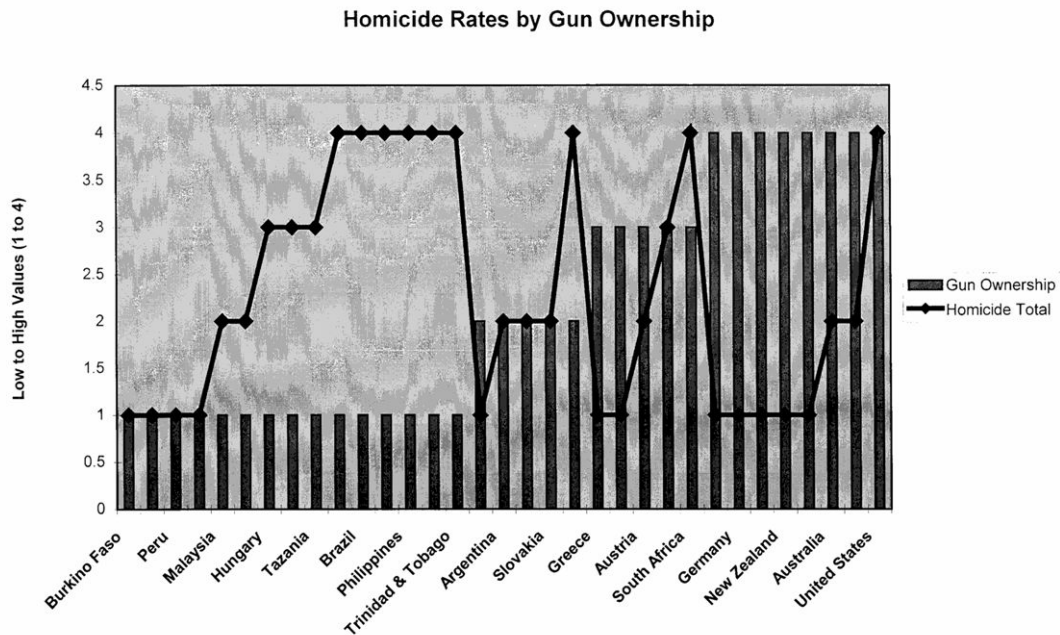
- *Gun control is less about guns, it is more about control.*

Gun control laws are essentially elitist and often also racist. They help to maintain discrimination and exploitation. They also help to maintain an unacceptable and unstable social status quo by force and they are thus profoundly anti-democratic.

- *Such laws are unlikely to be beneficial to society.*

The erroneous belief at the core of gun control proposals is that inanimate objects such as guns (rather than aberrant people) cause crime.

Logically, fewer guns would mean fewer crimes and no guns will in time equate to no crimes. The facts tell a different story. There is no relationship between high levels of gun ownership rates and high levels of violent crime rates between nations:



Source: Report to the Secretary General of the United Nations (7-3-1997),
from Greenwood (2000)

Fig. 1 - Taken from Greenwood (See Ref 3)

Note: There is a correlation between gun ownership and gun death, but not between gun ownership and violent crime. This correlation is primarily due to the link between gun ownership and gun suicide. There is no link between gun ownership and total suicide. In other words, if you do not have a gun you clearly cannot shoot yourself or anyone else. That does not mean that you cannot kill someone else or yourself.

IN SUMMARY

There is no link between a nation's gun ownership rate and its violent crime rates. Widespread legal ownership of firearms is entirely compatible with low crime rates, as is the opposite scenario. If there is no pattern between gun ownership levels and the violent crime rates of different nations, is there then a correlation between gun ownership rates and violent crime levels in different areas of a particular country or over time? Here, the data does show a significant correlation between the numbers of legal guns and the violent crime rate. Unfortunately for supporters of more gun control, the relationship is inverse, with crime rates rising as gun numbers fall. This can be seen by tracking the violent crime rates of individual countries in relation to their gun laws.

Comparisons can then be made of trends in crime between various countries over time. Let us look at some examples.

1. Countries that completely banned firearms (Ireland and Jamaica):

IRELAND

Firearms were prohibited and confiscated in 1972. This was motivated by a concern with terrorism and a fear that police might not be able to retain control.

