

# The Scholarship of Gun Control: A Content Analysis of Articles in the *Justice Quarterly* Journal.

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## ABSTRACT

**Purpose:** The purpose of this research is to describe how key issues surrounding gun control are treated in the *Justice Quarterly* Journal. The *Justice Quarterly* journal is recognized for its discussion of criminal justice, so it should cover gun control policy. A review of the literature related to gun control policy demonstrates the history of gun control policy in the United States as well as factors that makeup gun control policy.

**Methodology:** Gun control policy is reduced to five major categories. The categories used in the content analysis include gun laws, court cases, other court cases, effectiveness of gun control, type of gun control, and politics of gun control. The categories of gun control policy derived from the literature and the topics that make up gun control policy. A content analysis of articles found in the journal *Justice Quarterly* from 1998 to the present issue is used to describe the gun control policy content.

**Findings:** This study measures and describes the frequency of discussion by the *Justice Quarterly* dealing with gun control policy. Among the five categories and subcategories that fall under it, the most frequently discussed were the type of gun control. Overall, the topics are underdeveloped and require more discussion. Recommendations are made to enhance future contributions to the journal *Justice Quarterly*.

### **About the Author**

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## Chapter I: Introduction

### Introduction

Gun policy in the United States continues to be a topic of discussion. Through gun policy government regulates the sale, manufacture, transfer, modification, possession, and the use of a firearm by persons. A debate continues on the impact of gun control policy and how guns should be used in this country. Historically, gun policy legislation in the United States has been in place since the 1930's.

On February 18<sup>th</sup>, 2018 Nickolas Cruz killed 17 students at Marjory Stoneman Douglas High School. Cruz was able to legally purchase an AR-15 semi-automatic assault rifle. He cleared an instant background check via the Federal Bureau of Investigation criminal database because he had no criminal background (Jansen, 2018). Federal laws allow a person 18 and older to buy a rifle or long gun. If a person is mentally defective or been to a mental institution, they cannot purchase a gun (Jansen, 2018).

Moorhouse and Wanner (2006) point out that advocates of gun control claim gun restriction laws can reduce crimes by reducing the prevalence of firearms. The other side of the spectrum argues that gun ownership is a deterrent to crime. A better understanding of gun control policy can assist the community by making sure the policy in place is achieving what it is supposed to. It is important to understand how and the areas where scholars should contribute to the literature concerning gun control policy. Readers cannot be adequately informed when areas of gun policy scholarly are underdeveloped. This paper examines scholarly discourse in an important journal and gun control policy.

## **Setting**

The *Justice Quarterly* is an academic journal that covers criminology and criminal justice. It accepts submissions via web-based ScholarOne Manuscripts electronic-submission, peer review, and tracking system. Founded in 1982, it was published by Routledge on behalf of the Academy of Criminal Justice Sciences. The editor-in-chief of this journal is Megan Kurlychek. The *Justice Quarterly's* impact factor is 2.889, and it is ranked 3 out of 55 in the Criminology & Penology Category of the Thomson Reuters Social Sciences Citation Index (<http://www.acjs.org/page/JQ>).

Also, the *Justice Quarterly* is referred, multi-disciplinary journal featuring articles that address issues of crime and criminal justice. The journal provides articles that use a large range of qualitative and quantitative research. It is essential to any library database because it is a premier journal that continues to be an important forum for the crime-related scholarship. This is a logical journal to review for gun control policy because of the criminology and criminal justice background that it represents. Gun control policy is made to reduce crime. Therefore, this journal is expected to speak on this issue.





**Figure 1: Pictured found at Justice Quarterly website**

## Statement of Research Purpose

Descriptive analyses of the content of a journal are important because it shows the landscape of topics covered in the journal. In addition, it can help identify under-discussed subject matter. Once the subject is noticed to be under-discussed, the journal can be corrected and adjust its contribution to the literature.

Gun control policy is a continuous dialog that is always changing and needs extensive examination. The nature of gun control policy has a vital impact on this country and should have every resource necessary to further this discussion. The *Justice Quarterly* offers multidisciplinary journal that publishes theoretical contributions and empirical studies on issues of crime and justice. The *Justice Quarterly* journal can provide good ground for the discussion of gun control policy.

The purpose of this is to describe how key issues surrounding gun control are treated in the *Justice Quarterly* journal<sup>1</sup>. An accurate description of the content of the *Justice Quarterly* assists the journal leadership in understanding its contribution to gun control policy literature. Currently, there is no such description of gun control policy issues found in *the Justice Quarterly* journal.

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<sup>1</sup> When formatting my own research project; I reviewed past Applied Research Projects by fellow Texas State University MPA graduate student. The goal was to hopefully receive guidance and inspiration to proceed with this project. Dr. Patricia Shields and her guidance helped me decided on the type of project I wanted to do which became a descriptive analysis gun control policy in the United States. Also, I did not view other ARP's, Dr. Patricia Shields helped me create my own categories that needed to be discussed in this project.

## **Chapter Summaries**

Chapter two discusses the literature and history of gun control policy throughout the United States. It also develops that conceptual framework of gun control policy that guides the data collection. Chapter three develops the methodology, data collection, and statistical techniques used. The fourth chapter presents the results of the content analysis of gun control policy articles found in the *Justice Quarterly* journal. Finally, chapter five provides conclusions and recommendation for future research.

## **Chapter II: Literature Review**

### **Chapter Purpose:**

This chapter examines the literature on gun control in the United States. Part one discusses the history of United States gun policy. The second section develops a framework of gun control issues which is used to examine the *Justice Quarterly* journal articles dealing with gun control policy. In addition, this section of the paper diagrams the structure of the paper. The conceptual framework is provided at the end.

### **History of Gun Policy in the United States**

Gun laws have been in place since the 1600s. According to Spitzer, “gun laws are as old as the country; more to the point, the idea of gun laws and regulation is as old as the country (2017, p. 83). Contemporary legislation such as conceal carry or the open carry movement ties directly to America's past. Current conversations about gun control are a review of what was in place before 1934 if not more. The distribution of gun laws within states/colonies between 1607 and 1934 is found in Table 2.1. This table shows the type of gun law, the total number of laws, and the number of states implementing said laws. For example, between 1868 and 1899, five states had passed five laws, which banned guns, 28 states passed 48 laws which instructed the carrying of guns, and nine states passed 11 dealing with manufacturing inspection. This table provides trends in gun legislation across time.

<b>Law Type</b>	<b>Time Periods</b>			
	<b>1607–1790</b>	<b>1791–1867</b>	<b>1868–1899</b>	<b>1900–1934</b>
Ban/Number of States	0/0	0/0	7/5	0/0
Brandishing/ Number of States	2/2	4/3	14/13	7/7
Carry restriction/Number of States	5/4	31/19	48/28	21/18
Dangerous weapons/Number of States	1/1	4/4	9/8	53/35
Dueling/ Number of States	3/2	7/7	3/3	0/0
Felons, foreigners, etc./ Number of States	11/5	2/2	1/1	26/19
Firing weapons/ Number of States	19/9	17/14	19/17	22/20
Hunting/ Number of States	11/8	8/5	24/21	58/43
Manufacturing, inspection/ Number of States	2/2	11/10	11/9	22/17
Militias/ Number of States	23/11	15/15	2/2	0/0
Minors, etc./ Number of States	0/0	2/0	15/15	21/19
Registration, taxation/ Number of States	3/2	8/6	12/11	18/15
Race/slavery	5/5	18/11	0/0	0/0
Sensitive areas, etc.	11/7	23/17	30/20	35/26
Sentencing enhancement	3/3	3/3	5/5	12/10
Storage	2/1	7/6	2/2	0/0

Source: (Spitzer, 2017, p. 59)

## *1600-1788-Colonial*

In Jamestown Virginia on July 30<sup>th</sup>, 1619, the first legislative body among European settlers in North America, a general assembly was held. The assembly of men consulted for five days, and multiple measures were put in place to govern the colony. Included in these measures were more than thirty proposed gun control laws. For example, one proposed law stated, "that no man does sell or give any Indians any piece, shot, or powder, or any other arms offensive or defensive" (Spitzer, 2017, p.57). In addition, Spitzer also added that "upon pain of being heal a traitor to the colony and of being hanged as soon as the fact is proved, without all redemption" (2017, p.57). Not only was it difficult to measure the arms trading in America but this type of trading was profitable. Other colonies started to imitate these measures but with limited success.

Throughout colonial and early nationhood, America's state governments adopted legislation dealing with gun possession, storage, and regulation. These topics suggest an underlying concern for public safety. This is significant because colonial and state governments implemented over 600 laws that related specifically to the regulation of the militia<sup>2</sup> and military activities (Spitzer, 2017, p. 58). Mark Frassetto created a list of every colonial and state gun law that spanned from America's discovering to 1934. The reason it is limited to 1934 because that was the year that the first significant gun law, the National Firearms Act, was enacted as cited in Spitzer (2017, p. 58). Table 2.1 summarizes the types of gun-related laws passed in the United States (including colonial terms) between 1607 and 1934. This table illustrates the variety of regulation. For example, restrictions on brandishing and dueling. These common regulations dealt with carrying dangerous weapons.

