

THE TUCSON MASSACRE: DECONSTRUCTING COMPETING CLAIMS

Anthony Cortese, Ph.D.
Southern Methodist University

ABSTRACT

What are the underlying causes of the 2011 Tucson shooting that killed six people—including a federal judge and a nine-year-old girl, critically wounded Congresswoman Gabrielle Giffords, and injured 12 others? In the aftermath of the shooting, three competing claims emerged: (1) Hate rhetoric from the right-wing; (2) The mental illness of the shooter; and (3) lax gun laws. From a critical constructionist model, this article deconstructs each claim, providing a coherent account of this tragic event, and other key players such as the NRA, Brady Bill, 1994 Ban on Assault Weapons, and British gun reform after the mass shooting that claimed the lives of sixteen five-year-old and six-year-old students and their teacher who died shielding them from the disturbed killer.

“You tried to create a world as dark and evil as your own. Remember this: You failed.”
--Mark Kelly, husband of former U.S. representative Gabrielle Giffords,
to Jared Loughner at the latter’s federal sentencing hearing, November 9, 2012.

INTRODUCTION

Social problems may be defined objectively, subjectively (constructionist) or as a hybrid of the two. Manis (1976:25) defines social problems objectively: “social conditions identified by scientific inquiry and values as detrimental to human well-being.” Thus, there are threatening or harmful conditions in the empirical world that exist independently of public awareness or social concern about these conditions. In contrast, Spector and Kitsuse (1977:75) define social problems subjectively, using social constructionism: “the activities of individuals or groups making assertions of grievances and claims with respect to some punitive conditions.” In essence, social problems are claim-making activities—speeches, news coverage, protest or other social activities—that defines punitive conditions as threats or crises. Accordingly, conditions do not necessarily have to be empirically real to be defined as social problems. In short, social problems research should focus on the claims of politicians, journalists, lobbyists, and others instead of studying supposedly harmful conditions.

Henslin (2008:6) uses a mixed definition, defining a social problem both objectively and subjectively:

“some aspect of society that people are concerned about and would like changed. Social problems have two key components. The first is an *objective condition*, some aspect of society that can be measured or experienced... The second key element of a social problem is subjective concern, the concern that a significant number of people (or a number of significant people) have about the objective condition.”

A hybrid definition has problems. Objectivists (e.g., Manis 1976) would argue that the definition of a condition as a social problem should rest on solid scientific evidence rather than on public belief. In contrast, social constructionists (e.g., Spector and Kitsuse 1975) indicate people sometimes develop concern about a problem in cases where the alleged condition is not objectively real—for example, witches in colonial Salem, Massachusetts. Moreover, the phrase *subjective concern* is misleading because

organized claims-making activities and collective definitions of social problems are shared social pursuits rather than individualistic subjective phenomena.

Why do some problems become matters of public concern while others do not? How do protestors and other actors construct narratives to capture public attention and encourage change? How do powerful actors with different resources, launch claims that promote their special interest? This article addresses these questions by analyzing the process of reconstructing the social problem of gun violence through the Tucson shooting—the mass murders and attempted assassination of U.S. Congresswoman Gabrielle Giffords—on January 8, 2011. In particular, there is focus on the process through which competing claims are put forward and mediated. Of special interest are the cultural dynamics and media practices that contribute to the credibility of claims.

What are the patterns that emerge from examining claims in both historical and contemporary contexts made about the causes of the Tucson massacre? How does one deconstruct the three plausible yet competing claims used to explain the event? These are the main questions this article addresses.

GUN VIOLENCE: A SOCIAL PROBLEM

Advocates of objective or hybrid definitions of social problems would use the following to document gun violence as a social problem (Mayors Against Illegal Guns 2012):

1. There are approximately 30,000 firearm-related homicides and suicides a year.
2. An estimated 6.6 million guns are transferred every year without a federal background check.
3. Twenty-two percent of 14- to 17-year-olds has witnessed a shooting in their lifetime.
4. Fifteen of the 25 worst mass shootings in the last 50 years took place in the United States.

