

“B is for ‘Bang, Bang’”
An Analytical Look at Gun Violence in Schools and Proposals for Change

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I. INTRODUCTION

Charlotte Bacon, age 6.¹ Daniel Barden, 7.² Rachel D’Avino, 29.³ Olivia Engel,
6.⁴ Josephine Gay, 7.⁵ Dylan Hockley, 6.⁶ Dawn Lafferty Hochsprung, 47.⁷ Madeline
Hsu, 6.⁸ Catherine Hubbard, 6.⁹ Chase Kowalski, 7.¹⁰ Jesse Lewis, 6.¹¹ Ana
Marquez-Green, 6.¹² James Mattioli, 6.¹³ Grace McDonnell, 7.¹⁴ Anne Marie Murphy,
52.¹⁵ Emilie Parker, 6.¹⁶ Jack Pinto, 6.¹⁷ Noah Pozner, 6.¹⁸ Caroline Previdi, 6.¹⁹
Jessica Rekos, 6.²⁰ Avielle Richman, 6.²¹ Lauren Rousseau, 30.²² Mary Sherlach,
56.²³ Victoria Soto, 27.²⁴ Benjamin Wheeler, 6.²⁵ Allison Wyatt, 6.²⁶ On December

¹ CNN, Remembering the Sandy Hook Elementary victims,
<http://www.cnn.com/interactive/2012/12/us/sandy-hook-victims/>.

² Remembering the Sandy Hook Elementary victims, *supra* note 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

14, 2012, 20 year-old Adam Lanza opened gunfire at Sandy Hook Elementary School in Newtown, Connecticut, killing these 20 innocent students and 6 blameless faculty members.²⁷

Earlier that school year, late principal Dawn Lafferty Hochsprung ordered a new security system for the school requiring all visitors to be visibly identified and “buzzed-in.”²⁸ As part of the newly installed system, the school’s doors locked at 9:30 AM every day.²⁹ The door was locked when Adam Lanza arrived before he used an assault weapon to shoot the doors open.³⁰ At about 9:30 AM, as daily news was read over the loudspeaker to students, gunshots punctuated the day’s announcements like staccato beat.³¹ Ironically, “staccato” is Italian for “detached,” precisely what some say Adam Lanza’s state of mind was on that day due to a mental illness.³² Sadly, this is only one school shooting among much too many in the United States.

In this paper, I will show the devastating effect guns have in schools nationwide and suggest potential changes we as a country can and should make to reduce the widespread occurrence of gun violence.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ CNN, Sandy Hook shooting: What Happened?

<http://www.cnn.com/interactive/2012/12/us/sandy-hook-timeline/>

²⁹ Sandy Hook shooting: What Happened? *Supra* note 28.

³⁰ *Id.*

³¹ *Id.*

³² Dictionary.com, <http://dictionary.reference.com/browse/staccato> (last visited May 4, 2014).

II. SCHOOL GUN VIOLENCE STATISTICS

Despite the increased precautions taken at schools around the country following the Sandy Hook massacre, there has yet to be a significant reduction in the number of school shootings.³³ We are a country with less than 350 million people but more than 310 million guns.³⁴ In the 14 months following the Sandy Hook shooting, there have been *at least* 44 school shootings including fatal and non-fatal assaults, suicides, and unintentional shootings.³⁵ In the first month and a half of 2014, there were 13 school shootings in a single eight-day period, four of which involved K-12 schools.³⁶ Among the K-12 shootings, and where possible to determine the source of the firearm, 75% of the shooters obtained their guns from their homes.³⁷

An analysis by the Associated Press found that there have been at least 11 school shootings in this academic year alone, not including other acts of gun

³³ The Associated Press, *School Shootings Continue Despite Safety Emphasis*, EDUCATION WEEK (February 18, 2014), <http://www.edweek.org/ew/articles/2014/02/19/21brief-8.h33.html?tkn=QYTFw4QwMJ27kU9zbApdl4rEes1fWKKnad%2BS&intc=es>.

³⁴ LZ Ganderson, *Teachers with guns is a crazy idea*, CNN OPINION (Dec. 19, 2012, 3:57 PM), <http://www.cnn.com/2012/12/19/opinion/granderson-guns-in-schools/index.html>.

³⁵ Moms Demand Action For Gun Sense in America and Mayors Against Illegal Guns, *Analysis of School Shootings December 15, 2012-February 10, 2014*, <http://s3.amazonaws.com/s3.mayorsagainstillegalguns.org/images/SchoolShootingsReport.pdf>. (emphasis added).

³⁶ Moms Demand Action For Gun Sense in America and Mayors Against Illegal Guns, *supra* note 35.