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<sup>2</sup> Militia is defined as, "a part of the organized armed forces of a country liable to call only in emergency (Merriam-Webster, 2017)

Laws that regulated hunting and militias were the two most common and profuse laws during this time. Frassetto noted that he purposely left out most hunting and militia laws, gunpowder storage laws, and laws that went against the firing of weapons because there were too many laws (Spitzer, 2017 p. 61). Dating before 1924, there were thousands of gun laws in place, and the data in Table 2.1 are a subset of the many early laws. The full list that Frassetto created contains over 800 laws. His list does not contain constitutional provisions, weapons laws that did not mention firearms, and British laws from the early colonial period.

There are multiple categories that make up early guns laws, these gun laws include, gun bans, brandishing laws, gun carry restrictions, restrictions on dangerous or unusual weapons, semi-automatic gun restrictions, dueling prohibitions , felons, foreigners, others considered dangerous, hunting restrictions, gun manufacture, inspection, sales restrictions, firearms sales, militia laws, gun access by minors and irresponsible others, arms and ammunition trafficking, registration and taxation, right to bear arms, race, and slavery, time and place restrictions, crime and guns, and storage regulation. These categories made up laws that attempted to cover all aspects of firearm control. For example, practices like slavery, dueling, and old-style militias demonstrate, “the kinds of persons who could carry guns, the circumstances of gun carrying, criminal gun behavior, and military or defense exigencies” (Spitzer, 2017, p. 82). Other laws focus on the efforts to improve safety such as brandishing, the firing of weapons in heavy populated areas, hunting laws and much more.

#### *1788-1934*

The period 1788 to 1934, represents the beginning of the industrialized era of our history. The first attempt at a federal expanded gun legislation in the United States occurred in 1788. Spitzer (2017) noted that Frassetto found almost one thousand laws during this period altogether.

A major law type was the carry restriction law (a seventy-nine combine laws in forty-nine states from 1791-1899). The second major law type that produced many laws were sensitive areas with a sum of fifty-three laws in thirty-seven states.

### *1934-present*

The National Firearm Act of 1934 was the first important national gun legislation passed by the United States. The act originally, “imposed a tax on the making and transfer of firearms defined, as well as a special (occupational) tax on persons and entities engaged in the business of importing, manufacturing, and dealing in NFA firearms” (The Bureau of Alcohol, Tobacco, Firearms, and Explosives 2017). A numerous amount of laws has been passed during times such as the Omnibus Crime Control Act and Safe Streets Act of 1968 and the Gun Control Act of 1968. These laws and others are mentioned in more detailed in upcoming sections. The laws in place since the twentieth century are mirror images of America’s past laws. The next section examines contemporary gun policy in more detail.

### **Conceptual Framework**

The next section of this paper describes the gun policy framework used to analyze articles in the *Justice Quarterly* journal. These categories include:

- Key Gun laws in the United States
- Court Cases
- Other Court Cases
- Effectiveness of gun control
- Types of gun control policy
- The politics of gun control



This section of the literature targets the key issues section of the framework used to describe the content of articles on gun policy in the *Justice Quarterly*.

### ***Key Gun Laws in the United States***

*These laws have played a huge role in the shaping of our gun culture.*

#### *Second Amendment*

The possession of firearms has always been a part of the frontier and colonial life (Spitzer, 2008, p. 19). The second amendment reflects this heritage. To defend themselves against the Native Americans and foreign armies, settlers knew it was incumbent on them to come together to provide a defense. During the colonial-revolutionary time, standing armies were not trusted. However, a related entity the “militia” was. (Spitzer, 2008, p. 19). In 1771 James Lovell wrote, “the true strength and safety of every commonwealth or limited monarchy, is the bravery of its freeholders, its militia. By a brave militia, they rise to grandeur, and they come to ruin by a mercenary army” (Spitzer, 2008, p. 20). People such as Samuel Seabury, Samuel Adams, George Washington, and John Adams spoke on this subject. This mistrust of standing armies came from Great Britain and the way British Troops behaved on American soil (Spitzer, 2008, p. 21). Thomas Jefferson complained about this in the Declaration of Independence. Jefferson also complained that the British were “quartering large Bodies of Armed Troops among us” and “protecting them, by mock trial, from punishment for any murders which they should commit on the inhabitants of these States” (Spitzer 2008, p. 21).

The first constitution of America (Articles of Confederation) also demonstrated suspicion of standing armies and a strong national government. The Articles place the weight of a national defense on the states, “every state shall always keep up a well-regulated and disciplined militia, sufficiently armed” (Spitzer, 2008, p. 22). The articles did not provide for a national standing army (Spitzer, 2008, p. 22). In the U.S Constitution Article I, Section 8, Congress gives the

federal government the power to "raise and support armies," and to "provide and maintain a navy" (Cornell Law School 2017). This was significant because it leaned away from the Articles and gave Congress the authority to run the standing armies. The states didn't lose all their power, "to the states respectively, the Appointment of the Officers, and the Authority of training the militia according to the discipline prescribed by Congress" (Spitzer, 2008, p. 22). The mistrust of standing armies was known by the founding fathers, but they also understood that there was no substitution for a trained professional force, which would be controlled by the national government (Spitzer, 2008, p. 23).

History has demonstrated that the growing country needed a force to defend itself against Europeans, indigenous people, and possibly rebellion. James Madison noted that "as the danger to liberty is from large standing armies, it is best to prevent them by an effectual provision for a good Militia" (Spitzer, 2008, p. 23). In this same sentence, militias were often neglected by their states which made them too untrustworthy.

In the *Federalist Papers*, Alexander Hamilton discussed numerous subjects that dealt with standing armies. More specifically, Federalist number 29 stated, "if a well-regulated militia is the most natural defense of a free country, it ought certainly to be under the regulation and at the disposal of that body which is constituted the guardian of the national security" (Spitzer, 2008, p. 23). The wording of this section would later become part of the Second Amendment.

The second amendment evolved from the political struggle between the Federalist and the Anti-Federalist in the eighteenth century. (Spitzer, 2008, p. 40). The wording of the second amendment has not changed, but the way it is interpreted has been a topic of discussion for a long time in U.S history. In the Constitution, the second amendment reads, "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" (Brenner, 2008, p. 2). Interpretation of the second amendment continues to change over time and is often influenced by the side of the political spectrum represented. For example, for gun rights organizations, this amendment defines an individual's right to possess a firearm (Utter and True, 2000, p. 69). On the other spectrum, pro-gun control advocates, interpret the amendment to mean that firearms need to be controlled (Utter and True, 2000, p. 69).

Two other views that come into this discussion is the individual rights versus collective rights. Supporters of collective rights believe, "the language of the phrase "a well-regulated militia being necessary to the security of a free state" supports the proposition that the second amendment only protects the rights of states to arm their militias" (Brenner, 2008, p. 3). The individual rights disagree, and they lean towards the other half of the amendment that states, "the right of the people to keep and bear arms shall not be infringed" (Brenner, 2008, p. 3). They make the argument that the word "militia" refers to a person right to bear arms and nothing more. Every article analyzed for the paper demonstrated that the United States has yet to come to a solid conclusion on the interpretation of the second amendment. Multiple court cases helped with the interpretation of this amendment, and those cases are discussed later in this paper.

#### *Omnibus Crime Control and Safe Streets Act 1968*

With the assassination of John F. Kennedy, Martin Luther King Jr., and Robert Kennedy, gun control became a high priority in the 1960s. Two-gun regulation measures were passed to handle gun violence after these high-profile assassinations. The first Title IV of the Omnibus Crime Control and Safe Streets Act of 1968. This law defined, "federal control over the interstate commerce of handguns, making it unlawful for a licensed importer, manufacturer, or dealer to sell any firearm to a fugitive from justice, an individual under indictment, or a person convicted

of a felony” (DeFrances and Smith, 1994, p. 70). This was the first reaction to gun violence during this time.

### *Gun Control Act of 1968*

The influential Gun Control Act of 1968 (GCA) is the basis of our gun control today. At the time, firearms were used in fifty-eight percent of robberies, thirty percent of homicide, and twenty percent of assaults each year (Brenner, 2008, p. 4). Lyndon B. Johnson wanted Congress to pass legislation to combat crime, and the GCA was the response. This act provided "support to Federal, State, and local law enforcement officials in their fight against crime and violence" (Brenner, 2008, p. 4). The GCA, and the Omnibus Crime Control and Safe Streets Act worked in cohesion with each other. The GCA expanded on regulations that were already in place by the Omnibus Crime Control and Safe Streets Act such as long guns, rifles, and shotguns (DeFrances and Smith, 1994, p. 70). After the GCA was passed, it took nearly two decades for the next significant gun legislation to be passed. In the 1970s aside from legislation that related to cop-killing bullets and plastic guns, nothing with the impact of the GCA became law. (Vizzard, 2015, p. 882).