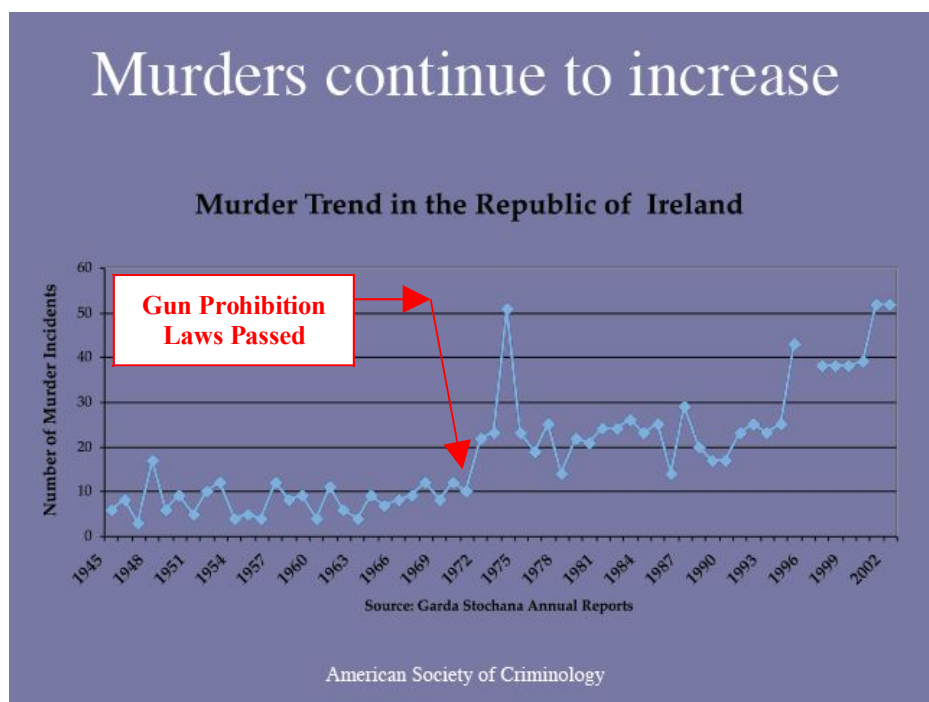


Fig. 2 - Murder Trend in the Republic of Ireland

As the graph shows, after the passage of Ireland's firearm control laws, the murder rate rose from about 10 a year to 50 a year in the space of just three years. While it then fell back from this peak, the new murder level stabilised at roughly double the previous rate (at 20 murders a year) for some twenty years (until 1995). It then started rising again in 1995 and reached the previous high of 50 murders a year in 2002. It is hard to see how the ordinary Irish citizen has been made safer by the prohibition and confiscation of privately owned guns in 1972.

JAMAICA

Jamaica passed draconian gun prohibition in 1974. Their gun legislation included a specially appointed gun court which operated from 1974 until 1982, when it was closed because of continuing human rights abuses. The 1974 law not only prohibited

the private possession of firearms and ammunition but also introduced mandatory life sentences for firearms offences. There was no bail and jury trial for any firearms crime was suspended. Firearms ownership is still prohibited and violent crime levels remain very high. Another concern is that the rate of shootings by police is very high.

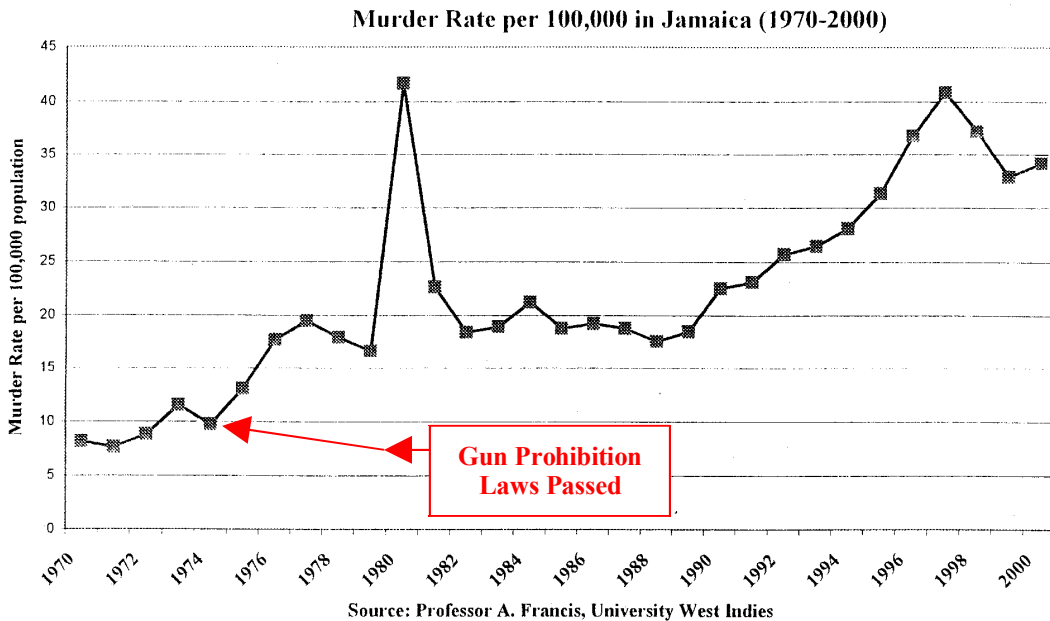


Fig. 3 - Jamaican Crime Trends

As the graph shows, the murder rate did not fall after the passage of the gun law but doubled within a few years from 10 per 100,000 population to 20 per 100,000 and then doubled again in the early 1980's to 40 per 100,000 population. This equates to about 1000 murders per year. They then fell back to a rate of about 20 per 100,000 (twice the rate before the passage of the law) but a decade later started to rise again. By 1997 they had reached 40 per 100,000 again and have remained round that figure. Again, it is hard to see what effect gun laws might have had other than dramatically increasing all violence. Note the similarity in the two murder trend graphs (Ireland and Jamaica).

2. Countries that have introduced harsh general firearms laws in the 1990s: (Great Britain, Australia and Canada)

GREAT BRITAIN

Firearms laws in the UK have long targeted legal ownership not criminals. The Firearms Amendment 1988 was brought in after Hungerford (where a deranged man in camouflage gear and armed with a pistol and Kalashnikov “look-alike” killed

fifteen other people, including his mother, and then killed himself). The legislation banned semi-automatic military-style rifles as well as all semi-automatic shotguns. A decade later, after the Dunblane massacre in 1997 (when a deranged paedophile armed with two pistols shot 16 children at a primary school) all legally held handguns were prohibited and then confiscated. Has this legislation made the UK safer?