³⁷ *Id.*

violence on campuses nationwide when classes were not in session.³⁸ Experts say that gun violence is statistically stagnant from the mid- to late-1990s.³⁹

Students are privy to this heartbreaking revelation. This year, *Highlights*, a children's magazine, conducted a survey of 1,409 kids regarding safety, values, and ambitions.⁴⁰ Interestingly, when asked about safety, children focused less on bullying and more on violence.⁴¹ The study revealed that 6% of the children believed there should be weapons laws in place where only 2% mentioned bullying.⁴² While adults and parents may generally focus on the national campaign against bullying, children tend to focus on larger-scale societal violence.⁴³

III. GUN VIOLENCE LAWS AND LEGISLATION

During most of America's history, it was not uncommon for students to bring guns to schools.⁴⁴ In fact, as a member of the rifle team, Justice Scalia would often carry one on the New York City subway in the 1950s on his way to school.⁴⁵ Chances are that whenever a teenager sits down in her urban high school classroom, one of her classmates is carrying a gun.⁴⁶ In reality, many schools nationwide

³⁸ The Associated Press, *supra* note 33.

³⁹ *Id.*

⁴⁰ Ross Brennerman, *There Have Been a Lot of Shootings This Year. Children Seem to Have Noticed*, EDUCATION WEEK (Oct. 24, 2013, 4:41 PM), http://blogs.edweek.org/edweek/rulesforengagement/2013/10/children_have_noticed_gun_violence.html?qs=gun+violence.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ David B. Kopel, Pretend "Gun-Free" School Zones: A Deadly Legal Fiction, 42 Conn. L. Rev. 515, 518 (2009).

⁴⁵ David B. Kopel, *supra* note 44 at 518.

⁴⁶ Carl W. Chamberlin, Johnny Can't Read "Cause Jane's Got A Gun: The Effects of Guns in Schools, and Options After Lopez, 8 Cornell J.L. & Pub. Pol'y 281, 283-84 (1999).

search students with metal detectors, employ SWAT teams and gun-sniffing dogs, and conduct “duck-and-cover” drills to prepare students for gunfire.⁴⁷

The Gun-Free School Zone Act (“the Act”) was enacted in 1990 and restricted guns at K-12 schools and within a 1,000-foot radius around the schools.⁴⁸ The Supreme Court in *United States v. Lopez* found the Act unconstitutional because it was based on Congress’s power to regulate interstate commerce while having no meaningful connection to interstate commerce.⁴⁹ Congress re-enacted the Act in 1996 and limited its application to guns that had been moved in interstate commerce at some point after their manufacture.⁵⁰

State and federal governments generally approach the problem of gun presence in schools in three ways: (1) criminalizing, and thus removing, the possession of guns on and around campus; (2) removing students who carry guns to school by suspending or expelling them; and (3) punishing parents for their children’s gun possession.⁵¹

Recently, state lawmakers have vowed to take action to prevent the chances of a catastrophe similar to that of Sandy Hook.⁵² After analyzing 450 bills proposed after the Sandy Hook shooting, an *Education Week* analysis found that legislators

⁴⁷ Carl W. Chamberlin, *supra* note 46 at 283.

⁴⁸ David B. Kopel, *supra* note 44 at 518-19.

⁴⁹ *United States v. Lopez*, 514 U.S. 549, 551 (1994).

⁵⁰ David B. Kopel, *supra* note 44 at 519.

⁵¹ Carl W. Chamberlin, *supra* note 46 at 295.

⁵² Nirvi Shah and Andrew Ujifusa, *School Safety Legislation Since Newtown*, EDUCATION WEEK (Dec. 6, 2013), <http://www.edweek.org/ew/section/multimedia/school-safety-bills-since-newtown.html>

suggest, among other things, arming teachers and adding police officers to school premises.⁵³ All of the bills included in the analysis had a direct link to education or the Sandy Hook shooting.⁵⁴ Thus, while bills referring to magazine size were included, those involving background checks for gun purchases were not unless they contain provisions related to schools.⁵⁵

Following the school shooting in 1999 at Columbine High School, the focus was placed on increasing police presence in schools.⁵⁶ After the Sandy Hook shootings, at least 62 proposals have been introduced in state legislatures to either require or allow staff members to carry guns.⁵⁷ While the idea of arming school staff members has received a lot of media attention, a majority of the bills *Education Week* reviewed encouraged or required emergency planning in schools including an increased number of drills, more types of drills, and more detailed plans.⁵⁸

In its analysis, *Education Week* placed each bill into one of seven categories, some of which were classified in multiple categories. The first category “School Emergency Planning” focused on proposals requiring schools to conduct emergency drills, update or create emergency plans, or deal with emergency measures in some

⁵³ Nirvi Shah and Andrew Ujifusa, *supra* note 52.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

other way.⁵⁹ Of the 178 bills proposed in this category, 43 were enacted into law, with several states still pending.⁶⁰

The second category, “Police in Schools” contained bills proposing an increase of police presence in schools.⁶¹ Of the 101 proposed bills, 12 states have enacted the legislation into law. The “Arming School Employees” category, which contained bills explicitly allowing school employees to carry firearms, received 84 bills, of which 7 were enacted into law.⁶² “School Climate and Student Supports” was a category focusing on increasing mental health and counseling services.⁶³ The category received 81 bills and 12 were enacted into law.⁶⁴ Legislation addressing building security improvements (such as metal detectors) was placed in the “Building Safety Upgrades” category and received 76 bills.⁶⁵ 9 of the 76 bills were enacted into law.⁶⁶ Bills proposing relaxing or ending general prohibitions on the bringing of guns to school were put into the “Easing School Gun Restrictions” category, and of the 73 total bills, 7 were enacted across the country.⁶⁷ Proposals changing regulations governing firearms such as magazine size and sales