### *Firearms Owners Protection Act of 1986*

The Firearms Owners Protection Act (FOPA) was passed nearly two decades after the GCA. This legislation, “prohibits felons from possession, receiving, shipping, or transporting firearms or ammunition in interstate or foreign commerce” (Brenner 2008, p. 1). Known as the McClure-Volkmer Bill<sup>3</sup>, the act did not apply to persons who received a pardon or restoration of their civil rights as well as felons who had been expunged (Brenner, 2008, p. 1). FOPA was drafted to correct the inequalities and inconsistencies that came with the creation of the GCA, but

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<sup>3</sup> Senator James McClure and House of Representative Harold Volkmer opposed gun control but teamed up for this bill.

this law also had its own problems. A focus during this time was the right for the restoration of felons to possess and bears arms (Brenner, 2008, p. 6). The FOPA also reduced a licensed dealer's record, falsification, and failure to record from felonies to misdemeanors, and redefined engaging in the business of dealing firearms (Vizzard, 2015, p. 882). Although this legislation intended to correct some of the GCA legislation, FOPA had its own problems.

### *The Brady Handgun Prevention Act of 1993*

*The attempted assassination of Ronald Reagan stimulated the bill named after James Brady who became permanently disabled in the attempt.*

The national waiting period for a handgun purchase was a significant focus for proponents of gun control from 1987-1993 (Spitzer, 2008, p. 135). Spitzer explains this idea as having twofold goal: "to provide authorities with the opportunity to conduct a background check on the prospective purchaser to prevent handgun purchases by felons, the mentally incompetent, or others who should not have guns, and to provide a cooling-off period for those who seek to buy and perhaps use a handgun in a fit of temper or rage". The Brady Handgun Violence Prevention Act (Brady Bill), "set the minimum nationwide requirements for the sale of handguns and establishes a national criminal-background information system was (DeFrances and Smith, 1994, p. 69). Also, a criminal background check that could take up to five days was also mandated. The five-day waiting period expired and in 1998, according to the law, the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) replaced it (Spitzer, 2008).

The Brady Bill focuses on 1) the transaction of the purchase and 2) the creation of the national instant background-check system to lead the point-of-sale system. (DeFrances and Smith, 1994, p. 72). This was the first significant legislation passed since the GCA. DeFrances

and Smith note that in 1992, the victimization rate with handguns was the highest ever recorded and offenders with handguns committed record 931,000 violent crimes. In this same year, officials reported 600,000 crimes that were brought. In 1992, 13% of violent crimes were handgun crimes (DeFrances and Smith, 1994, p. 72).

During its first month, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BAFT) reported that for fifteen cities public, 1,605 people were stopped from buying handguns (DeFrances and Smith, 1994, p. 74). Also, BAFT reported that background checks spiked from 2,000 - 3,000 per day 15,000 - 17,000 once the Brady Bill was in place (DeFrances and Smith, 1994, p. 75). In addition to the Brady Bill, every state did not have to follow interim provision if the state was already conducting background checks and, in this case, there were eighteen states already doing background checks before the Brady Bill. The one thing that is known is that for it to be successful, criminal history data are essential decision making on the state, federal, and local justice system (DeFrances and Smith, 1994, p. 75).

#### *Protection of Lawful Commerce in Arms Act of 2005*

According to Spitzer (2008), the Protection of Lawful Commerce in Arms Act (PLCAA), “bars civil suits against gun manufacturers, distributors, dealers, and importers of firearms and ammunition, although it makes an exception for certain cases involving defective guns or expressly criminal behavior by manufacturers or dealers, as, for example when a gun is knowingly sold to someone not legally entitled to own a gun” (p. 145). The National Rifle Association (NRA) and George W. Bush, who was president at the time, wanted to pass legislation that would shield gun dealers and the gun industry from a lawsuit. Many of the people who filed lawsuits argued that the sales and distribution practices of the manufacturers are wrong because a disproportionate number of these guns could end up a criminal’s possession (p. 143).

These lawsuits had minor impact until the case of *Hamilton v. Accu-Tek*. A jury in Brooklyn awarded damages to the families of victims of gun violence on the claims that gun manufacturers of guns which had been used in shootings were negligent in their marketing and distribution practices, to the point that companies believed that their guns would get in the hands of criminals (Spitzer, 2008, p. 143). People who opposed gun control felt that it was an abuse of justice which would pad lawyer's bank accounts and bankrupt gun manufacturers (Spitzer, 2008, 144). Ryan VanGrack argues that the bill does not justify industry immunity. The goal of the lawsuits was to put responsibility on the manufacturers (VanGrack, 2004, p. 558). Hillary Clinton also opposed this law during her presidential campaign in 2016 she aimed to repeal this law if she was elected as president.

### **Court Cases**

*Gun control policy is also made through court cases.*

*United States v. Miller 1939*

As reviewed, earlier, the courts help put some type of interpretation with the second amendment. In *United States v. Miller*, the defendant argued that the National Firearms Act (NFA) gave them their right to keep and bear arms (Brenner, 2008, p. 3). The courts didn't agree with this and ruled that the second amendment only provides one the right to "keep and bear such instruments that have some reasonable relationship to the preservation or efficiency of a well-regulated militia" (Brenner, 2008, p. 3). The court didn't believe that a twelve-gauge shotgun with a barrel less than eighteen inches in length would be adequate and they argued, "that because the possession of a sawed-off double barrel shotgun does not have a reasonable relationship to the preservation or efficiency of a well-regulated militia, the Second Amendment

does not protect the possession of such an instrument” (OYEZ<sup>4</sup> 2017). The case helped backed the second amendment, but it did little to settle how to interpret the meaning. (Brenner, 2008, p. 3). After *United States v Miller*, the subject of whether the second amendment gives the right to keep and bears arms to individuals or only to those involved in the militias continues (Brenner, 2008, p. 3).

#### *District of Columbia v. Heller 2008*

*District of Columbia v. Heller* is one of the few court cases that attempted to answer the meaning of the second amendment. The courts had to answer the question, “do the provisions of the District of Columbia Code, restrict the licensing of handguns and require licensed firearms kept in the home to be kept nonfunctional violate the Second Amendment” (OYEZ 2017).

In this case, the court interpreted the second amendment when it held that, “it protected an individual right to keep and bear a firearm for lawful purposes, such as self-defense in the home” (Gould, 2009, p. 1537). The courts also noted that the individual rights were not absolute. The second amendment was enacted in 1791, but the *Heller* decision changed its playing field (Gould, 2009, p. 1575). With the decision of *Heller*, the Supreme Court acknowledged that this amendment, in fact, does protect a person’s right to keep and bear arms (Gould, 2009, p. 1575). Gould makes the argument that ever since the *Heller* decision, the challenges that came under the second amendment are coming to the light. These two court cases depict the struggles surrounding interpretation of the second amendment.

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<sup>4</sup> Oyez (pronounced *oh-yay*), a free law project from Cornell’s Legal Information Institute (LII), Chicago-Kent College of Law and Justia.com, is a multimedia archive devoted to making the Supreme Court of the United States accessible to everyone.



## **Other Court Cases**

*Court cases that were discussed briefly in the readings*

Other court cases are talked about in this section but not to the compacity of United States v. Miller and District of Columbia v. Heller. The court cases will be acknowledged in this section but will not be discussed in detail. These court cases include United States v. Cassidy, Dickerson v. New Banner Institute, Houston v. Moore, and McDonald v. City of Chicago.

## **Effectiveness of Gun Control**

*The negative and positive effects of gun control policy.*

Gun control policy often focuses on the effectiveness of laws that restrict the sale of guns. An example of gun control effectiveness is the reduction of homicides, suicides, or assault with a deadly weapon. Gun violence is simply defined as violence that involves a gun. Empirical studies can help answer questions like these. These studies are important in the conversation of effective gun control because it attempts to give a solution to how effective or ineffective gun control policy is.

### *Negative Effect*

In 2014, persons using guns committed 67 percent of homicides, 40.3 percent of robberies, and 22.5 percent of aggravated assaults (Kleck et al, 2016, p. 488). With numbers like these, people argue that there is a relationship between high rate gun ownership and high rates of violent crime. This leads people to believe that gun laws can reduce violent crime, mainly the homicide rate (Kleck et al, 2016, p. 488). Kleck et al (2016) examined the impact of gun control laws on violent crime rates using CX designs<sup>5</sup> data from U.S cities with a 1990 population of 25,000 or more (n=1,078) and these cities were, for the most part, three-quarters of the violent

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<sup>5</sup> CX designs compare legal jurisdictions, such as states, with each other to see if those with a gun law have lower level of violence, other things being equal than those lacking the law.

crime in the United States (p. 494). His study concluded that gun control laws does not reduce violent crime.

### *Negative Effect*

Whan G Kwon and Daniel W. Baack also studied the effectiveness of gun control. In the year of 2000, close to thirty-thousand persons died from firearm injuries, this was more than deaths from HIV, alcohol abuse, or drug abuse (Kwon and Baack, 2005, p. 534). They used a holistic and comprehensive measure of state gun control laws and classified states as extreme and lax gun control states. What they found is that not one single gun-related law links to the number of gun-related fatalities, but composite legislation on gun control with socioeconomic issues do (Kwon and Baack, 2005, p. 545). They make the argument that gun control laws are a deterrent but in states with the most comprehensive gun control legislation rather than state that are laxer (Kwon and Baack, 2005, p. 545).