5. Most polling shows the majority of Americans support an assault weapons ban.
6. Eighty-seven percent of gun owners and 74 percent of NRA members support requiring background checks for every gun sale.

Gun violence as a social problem falls within the legal purview of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a federal law enforcement organization within the United States Department of Justice. Its mission: to protect “our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products” (ATF 2012).

The position of ATF director has been vacant since 2006—the same time that a new policy took effect requiring Senate confirmation of those nominated for the position by the president. The Senate has never confirmed anyone as director, leaving the agency to the responsibility of acting directors for six consecutive years at the time of this writing (November 2012). The NRA strongly opposes President Obama's nominee, Andrew Traver, who has favored gun control and anti-gun activities (Skiba 2011). The ATF director has virtual exclusive oversight and jurisdiction over the firearms industry, its retailers and those who would like to purchase guns. Clearly, the lack of a permanent director, over such a long period, prevents the agency and the Department of Justice from taking positive steps to alleviate the problem of gun violence.

There is, of course, the *objective* side of social problems—the facts of the case. On January 8, 2011, United States Representative Gabrielle Giffords and eighteen other people were shot during a public meeting held in a supermarket parking lot in Casas Adobes, near Tucson, Arizona. Six of those were fatally shot, including Arizona District Court Chief Judge John Roll,

one of Representative Giffords' staffers, and a nine-year-old child, Christina Taylor-Green. One additional person was injured in the immediate aftermath of the shooting— an elderly man who hurt his arm while hitting the shooter, Jared Loughner, on the head with a folding chair while he was attempting to reload his weapon.

Federal prosecutors filed charges against the twenty-two-year-old Loughner, including the attempted assassination of a member of Congress and the assassination of a federal judge (*Chicago Sun Times* 2011; Lacey 2011; *The New York Times* 2011). Giffords, the first Jewish person elected to Congress from Arizona, was holding a *Congress on your Corner* session in front of a Safeway store. (There had been speculation that Loughner might be anti-Semitic despite a lack of evidence that the shooting was inspired by anti-Semitism.) Loughner shot Giffords, who represented Arizona's 8th congressional district, in the forehead at point blank range critically wounding her. He subsequently turned around and began firing on other people in the audience.

Public outrage over the shooting quickly ensued. Of course, there was unity in Congress condemning the shooting and in strong support of Giffords. However, there was also polarization of the Democrat and Republican parties and its subsequent effect on the public. In addition, abundant attention was placed on the harsh political climate and violent tinged rhetoric across the nation. Some pundits blamed members of the political right-wing for the shooting; in particular, Sarah Palin was implicated because of gun-related metaphors in her speeches and her political action committee's website which "targeted" the districts of Giffords and other Democratic members of Congress with images of crosshairs on an electoral map. Some defended Palin by observing that Loughner was an anarchist who despised all politicians regardless of their affiliation (Cohen 2011; Przybyla 2011).

Almost immediately three competing claims emerged: (1) gun control v. Second Amendment right to bear arms; (2) the mental illness of the shooter, and (3) the

violent tone of right-wing attacks on the federal government. Because the nature of claims-making is essentially *subjective*, the three competing claims indicate a lack of consensus on the underlying causes of the shooting. Newsweek magazine exploited and sensationalized the Tucson Massacre on its cover with an illustration of a handgun shooter wrapped in an American flag and the bold font: *American Assassins*. It was extremely misleading and opportunistic to display the shooter with patriotic motives.