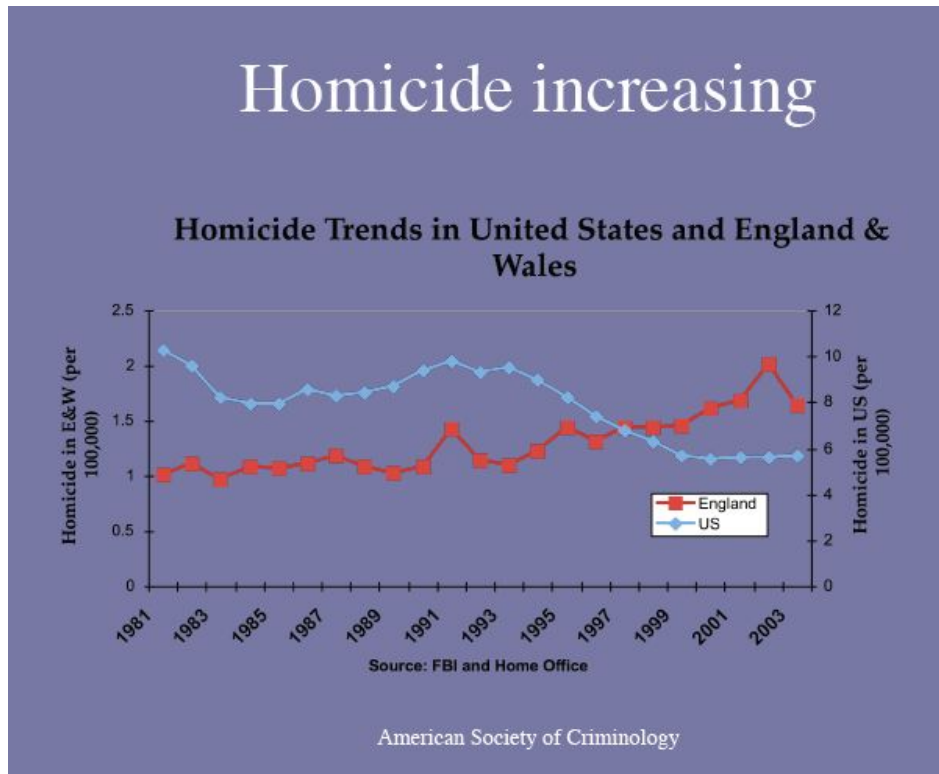


Fig 4 - Homicide Trends in the US and England

The graph shows that in England, murder rates (initially stable round about 1 per 100,000 population have steadily increased since the early 1990's. In contrast, in the US over the same period homicides have almost halved. Now while homicide rates in the US are still higher than in the UK, the important thing is to realise that in 1980 the US homicide rate was about ten times the rate in England but now the US rate is only three times higher. Clearly the liberal firearms legislation in the US has worked to reduce murders while the legislation passed in the UK appears to have had the perverse effect of increasing the homicide rate. The net effect is that the gap between the UK and US murder rates has narrowed significantly. A similar pattern (a virtual doubling of murder rates since the passage of the 1988 and 1997 firearm laws is seen from Scottish figures.



Fig. 5 - Murder Trends in Scotland

An even more spectacular result is seen by comparing violent crime rates in England and the US.

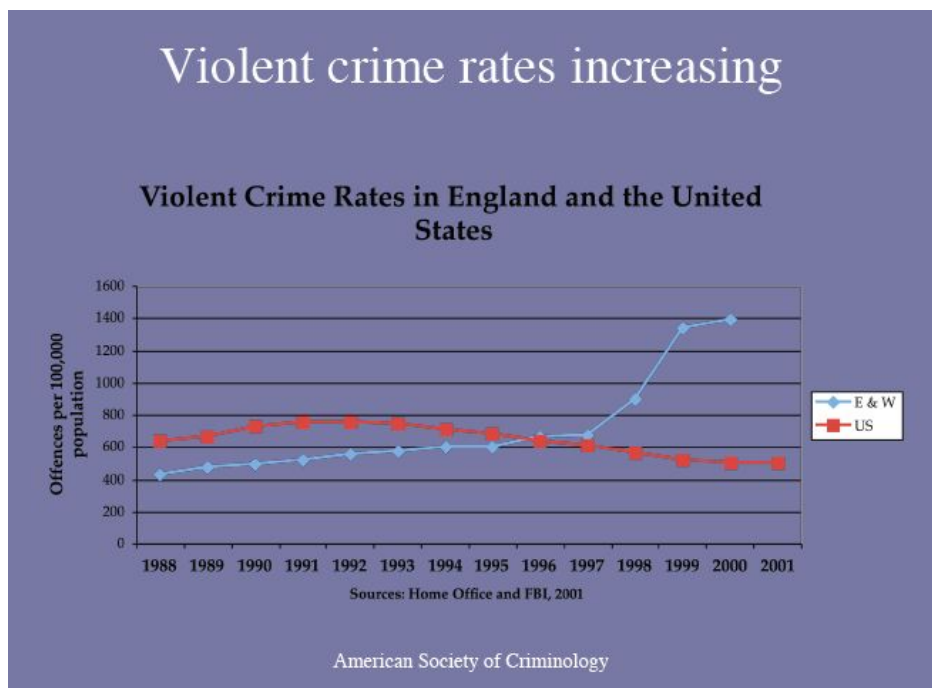


Fig. 6 - Violent Crime Rates in England and the United States

As can be seen, in 1988 the US had a violent crime rate approximately 50% higher than England. Over the next decade, the US rate rose slightly and then fell, and has continued to fall to the present day in spite (or, as we will see, probably because) of more and more states liberalising their firearms laws. The English violent crime rate

started to rise in 1997 (a paradoxical result since all pistols were banned and confiscated in that year) and this rise has escalated dramatically to the present day. The present US violent crime rate has fallen from just under 800 per 100,000 population to about 500 per 100,000 population. The English rate has increased from just over 400 per 100,000 in 1988 to about 700 per 100,000 in 1997 and then doubled again to 1400 per 100,000 population in just four years. England is now in the unenviable position of having a violent crime rate almost three times that of the US and is certainly no longer the safe nation it was even two decades ago. Over the very same period, the number of legally held firearms (as measured by shotgun certificates granted) have fallen while whole classes of firearms (semi-automatic rifles and pistols) have been prohibited and confiscated.