### *Positive Effect*

Some scholars make the argument that gun control policy has an impact on the reduction of firearm violence. Matthew Makarios and Travis Prat studied the effectiveness of policies and programs that attempted to reduce firearm violence. The method of study was a sample. They found the sample by searching multiple electronic databases (NCJRS, ProQuest, First Search, Criminal Justice Abstracts, and Lexus Nexus) while using a combination of search word such as gun, firearm, handgun, violence, and crime (Makarios and Pratt, 2012, p. 229). What they found is that programs and policies show dramatic positives for reducing gun violence (Makarios and Pratt, 2012, p. 236). The argument is made the law enforcement programs are more effective than gun laws (Makarios and Pratt, 2012 p. 236). Finally, (Makarios and Pratt, 2012) concluded that “certain law enforcement programs and strategies are better at reducing firearms violence than others” (p. 236).

## **Type of Gun Control**

The distinct types of weapons and how they are used.

### *Type of Weapons*

A mass shooting can be defined as, “the discharging of firearms multiple times by one or more parties into a group of unarmed victims” (Phelan 2014, p. 283). An assault rifle is defined as, “any of various automatic or semiautomatic rifles with large capacity magazines designed for military use (Phelan 2014, p. 283). These weapons are mostly seen in mass shooting incidents. The conflict that legislators have is choosing what factors turn a semiautomatic assault gun into a semiautomatic assault weapon (Phelan 2014, p. 283). Phelan (2014) defines a semiautomatic weapon as a weapon that can only fire one bullet when the trigger is pulled (p. 283). This is the complete opposite for an automatic weapon that can fire multiple bullets by holding down the trigger once (Phelan 2014, p. 283). The regulation of automatic weapons has been “virtually outlawed” since FOPA (Firearms Owners ‘Protection Act of 1986) has been in place (Phelan 2014, p. 283).

### ***Limit who can have Guns***

#### *Restrictions on who cannot use a gun*

##### *The limitations*

There are restrictions on the types of guns and who can and cannot own a gun. The Gun Control Act states that only shotguns, rifles, and ammunition for these weapons can be sold to individuals who are 18 years and older (The Bureau of Alcohol, Tobacco, Firearms, and Explosives 2017). Any other firearms that are not shotguns, rifles, or ammunition for these weapons cannot be sold to an 18-year-old, and that person must wait until they're 21 or older (The Bureau of Alcohol, Tobacco, Firearms, and Explosives 2017). The Columbine shooters, Dylan Klebold and Eric Harris, were both 17 years of age when they purchase their guns. The

public inquiry that followed asked: how did Harris and Klebold acquire shotguns and possibly a TEC-DC9 semiautomatic pistol?<sup>6</sup>

### *Age*

Age is a major topic in the gun control policy spectrum. At the federal level, laws in this area are separated between long guns (rifles and shotguns) handguns (Giffords Law Center 2017). Laws at the federal level aim to have stronger age restrictions for sales by a licensed gun seller (Giffords Law Center 2017). If a person is under the age of 21, a dealer cannot sell or deliver a handgun or ammunition for the handgun to that person. (Giffords Law Center 2017). If a person is under the age of 18, a dealer cannot sell or deliver a long gun or ammunition for the long gun to that person<sup>7</sup> (Giffords Law Center 2017). Some states and the District Columbia have minimum age requirements that go further than what the federal law contains (Giffords Law Center 2017). For example, states such as Connecticut, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New Mexico, New York, Washington, and the District of Columbia have minimum age requirements for handguns that are stricter than the federal age limit (Giffords Law Center 2017). Age is just one category that helps with the restriction guns.

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<sup>6</sup> The weapons were acquired by three different unlicensed vendors by Robyn Anderson at a gun show (Kleck, 2009, p. 1452). The pistols, on the other hand, were sold directly to the teens by a private seller who was 22 years old, this was an illegal act and is still illegal to this day (Kleck, 2009, p. 1452). Opponents of gun control claimed that gun shows had a loophole. This was not the case, Anderson could have gone to a gun store and purchase the same weapons because she was of age. Therefore, that argument was incorrect (Kleck, 2009, p. 1461).

<sup>7</sup> "Federal law prohibits the possession of a handgun or handgun ammunition by any person under the age of 18.10 Federal law provides no minimum age for the possession of long guns or long gun ammunition" (Giffords Law Center).

### *Mental Illness*

Mental illness is defined as, "a diagnosed medical condition that "often result[s] in a diminished capacity for coping with ordinary demands of life." The significant behavioral or psychological symptoms of these illnesses result in the impaired ability to think, feel, and relate to others" (Wolf and Rosen, 2015, p. 855). When the topic of mass shootings is spoken about, mental illnesses enters the conversation. Usually, the act is so horrible that many people assume that the person who did the act is mentally ill. Thus, gun control policy should be developed that denied gun access to the mentally ill. For example, after the Sandy Hook Shooting, a gun control bill was passed in New York called the Secure Ammunition and Firearms Enforcement Act better known as the S.A.F.E Act (Wolf and Rosen, 2015, p. 857). Background checks and legislation are in place to make it difficult for the mentally ill to get a gun.

### *Criminal Background Checks*

Criminal background checks are required through the Brady Bill, "the federal government required all buyers of handguns to undergo a background check to determine whether they are legally allowed to possess a gun" (Guis, 2015, p. 4090). There are multiple ways to fail a background check such as felony convictions, felony indictments, domestic violence, misdemeanors, restraining orders, fugitive status, illegal alien status, mental illness or disability, drug addiction, and local or state prohibition (Guis, 2015, p. 4090). Before November 1998 the legislation only applied to handguns, it wasn't until November 1998 that the permanent provisions of the Brady Bill were enacted (Guis, 2015, p. 4090). After the permanent provision was in place, it created the National Instant Criminal Background Check System (NICS). Here, states had the option of doing their own background checks, or they could allow the FBI to do it (Guis, 2015, p. 4091). A person who wants to buy a gun must complete a Federal Firearm Transaction Record and must provide an Identification card issued by the government (Guis,

2015, p. 4091). Also, under the Brady Bill, if a sale is done through a private seller, the person does not have to get a background check, but some states require background checks for all persons (Guis, 2015, p. 4091).

### *Gun Shows*

Gun shows are another way for people to acquire guns in which the federal regulation does not apply (Krouse, 2011, p. 248). A Federal Firearm Licensees (FFL), is “an individual who is licensed to engage in the business of manufacturing, importing and/or dealing in firearms. Persons must be licensed by ATF to engage in the business of firearms” (The Bureau of Alcohol, Tobacco, Firearms, and Explosives 2017). These individuals must conduct a background check on people who are seeking to purchase or exchange a firearm who is not licensed (Krouse, 2011, p. 248). A non-license person, "those persons who transfer firearms but who do not meet the statutory test of being engaged in the business" do not have to conduct these type of checks (Krouse, 2011, p. 248). This is a controversial topic, debates are drawn on why licensees must conduct background checks at a gun show, and a non-licensee does not.

### *How a Gun is carried*

*This section explains the difference between open carry and concealed carry.*

#### *Concealed Carry*

Concealed carry is defined in the Merriam-Webster dictionary as, "the act or practice of carrying a concealed firearm in public or the legal right to do so" (Merriam-Webster, 2017). Under state law, concealed carry can be broken up into four categories: no permit required, mandatory or shall issue, discretionary or may issue, and no concealed carry permit (Krouse, 2011, p. 240). For example, one can conceal carry in the states of Vermont and Alaska without a

permit. Thirty-five states have "shall issue"<sup>8</sup> laws and if one meets the criteria, the person can get a permit. Eleven states have "may issue" laws in which they have the option on whether they want to give that person a permit. Finally, Illinois and Wisconsin don't allow concealed carry of firearms by persons (Krouse, 2011, p. 240-241). Also, a plethora of states allows the person to use those conceal carry privileges in other states (Krouse, 2011, p. 240-241). The concealed gun legislation also concludes where one can and cannot bring a firearm.

### *Open Carry*

Open carry<sup>9</sup> can be defined as, "the act or practice of carrying a firearm openly in public or the legal right to do so" (Merriam-Webster, 2017). When it comes to the open carry of handguns, five states prohibit this act: California, Florida, Illinois, New York, and South Carolina (Giffords Law Center 2017). Also, there are thirty-one states that agree to let a handgun in the open without a license or permit, but in some cases, the gun must be unloaded (Giffords Law Center 2017). Finally, fifteen states make it a necessity that people have some form of license or permit to carry a handgun in the in the open. There are different rules in place for being able to open carry a long gun. For example, California, Florida, Illinois, Massachusetts, Minnesota, and New Jersey have banned long guns from being openly carried (Giffords Law Center 2017). The District of Columbia also has long guns banned from being openly carried. On

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<sup>8</sup>. The early 1990s saw a groundswell of popular interest in so-called "shall-issue" concealed-carry laws.<sup>32</sup> Under these laws, the licensing agent, usually a county sheriff or judge, "shall issue" a concealed-carry permit unless he or she finds that the applicant has been convicted of a felony or a domestic violence offense or has a history of serious mental illness (Bishop 2012, p. 912).