After the shooting, Loughner was diagnosed with schizophrenia and forced to undergo psychotropic drug treatments. Eventually, a federal judge claimed Loughner understood the charges brought against him (Billeaud 2012). Loughner subsequently (August 2012) plead guilty in the Arizona shooting (January 2011), was sentenced to seven consecutive life terms in prison (November 2012) —most likely in a federal prison psychiatric ward— and an additional 140 years without the possibility of parole (Keefer and Holstege 2012). At the sentencing hearing, a large group of victims and family members confronted Loughner, including Mark Kelly (Giffords' husband); Ron Barber, a former Giffords' staffer who was shot in the cheek and thigh during the attack and later won election to Giffords' seat when she stepped down; and Mavy Stoddard, whose husband died shielding her from bullets. Pima County prosecutors retained discretion to seek the death penalty against Loughner if the state files charges against him.

CLAIMS-MAKING ABOUT THE TUCSON SHOOTING

This section considers the three claims that competed in the media over the Tucson massacre: 1) gun control v. the right to carry guns; 2) political ideology; and 3) the mental illness of the shooter.

Gun Control v. The Right to Carry Guns

Almost immediately, gun control advocates began placing the blame on the relaxed laws allowing easy accessibility of

firearms. Gun control activists began pushing for increased restrictions on the sale of firearms and ammunition, especially high-capacity ammunition magazines. They argue that such ammunition is designed specifically for killing multiple victims and that the law-abiding public does not have need for such ammo, and consequently, that ammunition should be restricted. Even so, in states with the most strict gun laws (e.g., California) hand guns are permitted for self defense in homes and businesses.

Second Amendment supporters fired back that people –not guns– kill other people. It was widely reported after the shooting that Loughner had legally obtained the handgun used in the shooting. He bought the Glock 9 millimeter gun from Sportsman’s Warehouse on November 30th, 2010 (Doar 2011). However, since he lied on the form, technically he did not purchase it legally. By lying, he committed a felony. This store is a federally licensed firearm dealer (FFL). As such, it is required to obtain an ATF form 4473 for every firearm sold. The form secures personal data about each buyer. Then the data is used to execute a NICS (National Instant Criminal System) background check.

Question 11.e on the current ATF Form 4473 states as follows: “Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance?” If the potential purchaser answers “yes” to any of the sub-questions (i.e., A-L) on Question 11, he or she is not legally permitted to buy a firearm. Loughner must have answered “no” to this question; his background was checked without raising any red flags. Later it was revealed that Loughner smoked marijuana on a regular basis (Belleville 2011). Furthermore, he was refused admission into the U.S. Army because of this admitted addiction (Thompson 2012).

ATF Form 4473 continues: “I certify that my answers to Section A are true, correct, and complete... I understand that answering “yes” to question 11.a. if I am not the actual buyer, it is a crime punishable as a felony under Federal law and may also violate State

and/or Local law. I understand that a person who answers “yes” to any of the questions 11.b through 11.k is prohibited from purchasing or receiving a firearm unless the person also answers “yes” to question 12. I also understand that making any false oral or written statement or exhibiting any false or misrepresented identification with respect to this transaction is a crime punishable as a felony under Federal laws, and may also violate State and/or local laws. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law” (United States Department of Justice. Bureau of Alcohol, Tobacco, Firearms, and Explosives 2012).

Sportsman’s Warehouse completed their obligation as required by law; they accepted the application as sworn statements and ran the background check (NICS) in good faith (Doar 2011). A week after six people were killed and fourteen wounded, Tucson, ironically, hosted a gun show at the Pima County Fairgrounds. The Crossroads of the West Gun Shows of Arizona was advertised as fun for the whole family, with M-16s, AK47s and funnel cakes. It attracted thousands of firearm enthusiasts and entice more people than any other gun shows in America. One can bring his or her guns and buy, sell and trade at hundreds of displays to satisfy the demands of everyone who attends. No loaded firearms and no loaded magazines are permitted in any Crossroads Gun Show.

Gun advocates argue that criminals will not be honest in their gun purchases. Consequently, more or stricter gun laws will not alleviate gun violence since criminals will not obey the law. Accordingly, there is no way to stop deadly shootings. Gun advocates seem to imply or explicitly state that the occasional shooting is the price we pay for Second Amendment freedom.