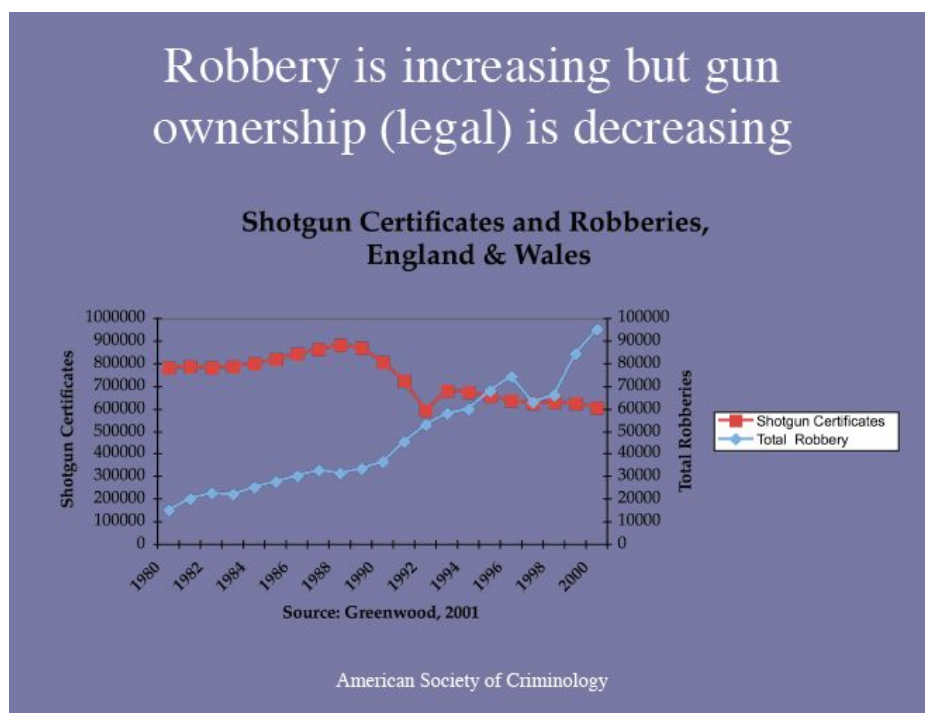


Fig. 7 - Shotgun Certificates and Robberies, England and Wales

The same pattern can be clearly seen in the next graph, which shows that a 20% decline in legal firearm ownership in Great Britain in the late 1980's and early 1990's was mirrored by a rapid doubling in firearms robbery. It would appear that British style gun laws do not even have a positive effect on gun crimes.

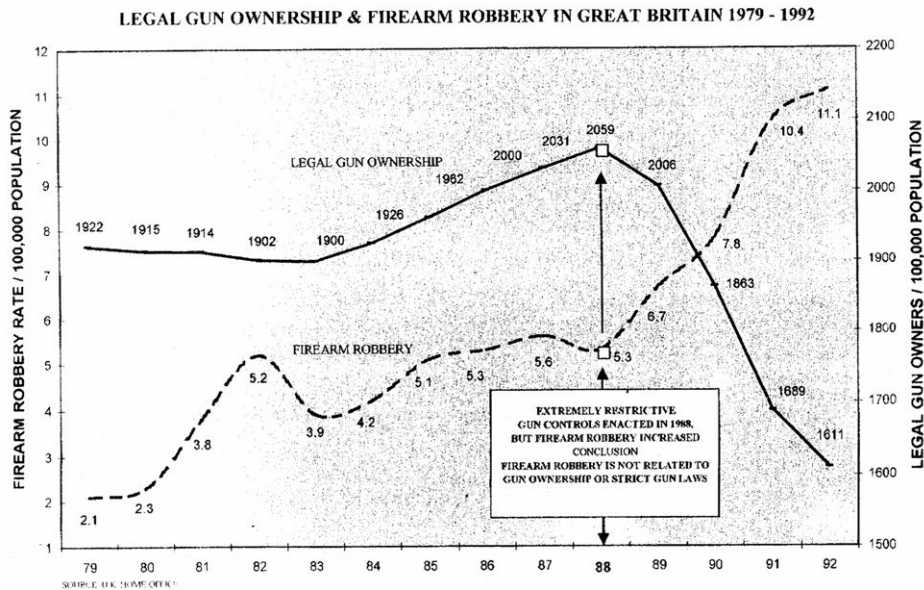


Fig. 8 - Legal Gun Ownership and Firearm Robbery in Great Britain 1979-1992
(Source – UK Home Office)

AUSTRALIA

In 1997, the Howard government brought in sweeping firearms legislation following the Port Arthur shootings in Tasmania. This legislation prohibited all semi-automatic rifles and shotguns and confiscated half a million such firearms from law-abiding Australians. All other licensing and registration requirements were toughened up and made more restrictive. While homicide rates to 2003 have remained stable, violent crime rates have climbed steadily, as have robbery rates.