<sup>9</sup> "Historically, most states either prohibited or strongly regulated the carrying of firearms in public spaces. Over the past three decades, however, state laws have changed dramatically. In that time, many states have significantly weakened their laws to permit more and more people to carry guns in public places and to reduce or eliminate local law enforcement's ability to keep potentially dangerous people from carrying guns in public." (Giffords Law Center 2017).

the other hand, it is completely legal to open carry along gun in the other 44 states but in Iowa, Tennessee and Utah the long gun must be unloaded (Giffords Law Center 2017).

### ***Limit where the Gun can be taken***

*Focuses on the areas where a gun can be taken.*

#### *Carrying Guns on School Campuses*

Recently, concealed carry on some university campuses has received public attention. Concealed carry proponents, “interpret the Second Amendment as an overarching right to have weapons, regardless of location” (Smith, 2012, p. 238). Opponents of concealed carry argue that “allowing guns on campuses would be a mistake and student safety can be addressed in other ways” (Smith, 2012, p. 238). Historically, colleges and university have been able to avoid the gun conversation; it wasn't until the Virginia Tech shooting that policies were called into question (Smith, 2012, p. 238). *District of Columbia v. Heller* set the bar to have this discussion, but *McDonald v. Chicago* gave gun rights activist what they needed to take this debate the forefront.

Gun legislation is not the same for all campuses. For example, 26 states do allow people to carry firearms on campuses, 23 states allow that decision to be made by the university itself. The question that derives from this debate is whether this is ethical. Proponents of this argue that if the staff, faculty, and student can carry a gun on campus that it will be somewhat of a deterrent and they will be able to protect themselves and others (Smith, 2012, p. 239-248). Multiple arguments are made on the opponent side, one being that if a shooting was to happen on campus, guns on campus will make the situation even crazier (Smith, 2012, p. 240). The one idea that needs to be remembered is that even though the second amendment gives one the right to have arms, government oversight has always been tied with it (Smith, 2012, p. 241).



## **Politics of Gun Control**

*Two groups use different arguments and tactics to promote their position.*

### *Arguments of Gun Control Supporters*

In the gun control debate, there are two sides, gun control supporters and gun rights activist. The position of gun control advocates feel that the Second Amendment should be left to the states to maintain a well-regulated militia (Utter and True, 2000, p. 77). After the Sandy Hook Shooting, former President Obama assumed that guns are the problem and more gun control is the answer (Eckstein and Partlow, 2017, p. 225). This is due to what people see. Gun control advocates use events such as Columbine, Virginia Tech, Aurora shootings and other shootings as arguments and evidence that stronger gun control laws are needed (Strobe, 2016, p. 8). An example of this is how Obama in his presidency attempted to create a plan to regulate guns which included background checks, an assault rifle ban, limits on a magazine, mental health resources, and funds for research (Eckstein and Partlow, 2017, p. 226). Another argument made in this spectrum is that gun control policies reduce violent crime. The strategy for this is to put gun control laws in place that are “intended to reduce crime and violence rates by restricting the availability of firearms among persons believed to be at higher risk of committing acts of violence” (Kleck, 2016, p. 489). Examples of this would-be laws are the Firearms Owner Protection Act of 1986 and Gun Control Act of 1968.

Supporters of gun control advocate that guns are responsible for 32,000 gun-related deaths every year and by introducing gun legislation this number will be reduced (Strobe, 2016, p. 7). Another argument that gun control advocates make is that most advocates of gun control believe that violent crimes can be reduced by the pervasiveness of firearms (Moorhouse and Wanner, 2006, p. 103). Gun control supporters tend to put gun right advocates in a negative

light. A journalist by the name of Osha Gray Davidson acknowledge that gun control advocates described gun rights activist as, "dangerous kooks or, at best, witless bumpkins" (Utter and True, 2000, p. 70). Views on gun control continue to shift, and this is just one view of the gun culture in America.

One argument that is made for the case of gun control is that high-capacity magazines should be banned because they too often turn into mass murders (Pro-Con 2017). A *Mother Jones* investigation pointed out that, "high-capacity magazines were used in at least 50% of the 62 mass shootings between 1982 and 2012" (Mother Jones 2017). Another case for gun control is that more gun control laws are needed to protect women from domestic abusers and stalkers (Pro-Con 2017). In the United States alone, five women are murdered with guns every day (Gerney and Parson, 2014 p. 3). These are important arguments because it helps supporters build their case for why gun control policy is needed. When speaking of mass shootings or women, the emotions towards this heightens, therefore, making this policy push easier for them to achieve.

#### *Arguments of Gun Rights Activist*

The other side of the gun culture is gun right activist. These are people who feel that the Second Amendment means that a person has a right that is absolute for people to have guns (Utter and True, 2000, p. 77). One argument that is made is that gun control laws will not prevent criminals from obtaining guns or breaking laws (Pro-Con 2017). From 1982 to 2012 they have been 62 mass shootings, and of these 49 shooters, they used legally obtained guns (Follman, Aronsen, and Pan, 2012 p. 1). Arguments like these are how gun control activist get their point across while trying to pass their policy. This side of the spectrum can also make an argument for why gun control policy should be lessened.

Executive Vice President of the NRA Wayne LaPierre is a major gun rights activist. His response to the Sandy Hook shooting was that more guns are needed to stop violence (Eckstein and Partlow, 2017, p. 225). This is one argument that gun right activist make. Advocates of gun rights argue that homicides can be reduced with the availability of more guns and guns are effective when it comes to self-defense (Strobe, 2016, p. 7). Gun rights activist use incidents like Columbine, Virginia Tech, and Aurora shootings to push their agenda. For example, LaPierre suggested that the only thing that can stop a bad guy with a gun is a good guy with a gun (Strobe, 2016, p. 8). This thought process goes with most gun rights activist and the feeling that guns can have a deterrence in crime. Giving teachers guns and allowing police to be at every school in the nation are other ideas that LaPierre has offered to the gun culture conversation (Strobe, 2016, p. 8).

As well, the NRA is the probably the largest gun right activist group with major power. It is proven that they can have an influence on the politics of gun control, especially in the legislation process. An example of this would be how at the state level the NRA tends to use electronic communications that come from the NRA's Institute for Legislative Action and hundreds of videos that they put on their YouTube page to promote legislation and legislative proposals (Reich and Barth, 2017, p 486). Overall, the culture of guns is decided by two specific groups, and they both use the same tactics to get what they want but in different ways. The NRA is an important funding source for political candidates that support their agenda. Reich and Barth (2017) noted that "legislators who had received NRA contributions were significantly more likely to vote in a pro-gun-rights direction (p. 486)

## *Role of Media in Political Debate*

Gun control and media go hand and hand. What the media portrays is what the people will see and hear. An example of this is mass shootings. If viewers were to see a major mass shooting on their television such as the Sandy Hook Shooting, the assumption could be made that more gun control is needed. Gun violence is less common than it used to be but when it's constantly heard or seen it is difficult to believe that. This is defined as focusing events. Focusing events are "sudden; relatively uncommon; can be reasonably defined as harmful or revealing the possibility of potentially greater future harms; has harms that are concentrated in a particular geographical area or community of interest; and that is known to policymakers and the public simultaneously" (Birkland, 1998, pg. 54). An example of focusing events is Columbine shooting, Virginia Tech shooting, the assassination of Martin Luther King Jr and John F. Kennedy (Fleming et al, 2016, pg. 1144). These focusing events bring attention to policy change in the gun culture, and some argue that it is needed.

It is noted that in McGinty et al (2016) that research shows that the media can frame these issues in a way that can influence support for firearm policies (p.11). Firearm policy is controversial topic and controversy is important criteria that journalists use to deem if the story is newsworthy (McGinty et al., 2016, p. 12). Research has also shown that coverage will be at its highest during consideration for a controversial policy and will fall off quickly if the policy does not make it to law (McGinty et al., 2016, p. 12). The author also talks about the type and balance of competing frames and how the news sources may differ. For example, literature suggests that firearm policy arguments after the Newton Connecticut shooting probably wasn't shown evenly across news stations (McGinty et al., 2016, p. 12). Instead of these new stations having

competing arguments with one another about firearm policy, the conversation now turns into supportive versus opposing views of firearm policy (McGinty et al., 2016, p. 12).

### **Summary of Conceptual Framework**

Figure 2.2 summarizes the conceptual framework in this chapter of the content analysis. Also, it combines the framework with the relevant literature. These descriptive categories are drawn from multiple scholars who have conducted research on this topic previously<sup>10</sup>.

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<sup>10</sup> See Shields and Whetsell, 2017 and Shields and Tajalli, 2006 for more about conceptual frameworks.