Political Ideology

Others felt that the root of the heinous crime was political ideology. Gabriel Giffords is a Democrat, the political party the target of

hate speech by right-wing Republicans, Tea Party supporters, and ultra-conservative talk show personalities. This included, but was not limited to, Glenn Beck, Rush Limbaugh and Ann Coulter. Thus the shooter was inspired by violence-laden speech to commit mass violence.

Sarah Palin placed a map of the United States on the website of her Political Action Committee showing the whereabouts of twenty Democratic politicians who needed to be replaced, including Gabrielle Giffords. When Palin used, in her own words, "bullseye icons" (that is, gun sights) –the argument continues– she essentially committed an act of criminal incitement (Democratic Underground 2011).

The map stated: "Don't Retreat, Reload." Palin supporters became indignant over the accusations, accusing the political left of using the massacre for political reasons. The NRA and right-wing pundits blamed liberals and gun-control advocates of tapping this tragedy to promote the political agenda of restricting gun sales and consequently violating the Second Amendment– the right to bear arms. After all, where were the left wing calls for gun control considering the huge number of people killed *individually* in schools or drive-by shootings? Just because such types of gun violence are much more common than mass shooting, Palin's staff claimed that the targeted list of Democratic politicians did not imply guns and to suggest otherwise is appalling and obscene.

Pseudo academics have also joined in the toxic political right-wing rhetoric. For example, conservative author Michelle Malkin (2009) wrote the *Culture of Corruption: Obama and His Team of Tax Cheats, Crooks, and Cronies*. This volume claims that the Obama administration has had dozens of instances of corruption (Today Books 2009). The title refers to a political slogan (i.e., culture of corruption) used by Democrats to refer to events that happened during the presidency of George W. Bush.

The *Culture of Corruption* was published by Regnery Publishing. They specialize in conservative books characterized on its website as "contrary to those of 'mainstream'

publishers in New York" (Regnery 2012). Regnery has become notable for the well-known authors of its books– in addition to columnist Michelle Malkin, former Republican Party chairman Haley Barbour, Ann Coulter, former Speaker of the United States House of Representatives and 2012 Republican presidential candidate Newt Gingrich, commentator Robert Spencer, pundit David Horowitz and Barbara Olson. The conservative publishing firm has also become striking because of its penchant for political controversy with a high profile on the national stage.

Progressive voices have responded to this type of right-wing rhetoric. Two examples follow: (1) *New York Times* columnist Paul Krugman and (2) journalist John Wright (2012).

Paul Krugman stated:

"I remembered the upsurge in political hatred after... Clinton's election in 1992– an upsurge that culminated in the Oklahoma City bombing... you could see... by watching the crowds at McCain-Palin rallies... it was ready to happen again.... it's the saturation of our political discourse–... especially our airwaves– with... rhetoric that lies behind the rising... violence. Where's that... rhetoric coming from? ...the right. It's hard to imagine a Democratic member of Congress urging constituents to be "armed and dangerous" without being ostracized; but Representative Michele Bachmann, who did just that, is a rising star in the GOP... there's a huge contrast in... media. Listen to Rachel Maddow or Keith Olbermann... caustic remarks and mockery aimed at Republicans. But you won't hear jokes about shooting government officials or beheading a journalist at *The Washington Post*. Listen to Glenn Beck or Bill O'Reilly, and you will. The purveyors of hate have been treated with respect, even deference, by the GOP establishment."