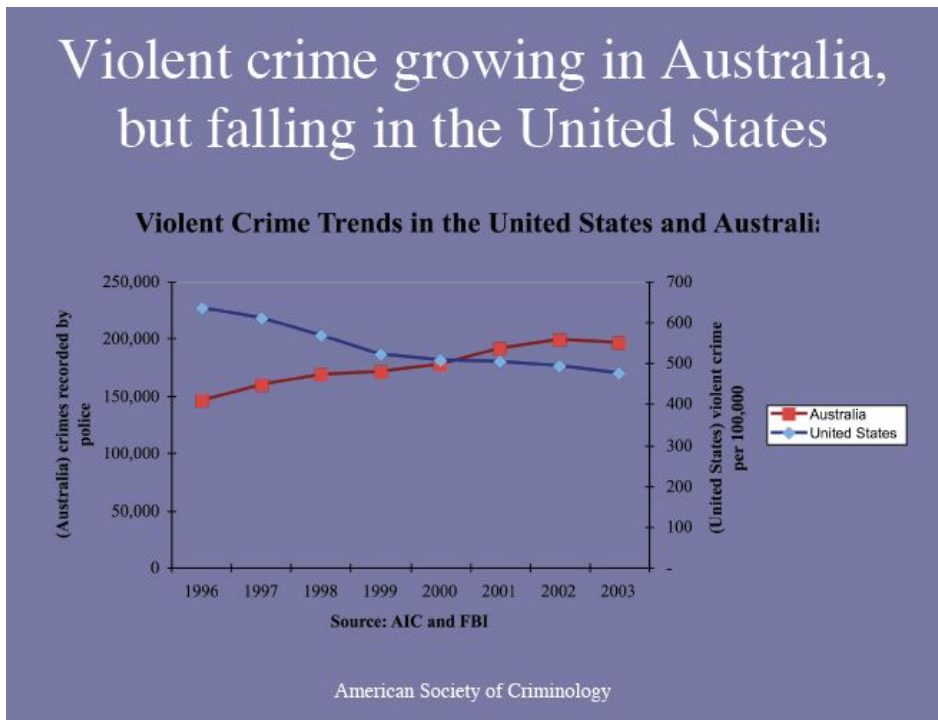


Fig. 9 - Violent Crime in the United States and Australia

Robbery rates in Australia are rising while in the US they are falling. Note that in 1993, when the robbery rate in the US was 250 per 100,000 population, in Australia it was approximately 70 per 100,000, a quarter of the US rate. One decade and a gun law on, while the US robbery rate has halved, the Australian rate has doubled. Australia now has virtually the same robbery rate as has the US, and on present trends this will soon be higher.

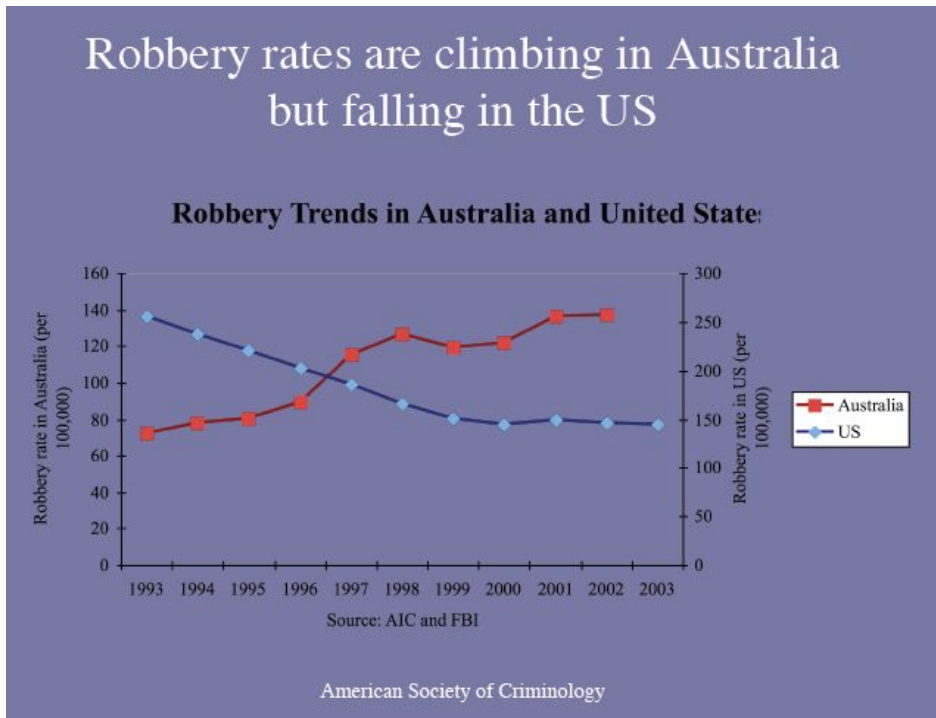


Fig. 10 - Robbery Trends in Australia and the United States

CANADA

In 1977, the Canadian government introduced police screening for firearms purchasers. This was followed (in 1991) by stiffer rules for ownership and a number of firearms and accessories were prohibited. Finally, in 1995, owner licensing and universal firearms registration was brought in and many types of handguns were banned. Yet over the period 1990-2003, homicide rates decreased faster in the US than in Canada (4). Similarly, violent crime rates remained virtually unchanged in Canada while declining in the US (5).