**Figure 2.2 Conceptual Framework**

<b>Title:</b> The Scholarship of Gun Control: A Content Analysis of Articles in <i>the Justice Quarterly</i> Journal.	
<b>Purpose:</b> The purpose is to describe how key issues surrounding gun control are treated in the <i>Justice Quarterly</i> Journal.	
<b>Category</b>	<b>Related Literature</b>
<b>1. Gun Laws</b>	
1.1 Second Amendment	Brenner (2008); Cornell Law School (2017) Spitzer (2008); Utter and True (2000)
1.2 Omnibus Crime Control and Safe Streets Act 1968	DeFrances and Smith (1994)
1.3 Gun Control Act of 1968	Brenner (2008); DeFrances and Smith (1994); Vizzard (2015)
1.4 Firearm Owners Protection Act of 1986	Brenner (2008); Spitzer (2008); Vizzard (2015)
1.5 The Brady Handgun Prevention Act of 1993	DeFrances and Smith (1994); Spitzer (2008)
1.6 Protection of Lawful Commerce in Arms Act 2005	Spitzer (2008); VanGrack (2004)
<b>2. Court Cases</b>	
2.1 United States v. Miller 1939	Brenner (2008); OYEZ (2017)
2.2 District of Columbia v. Heller 2008	Gould (2009); OYEZ (2017)
<b>3. Effectiveness of Gun Control</b>	
3.1 Negative effects of gun control	Kleck, et al., (2016); Levitt (2004)
3.2 Positive effects of gun control.	Makarinos and Pratt (2012)
<b>4. Type of Gun Control</b>	

4.1 Type of Weapons	Phelan (2014)
4.2 Limit who can have guns	Giffords Law Center (2017); Guis (2015); Kleck (2009); Krouse (2011); The Bureau of Alcohol, Tobacco, Firearms, and Explosives (2017); Wolf and Rosen (2015)
4.3 How a gun is carried	Merriam-Webster (2017); Krouse (2011)
4.4 Limit where the gun can be taken	Giffords Law Center (2017); Smith (2012)
<b>5. Politics of Gun Control</b>	
5.1 Arguments gun control supporters	Eckstein and Partlow (2017); Gerney and Parson (2014); Kleck (2016); Moorhouse and Wanner (2006); Mother Jones (2017) Pro-Con (2017); Strobe (2016); Utter and True (2000)
5.2 Arguments gun rights activist	Eckstein and Partlow (2017); Pro-Con (2017); Strobe (2016); Reich and Barth (2017); Utter and True (2000)
5.3 Role of media in political debate.	Birkland (1998); Fleming, et al., (2016); McGinty et al. (2016)

## Chapter III: Methodology

### Chapter Purpose

The purpose of this chapter is to describe the methodology used to analyze gun control policy and how it is treated in the *Justice Quarterly* journal. The conceptual framework was developed from existing literature, and its categories are used to examine the articles (Shields & Rangrajan, 2013). Content analysis is used to organize the data collection and to determine how frequently and at what level the topics are discussed in the *Justice Quarterly* journal.

### Operationalization Table/Coding Sheet

The relationship between the content analysis and the descriptive categories is operationalized in Table 3.1 (Shields & Rangrajan, 2013). The categories are used to code the content of the articles. This operationalization table doubles as a coding sheet. It considers the level of discussion found in the articles. The content analysis depicts an illustration of the frequency that gun control policy is discussed in the *Justice Quarterly* journal. All forms of research, such as this content analysis, contains its strengths and weaknesses.

The levels of discussion were adapted from Christopher W. Brady's 2010 Applied Research Project "A Content Analysis of Peacekeeping Issues for the Journal *Armed Forces & Society*" and John Gainer's 2010 Applied Research Project "The Business of War: A Content Analysis of Private Military Companies' Websites." The elements in the operationalization table are coded as Significantly Discussed, Partially Discussed, or No Discussion, and are coded based on the level of discussion found with the articles.



**Table 3.1 Operationalization of the Conceptual Framework Table: Content Assessment Coding Sheet**

<b>Title:</b> The Scholarship of Gun Control: A Content Analysis of Articles in the <i>Justice Quarterly</i> journal.				
<b>Purpose:</b> The purpose is to describe how key issues surrounding gun control are treated in the <i>Justice Quarterly</i> journal.				
<b>Variable</b>	<b>Assessment Category</b>	<b>Significant Discussed</b>	<b>Partial Discussion</b>	<b>No Discussion</b>
<b>Gun Laws</b>				
1	Second Amendment	SD	PD	ND
2	Omnibus Crime Control and Safe Streets Act of 1968	SD	PD	ND
3	Gun Control Act of 1968	SD	PD	ND
4	Firearm Owners Protection Act of 1968	SD	PD	ND
5	The Brady Handgun Prevention Act of 1993	SD	PD	ND
6	Protection of Lawful Commerce in Arms Act 2005	SD	PD	ND
<b>Court Cases</b>				
7	United States V. Miller 1939	SD	PD	ND
8	District of Columbia v. Heller 2008	SD	PD	ND
9	Other Court Cases	SD	PD	ND
<b>Effectiveness of Gun Control</b>				
10	Negative Effects of Gun Control	SD	PD	ND
11	Positive Effects of Gun Control	SD	PD	ND
<b>Type of Gun Control</b>				
12	Type of Weapons	SD	PD	ND
13	Limit who can have Guns	SD	PD	ND
14	How a Gun is Carried	SD	PD	ND
15	Limit where the Gun can be Taken	SD	PD	ND

<b>Politics of Gun Control</b>				
<b>16</b>	<b>Arguments of Gun Control Supporters</b>	<b>SD</b>	<b>PD</b>	<b>ND</b>
<b>17</b>	<b>Arguments of Gun Rights Activist</b>	<b>SD</b>	<b>PD</b>	<b>ND</b>
<b>18</b>	<b>Role of Media in Political Debate</b>	<b>SD</b>	<b>PD</b>	<b>ND</b>

## **Content Analysis**

This study uses a content analysis to describe gun control policy issues addressed in the *Justice Quarterly* journal. The next section discusses the strengths and weaknesses of content analysis.

### *Strengths*

There are many unique advantages to a content analysis. The first advantage of a content analysis is its “economy in terms of both time and money” (Babbie 2014, p. 352). Babbie argues that it is simple for a college student to complete a content analysis rather than a survey which can have problems with accessing data and low return rates. (Babbie 2014, p. 352).

Also, errors can be corrected with a content analysis. If something is wrong in a survey or experiment, it is possible that the project may have to be repeated (Babbie 2014, p. 352). In addition, if a field experiment goes wrong, it is possible to go back and redo it, but the event under study may not exist anymore (Babbie 2014, p. 352). In a content analysis it is easy to repeat a section of the study rather than doing the entire study again (Babbie 2014, p. 352).

The third advantage of a content analysis is that "it permits you to study processes occurring over a long time" (Babbie 2014, p. 352). This method of research is based on

researching history to the furthest date recorded. This is the same method used while researching gun control policy in the United States.

Finally, a content analysis has the advantage of “all unobtrusive measures, namely, that the content analyst seldom has any effect on the subject being studied” (Babbie 2014, p. 352). Babbie uses the example of a painting and how a person can no longer make changes to that painting because it’s already done. A content analysis has strengths, but they also have some weaknesses.

### *Weaknesses*

A content analysis only has a few weaknesses noted by Babbie. One weakness that is linked with a content analysis is that it is limited to the examination of recorded communications (Babbie 2014, p. 352). Examples of these communications can be oral, written, or graphical, but in some form, they must be recorded in some fashion to permit analysis (Babbie 2014, p. 352). This weakness is not problematic for this research because the purpose of the study is to analyze written communication.

An important weakness of a content analysis is validity and reliability (Babbie 2014, p. 352). Validity is “the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration” (Babbie 2014, 154). In other words, if a person measures gun control policy, it should stay with gun control policy and not political orientations. Simply, validity means that the person will measure what they said they will measure (Babbie 2014, p. 155). Reliability is defined as, “quality of measurements methods that suggest that the same data would have been collected each time in repeated observations of the same phenomenon” (Babbie 2014, 152). A question such as “did you attend religious services last week” would have more reliability than a question that asked, “About how many times you have attended religious

services in your life” (Babbie 2014, p. 152). In the context of gun control policy, this means that every time a journal is analyzed the same frequency of concept and issues should be found each time. The reliability issue here concerns whether a different person would code the articles in a similar manner.

### **Population**

Population is defined as, "the theoretically specified aggregation of the elements in a study" (Babbie 2014, pg. 206). For this study, the population includes all the articles published by the *Justice Quarterly* journal that discuss gun control policy and gun control between 1998 to the present. A total of 20 articles met the criteria between the years of 1998-2017. A complete list is found in Table 3.2. In this table, the year published, author, title, volume, and issue are included.