John Wright's *The Obama Haters* indicated:

"Though Obama's election showed progress, the McCain-Palin campaign used smear tactics. Their operators pulled out all the stops in an attempt to win and spread falsehoods about Obama that have... multiplied after the election. *The Obama Haters* seeks to answer the following questions: Who are these Obama haters? Why do they despise him? Why do various news organizations, commentators, and political entities treat the same facts differently? Why are these pundits so powerful? Wright... lays out the democratic principles and civility toward which Americans should strive... he investigates the persistent expressions of hatred for... Obama, connecting historic antecedents of political mudslinging along with the background of... right-wing smear tactics... he shines a... spotlight on the haters and fear mongers... While Americans have the right to criticize their political leadership, their reasons... should be based on facts. Those who invent and repeat lies to hurt the reputation of leaders weaken the democratic ideal. This book is for anyone who wishes to learn how to cut through the... propaganda to make informed decisions based on truth."

Cortese (2011) offers praise for *The Obama Haters* (Wright 2011): The value of this volume is calling out hate mongers before they encourage more political violence such as the January 2011 tragedy in Tucson. In effectively countering vicious lies about President Obama, John Wright makes a strong case for recognizing and marginalizing potentially dangerous hate speech thinly veiled as free speech. The words we choose to use color our world and perceptions and influence our behavior. Even when there is an absence of incitement to violence, there are those whose inner psyches are

stimulated to ethno-violence by such rhetoric.

The Mental Illness of the Shooter

The third competing narrative is the mental illness of the shooter. "This is genocide in America," proclaimed Loughner, as he walked through his community college campus videotaping one evening. He appeared to ramble and not make much sense in the home video. When he first appeared in a packed courtroom, Loughner was shackled and in khaki prison garb; he appeared to smirk as he stood before the judge. Mental illness was apparent in his expression and demeanor. Loughner had been the focus of a series of legal squabbling for nearly two years since the mass shooting. He originally plead not guilty to 49 charges filed by federal prosecutors. Loughner, then a twenty-two-year-old fixated on Giffords (Allen 2012), has a history of drug possession charges. He had also been suspended by his community college for disruptive behavior. Court filings include notes allegedly handwritten by Loughner indicating his plans to kill Giffords (*Chicago Sun Times* 2011).

Although the motive for the shooting still remains unclear, Bryce Tierney, a close and long-time friend shed some light on the subject (Baumann 2011). Tierney, who attended high school and college with Loughner, claimed that Loughner held a long-standing resentment for Giffords, repeatedly disparaging her as "fake." Loughner's grudge against Giffords deepened when he appeared at a campaign event and she did not, in his opinion, adequately respond to a question he asked.

Loughner was also obsessed with "lucid dreaming"—the notion that conscious dreams are an alternative reality in which a person can live and control (Baumann 2011). Loughner appeared to replace reality with this dream-like awareness, did not cooperate with authorities and appealed to his right to remain silent (CNN Staff 2011). Based on two independent psychiatric evaluations that diagnosed Loughner as schizophrenic, a judge ruled Loughner incompetent to stand trial (CNN 2011). Despite protests by his defense team, Loughner was forcibly

medicated to control his mental illness and render him fit for trial.

The Brady Bill

The Brady Bill (Brady Handgun Violence Prevention Act), signed into law by President Clinton on November 23, 1993, also needs to be revisited. The Bill was named in honor of Press Secretary, James Brady, who, during an assassination attempt on President Reagan, was shot by John Hinckley and permanently paralyzed. It requires a five-day waiting period to do a background check before a gun could be purchased. The five-day waiting period stipulated by the Act has now expired with the NICS permitting instant background checks. The five-day waiting period needs to be reinstated since 25 percent of those banned from owning firearms are not in the centralized electronic system and must be search for manually. It would not be unusual to run out of time before locating files indicating a person not legally permitted to buy a gun. Moreover, there should be multiple independent assessments of mental health as a check for examining whether a person is mentally and emotionally stable enough to purchase, possess, carry a concealed weapon and fire a firearm.

Another major loophole that would have to be closed for effective gun control reform is that only dealers who had been licensed by the Treasury Department to sell arms to private individuals were required to carry out this check. Successful reform requires background checks for all firearms sales. There are also hurdles of unconstitutionality imposed by the Supreme Court that block gun reform.