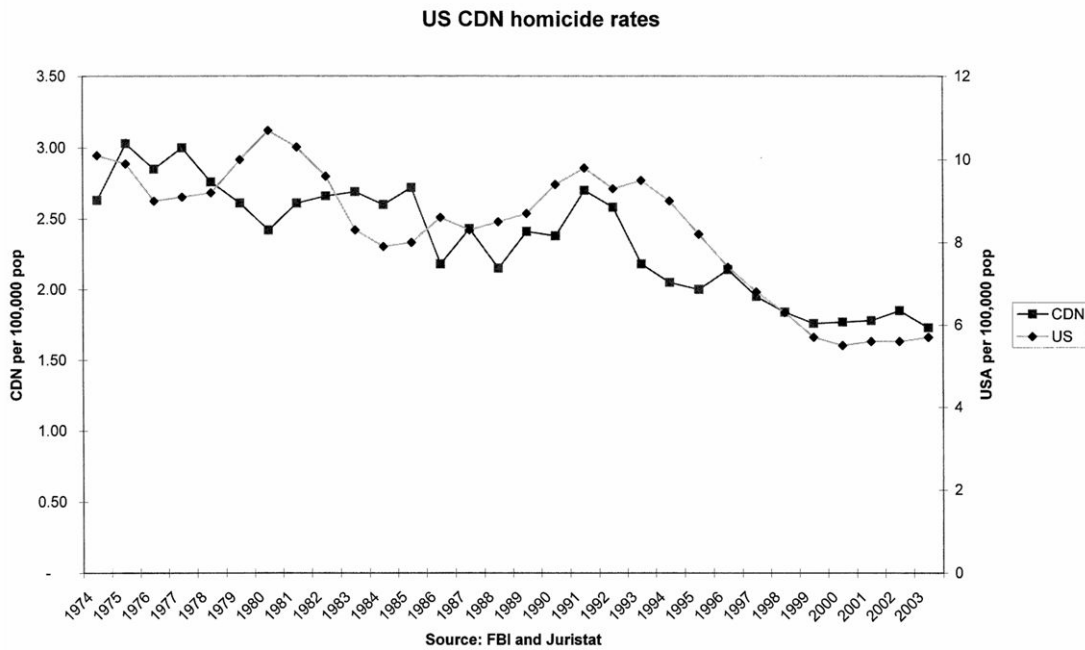


Fig. 11 - Trends in US and Canadian Homicide Rates

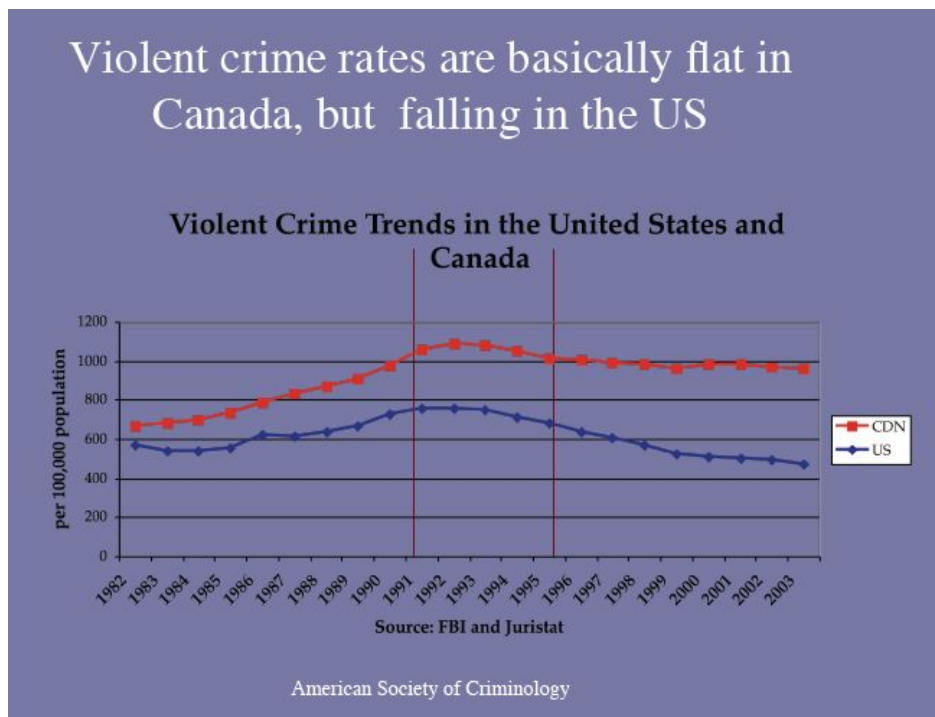


Fig. 12 - Violent Crime Trends in the US and Canada

However, the 1995 Canadian Firearms legislation impacted on more than just crime trends. Although violent crime has not reduced significantly in Canada while in the US (with ten times the firearms ownership rate of Canada) it has, the costs of the new laws to the Canadian taxpayer of this non-benefit have been astronomical. The total costs of a gun control programme originally touted as costing 2 Million are

approaching 2 Billion dollars. A corruption investigation is under way, and many provinces are refusing to enforce the law. At best, in spite of all the money spent, there has been no visible effect on Canadian violent crime rates.

(Graphs 2 to 12 reproduced with permission of Prof. Gary Mauser) (4, 5)

CONCLUSIONS

After the introduction of British-style gun laws in Australia, Canada, Great Britain, Ireland and Jamaica, violent crime in all of these countries has not fallen but typically has increased (5)

- *The true relationship between firearms and crime is inverse, with crime rates falling as legal firearm numbers increase and rising as legal firearms ownership is hindered or prohibited.*
- *TOUGH FIREARMS LEGISLATION equals HIGHER CRIME RATES.*

Since 1996, in the UK serious violent crime has increased 69%, robbery is up by 45% and murder is up by 54%. Gun crimes (the very crimes you might expect a gun law to fix) have also risen.