**Table 3.2: List of Articles Discussing Gun Control Policy.**

Year	Author(s)/Title	Volume/Issues
2017	Roy Kwon & Joseph F. Cabrera/Socioeconomic factors and mass shootings in the United States	Online Publication
2017	Ruth DeFoster & Natasha Swalve/Guns, Culture or Mental Health? Framing Mass Shootings as a Public Health Crisis	Online Publication
2016	Bruce A. Arrigo & Austin Acheson/Concealed carry bans and the American college campus: a law, social sciences, and policy perspective	19(1)
2016	Caitlin McCoy, Brett L. Bruyere & Tara L. Teel/Qualitative Measures of Wildlife Value Orientations with a Diverse Population in New York City	21(3)
2016	Christopher M. Duerringer/Dis-Honoring the Dead: Negotiating Decorum in the Shadow of Sandy Hook	80(1)
2016	Dennis Vicencio Blanco/ The Gun Control Debate: Why Experience and Culture Matters	39(8)
2016	Michael William Pfau/Universal background checks and the NRA slippery slope argument.	53(4)
2016	Shao-Chiu Juan & David Hemenway/ From depression to youth school gun carrying in America: Social connectedness may help break the link	3(1)
2016	Thomas Powell/Gun Lust: An Investigation into America's Sordid Gun Addiction	6(1)
2015	Bushra Sabri, Maria V. Sanchez & Jacquelyn C. Campbell/Motives and Characteristics of Domestic Violence Homicides and Suicides Among Women in India	36(7)
2015	Dylan McLean/Guns in Anglo-American democracies: explaining an American exception.	53(3)
2012	Elizabeth L. Cohen, Yuki Fujioka, & Cynthia Hoffner/Exploring Gun Ownership as a Social Identity to Understanding the Perceived Media Influence of the Virginia Tech News Coverage on Attitudes toward Gun Control Policy	29(2)
2010	James M. La Valle/RE-ESTIMATING GUN-POLICY EFFECTS ACCORDING TO A NATIONAL SCIENCE ACADEMY REPORT: WERE PREVIOUS REPORTS OF FAILURE PRE-MATURE?	33(1)
2009	Arjen Boin, Paul 't Hart & Allan McConnell/Crisis exploitation: political and policy impacts of framing contests	16(1)
2009	M.V. Hood III & Grant W. Neely/Citizen, defend thyself: an individual-level analysis of concealed weapon permit holders	22(1)
2008	Stucky D. Thomas, Geralyn M. Miller, & Linda M. Murphy/ Gender, Guns, and Legislating: An Analysis of State Legislative Policy Preferences	29(4)
2007	Maylene Shung King , Paula Proudlock & Lori Michelson/From fieldwork to facts to firearms control: Research and advocacy towards stricter firearm control legislation in South Africa	15(2)

2000	Walter Block & Matthew Block/Toward a Universal Libertarian Theory of Gun (Weapon) Control: A Spatial and Geographical Analysis	3(3)
2002	William Wells/The nature and circumstances of defensive gun use: A content analysis of interpersonal conflict situations involving criminal offenders	19(1)
1998	Wendy Cukier/International fire/small arms control	6(1)

## Statistics

This study uses frequency distribution to analyze the frequency of discussion within the designated categories and elements deal with gun control policy issues as defined in the conceptual framework. Frequency distributions are a type of descriptive statistic, which easily corresponds to the descriptive purpose of this study.

## Inter-rater Reliability

This study analyzes articles that are found in the *Justice Quarterly* journal and detail the level of discussion in which gun control policy is discussed. To combat the weakness of the reliability a sample of articles will be taken from the population and analyzed by another person to compare the results of this study. This inter-reliability test will determine if the results found by this study are consistent with results found by other researchers. Two individuals agreed to analyze the population to determine if the results of this study are reliable.

The first rater is a graduate student currently studying psychological research at Texas State University. His coursework provides an intra-personal perspective when looking at gun control policy. The second rater is an alumnus of Texas State University with a Master's in Public Administration. His knowledge policy and administration make him well suited to comprehend the details of gun control policy.

Analysis of a sample of the population by my secondary researchers show parallel results. Minor differences did appear between raters and my findings, but none show a significant

difference in content. Table 3.3 shows the differences in levels of discussion found within the population by the raters and myself.

**Table 3.3: Gun Control Policy Discussion of the Author and Additional Raters (N=20)**

<b>Conceptual Framework</b>	<b>Duerringer (2016)</b>	<b>DeFoster &amp; Swalve (2017)</b>	<b>Thomas, Miller, &amp; Murphy (2008)</b>	<b>Blanco (2016)</b>	<b>Kwon &amp; Cabrera (2017)</b>
<b>Gun Laws</b>					
Second Amendment	A=0, B=0, C=0	A=0, B=0, C=1	A=0, B=1, C=0	A=1, B=2, C=1	A=0, B=0, C=0
Omnibus Crime Control and Safe Streets Act of 1968	A=0, B=0, C=0	A=0, B=0, C=2	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
Gun Control Act of 1968	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
Firearm Owners Protection Act of 1968	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
The Brady Handgun Prevention Act of 1993	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
Protection if Lawful Commerce in Arms Act 2005	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
<b>Court Cases</b>					
United States V. Miller 1939	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0
District of Columbia V. Heller 2008	A=0, B=0, C=0	A=0, B=0, C=0	A=0, B=0, C=0	A=1, B=1, C=1	A=0, B=0, C=0
Other Court Cases	A=0, B=0, C=0	A=0, B=0, C=1	A=0, B=0, C=0	A=0, B=0, C=1	A=0, B=0, C=0
<b>Effectiveness of Gun Control</b>					
Negative Effects of Gun Control	A=0, B=1, C=1	A=0, B=0, C=1	A=0, B=0, C=1	A=2, B=1, C=2	A=0, B=0, C=0
Positive Effects of Gun Control	A=0, B=1, C=1	A=0, B=0, C=1	A=0, B=0, C=1	A=2, B=2, C=2	A=0, B=0, C=0
<b>Type of Gun Control</b>					
Type of Weapons	A=,1 B=1, C=1	A=0, B=0, C=1	A=1, B=0, C=1	A=2, B=0, C=2	A=0, B=0, C=0
Limit who can have Guns	A=1, B=1, C=1	A=1, B=0, C=1	A=1, B=0, C=0	A=2, B=1, C=2	A=0, B=0, C=0
How a Gun is Carried	A=0, B=0, C=1	A=0, B=0, C=1	A=0, B=0, C=1	A=2, B=0, C=2	A=0, B=0, C=0
Limit where the Gun can be Taken	A=0, B=0, C=1	A=0, B=0, C=1	A=0, B=0, C=0	A=0, B=1, C=2	A=0, B=0, C=0
<b>Politics of Gun Control</b>					

Arguments of Gun Control Supports	A=0, B=0, C=1	A=1, B=1, C=1	A=1, B=0, C=1	A=2, B=2, C=2	A=0, B=0, C=0
Arguments of Gun Rights Activist	A=0, B=0, C=1	A=1, B=1, C=1	A=0, B=0, C=1	A=2, B=2, C=2	A=0, B=0, C=0
Role of Media in Political Debate	A=0, B=0, C=1	A=2, B=2, C=2	A=0, B=0, C=0	A=1, B=0, C=2	A=1, B=1, C=2

**A= Author, B=Additional Rater #1, C=Additional Rater #3**  
**0= No Discussion, 1=Partial Discussion, 2=Significant Discussion**



## Chapter IV: Results

The results of the content analysis of articles on gun control policy found within the *Justice Quarterly* are found in this chapter. The results chapter analyzes the content analysis of all 20 articles from the *Justice Quarterly* journal. Analysis of these articles is used to determine the frequency of discussion of the categories and elements dealing with gun control policy as defined in the conceptual framework. The results of the content analysis are organized by the conceptual framework's sections and categorized by significant discussion, partial discussion, and no discussion.

### *Gun Laws*

The gun laws within gun control policy are concerned with regulating the sale, possessions, and the use of firearms. Table 4.1 illustrates the level of discussion of gun laws discussed in the *Justice Quarterly* journal within the topic of gun control policy.

Gun laws are seldomly discussed in the *Justice Quarterly* journal. The second amendment was the most discussed sub-component of gun laws, with two articles providing significantly discussion and four providing partial discussion. The Omnibus Crime Control Act of 1968 had twenty articles that provided no discussion. The Gun Control Act of 1968 had one article that provided partially discussed and nineteen with no discussion. The Firearm Owners Protection Act of 1968 provided twenty articles with no discussion. The Brady Handgun Prevention Act of 1963 provided one article with significant discussion, three with partial discussion, and sixteen with no discussion. The Protection of Lawful Commerce in Arms Act of 2005 provided twenty articles with no discussion.

Articles which analyzes Omnibus Crime Control and Safe Streets Act of 1968, Gun Control Act of 1968, Firearm Owners Protection Act of 1968, the Brady Handgun Prevention Act of 1963, and the Protection of Lawful Commerce in Arms Act of 2005 are recommended to the author of the *Justice Quarterly* journal.

**Table 4.1: Gun Laws (N=20)**

Framework Sub-Components	Articles Significantly Discussed	Articles Partially Discussed	Articles with No Discussion
Second Amendment	2	4	14
Omnibus Crime Control and Safe Streets Act of 1968	0	0	20
Gun Control Act of 1968	0	1	19
Firearm Owners Protection Act of 1968	0	0	20
The Brady Handgun Prevention Act of 1963	1	3	16
Protection of Lawful Commerce in Arms Act 2005	0	0	20

### *Court Cases*

Court cases play a pivotal role with gun control policy. The interpretation of the courts adds important meaning to a law, and it gives more clarification to what a specific law is supposed to mean. Table 4.2 shows the level of discussion the *Justice Quarterly* journal gives to court cases dealing with gun control policy.

Overall, the topic of court cases is under-discussed in the *Justice Quarterly* journal. Table 4.2 details that the District of Columbia v. Heller of 2008 was the most significantly discussed sub-component with one article discussed and four partially discussed. United States v. Miller of 1939 had twenty articles with no discussion. Other court cases had only one article that was significantly discussed and three with partial discussion.