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

restrictions were placed into the “Gun Control” category and out of 51 bills, 7 were enacted into law.⁶⁸

The *Education Week* review also analyzed which regions were passing what bills. By region, “School Emergency Planning” legislation was the most popular category.⁶⁹ The analysis further found that the South generated the most number of relevant bills while the West generated the least number of bills related to gun safety in schools.⁷⁰ Not surprisingly, the South’s second and third most popular categories of legislation were “Police in Schools” and “Arming School Employees” respectively.⁷¹ In the Midwest, the second and third most popular categories were “School Climate and Student Supports” and “Easing Gun Restrictions” with “Arming School Employees” following closely behind.⁷² The Northeast’s second and third most popular bill categories respectively were “Building Safety Upgrades” and “Police in Schools” while the West’s bills focused on “School Climate and Student Supports” and also “Police in Schools.”⁷³

IV. PROPOSALS FOR CHANGE

There is no debate about the gravity of school shootings; republicans and democrats both understand the tragedy that comes with each and every shooting. Grief is not limited to one political party, religion, or region. The question remains: what can be done? First and foremost, as a country we must begin by listening to

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

students. Our students are completely immersed in the school environment of which we are far removed. Thus, they hear rumors or see violence first-hand. Student surveys or even casual conversations they have with friends and family members can shed invaluable light onto the issue of gun violence in schools, who is perpetrating and perpetuating the acts of violence, and how individual schools handle the situation. Consequently, teachers and parents must be willing and able to have open discussions with their students and children about the seriousness of weapons and what really goes on at school or in the home.

We must also make educating our communities about gun violence and gun safety a priority. Having even one person know what to do when he or she sees a firearm in a school setting can save tens or hundreds of lives. Communities nationwide should also have anonymous hotlines to provide the local police with tips of potential gun violence, before it is too late. Moreover, no matter how affluent a neighborhood seems, communities and school districts should implement stricter security measures in schools, including but not limited to metal detectors and increased security guards on campus grounds.

While controversial, Congress must act to create more restrictive gun laws. Some may argue that mentally instable persons will act irrationally with or without a gun, but having easy access to a gun exponentially increases the likelihood of deaths. More guns simply equate to more lives lost. Several argue that owning a gun is a right granted by the Constitution, but that right should be viewed as a privilege that must be earned. The privilege to bear arms should require more stringent constraints and prerequisites to help alleviate the growing cancer that is

gun violence. Schools are no place for guns, and that applies to teachers, as well.

There is no telling what infinite sorrow could result if a child accidentally (or purposely) gets a hold of a school employee's gun, despite the most stringent security measures. Further, because these guns must be securely locked and out of a child's reach, they will likely do little good in the face of an immediate threat.

It would be naïve to believe that violence of any sort ends with stricter gun laws and increased security measures. We must also strive to better our mental health institutions and resources. Instead of placing a stigma on those with mental health troubles, we should treat them as we would any other person with a disease and try to fix the illness rather than ostracize the affected individual. Removing the stigma from mental health will inevitably result in more individuals turning to treatment rather than gun violence.

Lastly, and arguably the most difficult, we must as a society take a stand against the prevalence of violence in media. Children today are growing up playing with video games in which they see things through the eyes of a shooter. The child shoots people as the *object* of the video game. Consequently, the desensitization of gun violence begins at a very young age. The media has glorified and sensationalized guns and killing, making them "sexy." While it will be a hefty goal to reduce the appearance of weapons in all media outlets, we as a society can begin by signing petitions or simply boycotting weapon-yielding media.

V. CONCLUSION

There is no argument that gun violence is rampant around our country. The arguments lie when discussing how to eliminate, or even reduce, the problem.

Regardless of a person's political party, gender, or home state, death and mourning are equally heartbreaking for the democrat from New York as for the republican from Mississippi. Instead of focusing on our differences, we must come together and work toward a common goal of eliminating avoidable deaths so that the 26 fallen students and faculty members at Sandy Hook Elementary School did not die in vain. President Obama said it best when addressing a memorial after the Washington Navy Yard shooting, "By now...it should be clear that the change we need will not come from Washington, even when tragedy strikes Washington...Change will come the only way it has ever come, and that's from the American people."⁷⁴

⁷⁴ Brigid Shulte and Paul Duggan, *Obama Urges Nation to Demand a 'Common Sense' Balance on Gun Control, Gun Rights*, THE WASHINGTON POST (Sep. 22, 2013), http://www.washingtonpost.com/local/obama-promises-push-for-common-sense-gun-laws/2013/09/22/789f8ba6-23ad-11e3-ad0d-b7c8d2a594b9_story.html.