Home Office figures for 1998-2003 (following the prohibition of all pistols in 1997) show that the incidence of gun crime in England and Wales nearly doubled from 13,874 in 1998 to 24,070 in 2003. The incidence of firearms murder has risen 65%. Robberies rose by 28% in 2002 alone and since 1998 there has been an increase in the average rate of muggings of more than 100,000. England alone has nearly 400,000 robberies a year, a rate nearly one quarter higher per capita than the US. Clearly the draconian gun control laws passed in 1997 have not made ordinary citizens safer, although it appears to have made crime and criminals safer.

It is difficult to avoid the conclusion that restrictive gun laws raise crime rates and that each cycle of “tightening up” gun laws has the perverse effect of increasing violent crime.

SELF-DEFENCE LAWS equal FALLING CRIME RATES

Compare with Oklahoma, which passed a so-called “make my day” self-defence gun law in 1987. This gave householders defending their property immunity from criminal

and civil action. Burglary in Oklahoma has declined from 1987 when there were 58,333 cases to 31,661 cases in 2000. Homicide and violent crime rates have fallen dramatically in the US over the past decade. Over that same time, the number of states with liberal gun laws intended to allow effective self-defence by ordinary law abiding citizens have risen dramatically and now number 38 out of the 50 states. In those states, crime has fallen faster than the national crime rate (as shown in the Landmark 1997 study by Professor Lott and David Mustard entitled “Crime, deterrence and right to carry concealed handguns”).

The LOTT-MUSTARD Study (6)

This study analysed crime data from all 3054 counties in the US throughout the period 1977-1992 and found that, when “shall issue” gun laws allowing concealed carry of a pistol went into effect in a county, murders dropped 7.65% (including non-gun murders), rapes fell by 5.2%, robberies fell by 2.2% and aggravated assaults fell 7%. All this was achieved with no extra state or federal expenditure on police or any other part of the machinery of law and order. Even better, the downward trend has continued, with states still seeing smaller decreases even after 15 or more years.

Lott and Mustard also extrapolated their figures to those counties that did not have such self-defence friendly laws and calculated that there would have been 1,414 fewer murders, 4177 fewer rapes, 11,898 fewer robberies and 60,363 fewer aggravated robberies had such a law been in place. This corresponds to a potential saving of over 6 Billion (US) dollars (adjusted to 1992 dollars).

“Concealed handguns are the most cost-effective method of reducing crime thus far analysed by economists, providing a higher return than increased law enforcement or incarceration, other private security devices or social programmes like early educational intervention” (6)

Might that be the real reason why 38 states in America now have such laws?

SUICIDES

Another of the other false promises of gun control is that suicides will fall. Although often (but not invariably) gun suicides do fall, total suicide rates remain unchanged. This is true for NZ as well as overseas.

ACCIDENTS

Firearms are also no different to any other potentially dangerous item. Accidents occur because of inexperience or immaturity, aberrant behavioural traits or stupidity. These are the very sort of people who break or disregard laws. Firearms accidents in NZ are very rare, in spite of high gun ownership rates.

Over the last half-century, firearm accident rates have declined significantly, even as firearm numbers have risen (NZ Mountain Safety Council) (2). There has been a similar trend in the US. This could be improved still further by firearms safety courses that teach safe use and safe handling rather than instilling fear and attempting to teach avoidance of a socially beneficial tool.

As with crime and guns, a natural inverse relationship appears to apply. If we accept the overwhelming body of evidence that increasing gun ownership levels does not increase violent crime but works to reduce it, what precisely is the mechanism by which it works?

SELF-DEFENCE

A robust right of self defence (together with access to the means to do so) strengthens and reaffirms the basic philosophy that citizens have a moral and legal right to defend themselves against criminal attack. It demonstrates that government trusts its citizens. It is also an acceptance by the authorities that there will always be a small minority of dangerous criminals or deranged individuals roaming free in our society and that in reality the state is unable to protect the ordinary citizen and their property from such people.

An individual's right of legal self defence is based on the same law that police use to justify carrying firearms and the use of deadly force. The relevant section (48) of the NZ Crimes Act (Defence Against Assault) states; "Everyone is justified in using, in defence of himself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use." Note that this applies to everyone and nothing in the Act gives police greater rights or gives grounds for them to discriminate against the ordinary citizen.

Why then do police hierarchy believe police have a greater right, a greater need and a greater justification to both the right and the means of self defence than the people they are paid to protect?

How is it that police policies and procedures that appear to run counter to the law are allowed to survive unchallenged and continue to be enforced, especially when the evidence over the past decade is that it will increase crime rates?

The concept of a right of self-defence is universal. Blackstone, the famous 17th Century English Constitutional historian called it “inviolable, a primary law of nature”. The right of self-defence belongs to each person, not just to police or to those granted special status by the state.

- *This right was available to our grandparents and parents in the UK until 1946 and in NZ until 1974.*
- *This is a right that requires a good deal of personal responsibility. Anyone misusing this right must be legally prosecuted.*
- *In the US, where citizens do have concealed carry permits, studies show that very few people ever lose their handgun permits because of a criminal act.*
- *Qualified citizens are clearly both very law-abiding and very responsible.*

Self-defence can be considered the most important human right of all, because without it, all other rights ultimately become meaningless. Criminals can strike anywhere and at any time. It is the criminal who chooses his victim; the victim does not choose to be a victim. Criminals strike when they see themselves as having an advantage over their victim.