Further discussion of United States v. Miller of 1939, District of Columbia v. Heller of 2008, and other court cases is recommended to the authors of the *Justice Quarterly* journal.

**Table 4.2 Court Cases (N=20)**

Framework Sub-Components	Articles Significantly Discussed	Articles Partially Discussed	Articles with No Discussion
United States v. Miller 1939	0	0	20
District of Columbia v. Heller 2008	1	4	15
Other Court Cases	1	3	16

### *Effectiveness of Gun Control*

Effectiveness of gun control is concerned with the reduction of homicides, suicides, or assault with a deadly weapon. The finding of this study about the effectiveness of gun control is provided in table 4.3.

Altogether, effectiveness of gun control is under-discussed in the *Justice Quarterly* journal. Both negative effects of gun control and positive effects of gun control had two articles with significant discussion. In addition, negative effects of gun control had three articles that were partially discussed and fifteen with no discussion. The positive effects of gun control had two articles with partial discussion and sixteen with no discussion.

Further discussion of the negative effects of gun control and the positive effects of gun control is recommended to the authors of the *Justice Quarterly* journal.

**Table 4.3 Effectiveness of Gun Control (N=20)**

Framework Sub-Components	Articles Significantly Discussed	Articles Partially Discussed	Articles with No Discussion
Negative Effects of Gun Control	2	3	15
Positive Effects of Gun Control	2	2	16

### *Type of Gun Control*

This category seemed to have the greatest level of discussion even if it is still low. Type of gun control is concerned with the type of weapons, limitations, age, mental illness, criminal background checks, gun shows, concealed carry, open carry, and the carrying of a gun on school campuses. The finding of this study on type of gun control is provided in Table 4.4.

Limit on who can have guns was the most discussed topic of the sub-components in the four categories. Limit who can have guns was significantly discussed three times and partially discussed six times. Type of weapon was significantly discussed once and partially discussed six times. How a gun is carried was significantly discussed three times and partially discussed twice. Finally, limit where the gun can be taken had no discussion in all twenty articles.

Types of weapons include two subcategories, automatic and semiautomatic rifles. Both in total was discussed six times. Limit who can have guns included four subcategories: age, mental illness, criminal background checks, and gun shows. This was discussed a total of nine times. How a gun is carried has two subcategories: open carry and concealed carry. This topic was discussed a total of five times. Finally, where the gun can be taken had one subcategory. Carrying guns in schools was not discussed in any of the articles. Further discussion of type of gun control is recommended to the authors of the *Justice Quarterly* journal.

**Table 4.4 Type of Gun Control (N=20)**

<b>Framework Sub-Components</b>	<b>Articles Significantly Discussed</b>	<b>Articles Partially Discussed</b>	<b>Articles with No Discussion</b>
Type of Weapons	1	5	14
Limit who can have Guns	3	6	11
How a Gun is Carried	3	2	15
Limit where the Gun can be Taken	0	0	20

## *Politics of Gun Control*

Overall, gun control was not widely discussed. Politics of gun control is concerned with arguments of gun control supporters, arguments of gun control rights activist, and the role of the media in political debate. Table 4.5 details that the role of media debate was the most discussed topic of all the subcomponents in the three categories. Three articles were significantly discussed, five were partially discussed, and eleven had no discussion. Argument of gun control supporters was significantly discussed once, partially discussed five, and fifteen articles had no discussion. Finally, arguments of gun control rights activist were significantly discussed twice, partially discussed five, and fifteen articles had no discussion. Further discussion of politics of gun control is recommended to the authors of the *Justice Quarterly* Journal.

**Table 4.5 Politics of Gun Control (N=20)**

<b>Framework Sub-Components</b>	<b>Articles Significantly Discussed</b>	<b>Articles Partially Discussed</b>	<b>Articles with No Discussion</b>
Arguments of Gun Control Supporters	1	4	15
Arguments of Gun Control Rights Activist	2	3	15
Role of Media in Political Debate	4	5	11

**Table 4.6: Summary of Finding (N=20)**

<b>Categories</b>	<b>% of No Discussion</b>
<b>Gun Laws</b>	
Second Amendment	70%
Omnibus Crime Control and Safe Streets Act of 1968	100%
Gun Control Act of 1968	95%
Firearm Owners Protection Act of 1986	100%
The Brady Handgun Prevention Act of 1993	80%
Protection of Lawful Commerce in Arms Act 2005	100%
<b>Court Cases</b>	
United States v. Miller 1939	100%
District of Columbia v. Heller 2008	75%
Other Court Cases	80%
<b>Effectiveness of Gun Control</b>	
Negative effects of gun control	75%
Positive effects of gun control	80%
<b>Type of Gun Control</b>	
Type of Weapons	70%
Limit who can have guns	55%
How a gun is carried	75%
Limit where the gun can be taken	100%
<b>Politics of Gun Control</b>	
Arguments of gun control supporters	75%
Arguments of gun rights activist	75%
Role of media in political debate	55%

## **Chapter V: Conclusion**

The final chapter of the ARP shows the findings from this study and suggests possibilities for future research. After the study results and recommendation are shown, concluding comments are made concerning the current environment of gun control policy.

The study analyzed varying articles in the *Justice Quarterly* journal that dealt with gun control policy. The first chapter introduced the study, and the purpose of this research is to describe how key issues surrounding gun control are treated in the *Justice Quarterly* journal. Chapter two described the historical background of gun control policy from the 1600's to present. Next, chapter three reviews the scholar literature that concerns gun control policy and develops the conceptual framework for the study. The fourth chapter provided the results from 20 articles that was analyzed from the *Justice Quarterly*. Finally, chapter 5, concludes the study by summarizing the findings of chapter 5, recommending suggestions for future research and offering ending statements.

### *Findings*

According to the findings of the content analysis, more discussion is recommended in most topics of subcategories within the conceptual framework. Politics of gun control received the greatest amount of discussion and gun laws received the least. More discussion is recommended towards the gun laws subcategories, as well as the Omnibus Crime Control and Safe Streets Acts of 1968, Firearms Owners Protection Act of 1968, and the Protection of Lawful Commerce in Arms Act of 2005. All these subcategories had no discussion in any article. The Gun Control Act of 1968 and the Brady Handgun Prevention Act of 1963 were discussed at least once; more discussion is highly recommended and encouraged. These three categories had no

discussion in all journals selected for this study. Other under-discussed topics include *United State v. Miller* of 1939 and limit where the gun can be taken.

Based on the analysis of the *Justice Quarterly* journal, a large focus was put on the subcategory "limit who can have guns." Nine out of a possible twenty articles were significantly discussed or partially discussed. Other subcategories such as type of weapons and how a gun is carried is either partially discussed or significantly discussed. More discussion is highly recommended and encouraged. Another subcategory that received high priority was the "role of media in political debate with nine out of possible twenty articles either being significantly discussed or partially discussed. The subcategory "arguments of gun control right activist" is significantly discussed twice and partially discussed four times and "arguments of gun control supporter" is significantly discussed once and partially discussed three times. More discussion is highly recommended and encouraged in this area.

#### *Weakness of Content Analysis*

As stated in chapter 3, the content analysis has several weaknesses. A major weakness that must be noted in this study is the validity and reliability. For validity to be accurate, it needs to measure what it is intended to measure. The frequency of gun control policy found within the *Justice Quarterly* journal is what was measured. A careful understanding of gun control policy, coming from chapter two and three, demonstrates that only gun control policy is measured. Reliability can be described as the same frequency happening multiple times when measured. For this, one alumni and one current student at Texas State University-San Marcos agreed to test the population and determine the frequency of gun control policy.



## ***Conclusion***

Gun control policy is a controversial topic that will continue to evoke passion and controversy; given the different views that come with this topic, it is only logical assume that people views will continue to shape and change. To better understand gun control policy, we must continue to grasp the knowledge and apply it to today's society. With the recent Parkland High School shooting that happened in Florida, the topic of gun control policy is at an all-time high. It is vital that we understand gun control policy and continue to add more research to this topic for continue education awareness.

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## Appendix A

### Overall level of Gun Control Policy Discussion (N=20)

Framework Sub-Components	Articles Significantly Discussed	Articles Partially Discussed	Articles with No Discussion
<b>Gun Laws</b>			
Second Amendment	2	4	14
Omnibus Crime Control and Safe Streets Act of 1968	0	0	20
Gun Control Act of 1968	0	1	19
Firearm Owners Protection Act of 1968	0	0	20
The Brady Handgun Prevention Act of 1963	1	3	16
Protection of Lawful Commerce in Arms Act 2005	0	0	20
<b>Court Cases</b>			
United State v. Miller 1939	0	0	20
District of Columbia v. Heller 2008	1	4	15
Other Court Cases	1	3	16
<b>Effectiveness of Gun Control</b>			
Negative Effects of Gun Control	2	3	15
Positive Effects of Gun Control	2	2	16
<b>Types of Gun Control</b>			
Type of Weapons	1	5	14
Limit who can have Guns	3	6	11
How a Gun is Carried	3	2	15
Limit where the Gun can be Taken	0	0	20
<b>Politics of Gun Control</b>			
Arguments of Gun Control Supporters	1	4	15
Arguments of Gun Control Rights Activist	2	3	15
Role of Media in Political Debate	4	5	11