POLICE RESPONSE TO CRIME

It is in reality impossible for police and government to protect every citizen 24 hours a day. In addition, police have no strict legal obligation to protect individual members of the public and are not legally liable for failure to protect.

When a crime is being committed, only the perpetrator and the victim are present. The police have yet to arrive. 99% of police work is reactive, and starts after the crime has been committed. Furthermore, police response times are inconsistent and often unacceptably long even in our towns. In rural areas police might not arrive for hours.

FIREARMS LEGISLATION DOES NOT DISARM CRIMINALS

Gun laws only disarm the law-abiding, they will never disarm criminals. In doing so, they make the law-abiding more vulnerable to violent crime while making the (often armed) criminal safer. Gun laws are OSH legislation that favours violent criminals.

In such a situation, disarming the law-abiding majority through restrictive gun laws denies ordinary people their basic right to life if attacked. This is dangerous for victims and clearly helps criminals.

On the other hand, allowing potential victims the right and means to effective self-defence works to reduce crime by increasing risks to criminals and by changing the perception of criminals that victims are easy targets. It deters criminals because they are unsure of outcome and because getting it wrong can be dangerous or even fatal for them. The evidence now available shows clearly that not only can ordinary citizens protect themselves better than police or government can protect them but that this protection (even if only a few people actually take up the option) extends to other members of their community, whether they choose to have the means to defend themselves or not. The socially beneficial result is lower violent crime rates and a safer society.

Most importantly, the right of self-defence closes an important if poorly understood behavioural loop that socialists have been ignoring and trying to destroy for decades.



SELF-DEFENCE LEGISLATION

An effective self-defence law sends the message that, although the authorities and the law cannot prevent certain people from choosing to be disruptive and violent, they can create a social environment in which the consequences of such behaviour will rebound on the perpetrator. In other words, if your behaviour is such that it puts others in fear of

their lives, then as you increase fear and risks to others you also automatically increase the risks to yourself. Such consequences have been all but removed from our society and as a result criminal behaviour has rocketed out of control.

- *A right to self-defence by law-abiding citizens is the basis of real community policing.*
- *As stated already, police have no strict legal obligation to protect individual citizens and cannot be held legally liable for failing to do so.*

Police, however, certainly can make the ordinary citizen more vulnerable to criminal attack by the way they enforce firearm laws and by the way police policies and procedures impose restraints on our basic right of self-defence. Such policies and procedures do not fight crime but simply protect privilege and over a period of time work to increase crime, especially violent crime.

It is time that such counter-productive police policies and procedures were subjected to the long overdue process of robust public and parliamentary scrutiny and that the necessary changes in the law, police attitudes and police policies and procedures were implemented.

- *It will turn out to be one of the most effective crime fighting initiatives ever.*

THEORY OF POLICING

In 1826, the founder of modern policing, Sir Robert Peel set out his basic principles of policing.

- The basic mission for which the police exist is to prevent crime and disorder.
- The ability of the police to perform their duties is dependent upon public approval of police actions.
- Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
- The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
- Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
- Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
- Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police;

the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

- Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
- The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

There was clearly never any intention to create a para-military police force with a focus on controlling ordinary law-abiding citizens.

RIGHT OF CITIZEN'S ARREST

Historically, and right up until some 50 years ago, it was well understood (especially by criminals) that every ordinary citizen was potentially a policeman or policewoman out of uniform. Every Citizen had a clearly defined right (and access to the means) of self-defence and citizen's arrest.

Anyone at a crime scene was entitled to do whatever was necessary to deter, prevent or terminate a crime. As a result, serious crime was very low and both the ordinary citizen and the ordinary police officer were much safer.

The exploding crime rates seen in countries that have attempted to restrict legal firearms shows we can add gun control to the ever-growing list of government plans that dramatically fail to achieve what they promised.

- *The failure of gun control has become too overwhelming to ignore.*

The issue of self-defence and the valuable contribution to law and order that the ordinary law-abiding citizen can make are two issues on which this present New Zealand government and the people are well apart. Given the evidence, it is surely time to make self-defence, citizen's arrest and sensible firearms legislation core elements of a well-thought out, realistic and comprehensive law and order policy that will be serious about protecting ordinary citizens and reducing crime. I believe that such a policy will strike a very responsive chord with ordinary New Zealanders.

- *What worked then will surely work now. Times might change - people do not.*



REFERENCES

- 1) Malcolm, Joyce Lee. "Guns and Violence The English Experience", Harvard University Press: 2002.
- 2) Kopel David B. "The Cowboy, the Mountie and the Samurai: Should America adopt the gun controls of other democracies? Buffalo, New York: Prometheus Books, 1992.
- 3) Greenwood, Colin. Cross Sectional Study of the Relationship between Levels of Gun Ownership and Violent Deaths. Firearms Research Advisory Service: England, UK, March 2000.
- 4) Mauser, Gary. "The Failed Experiment: Gun control and Public Safety in Canada, Australia, England and Wales". Public Policy Sources No 71. The Fraser Institute. Vancouver, BC. November 2003.
- 5) Mauser, Gary. "An International Survey of Gun Laws and Violent Crime". Paper presented to the annual meeting of the American Society of Criminology, Nashville, Tennessee, November 2004.
- 6) Lott, John R Jr and Mustard, David B. "Crime, Deterrence and Right to Carry Concealed Handguns". Journal of Legal Studies. 26,(1997).