The Supreme Court has stopped key elements of gun reform:

1. Ruling hand gun ownership constitutional— exemplary of *arms* within the context of the of *Secord Amendment* (right to keep and bear *arms*);
2. Striking down Washington D.C.'s gun reform act as unconstitutional.
3. Revoking the argument that guns must be unloaded. This proposal

required all firearms (hand guns, shot guns, rifles) be stored “unloaded or disassembled or bound by a trigger lock.”

These problematic issues must be overcome in new legislation.

The School Shooting in Dunblane, Scotland

Perhaps we can take a cue on gun reform from the United Kingdom. The awful mass murder of a group of young children and their teacher was one of Britain's most tragic gun violence events (Cusick 1996). The massacre shocked the country— perhaps even the world. Then the country took steps to prevent a repeat calamity happening again.

On March 13, 1996, between 9:20 and 9:25 A.M., a forty-three-year-old former Scout leader, carrying four automatic handguns, passed through the gates of a primary school in the Scottish town of Dunblane (Cusick 1996). At 9:30, Thomas Hamilton put on ear protectors used to mute gun fire, rushed into the gymnasium and chased students, shooting at them until they fell. Hamilton shot and killed 15 children, five-to-six-year-olds, in a shower of bullets. One died later in the hospital. Their teacher, Gwen Mayor, a forty-four-year-old mother of two, was killed in the attack trying to save her students. Two other teachers were also seriously injured as they attempted to shield children. With a self-inflicted gunshot, Hamilton then mortally wounded himself.

Some students knew him. One recalled Hamilton as a fellow passenger in his mother's car. The narrative described Hamilton as a loner obsessed with guns and young boys, sleazy, and alienated from society (Cusick 1996). It is claimed that he held a grudge against scouting and the community after police interrogated him regarding inappropriate behavior to boys in his care. Nevertheless, Hamilton had a permit to own handguns, including the ones with which he used to kill at the school.

The massacre, presumably the worst case of gun violence in Great Britain, had a

considerable impact on Scotland, as well as the rest of the UK and around the world. Stunned Dunblane residents and grieving family members demanded to know how a person like Hamilton could be sanctioned to own a gun. In the months preceding the shooting, an anti-gun petition signed by nearly three-quarters of a million people was submitted to the government that, in turn, established an investigation of gun laws and protection of the public.

In 1987, another lone gunman killed another 16 people in the Hungerford massacre. Britain subsequently introduced legislation—the Firearms (Amendment) Act 1988—requiring registration for shotgun ownership and the banishment of semi-automatic and pump-action weapons. Within a year-and-a-half of the Dunblane massacre, lawmakers had passed a ban on the private ownership of all handguns in mainland Britain—perhaps the toughest anti-gun legislation in the world (Cusick 1996). Firearm amnesties throughout the country resulted in the voluntary forfeiture of thousands of firearms and rounds of ammunition.

There were about 200,000 legally registered handguns in Britain before the ban, most owned by sports shooters. Rifles used for target shooting were banned as well as .22 caliber handguns. Penalties for possession of illegal firearms range from heavy fines to a ten-year prison term. It is evident that gun reform emerged because of the two tragic mass shootings in consecutive years. The public generally supported the ban and saw no need for guns. This reveals a huge disparity between the British disconnect with guns and U.S. *gun culture*. Nevertheless, libertarians stated that the ban deprived legitimate sports shooters of their avocation, and demonized and scapegoated them. A limited ban will never solve a complicated problem. Accordingly, handgun crime will continue and probably grow.

The ban initially appeared to have little effect; the number of crimes involving guns in England and Wales rose heavily during the late 1990s to peak at 24,094 offenses in 2003/04. Since then the number has fallen in

each year. In 2010/2011 there were 11,227 offenses, 53 percent below the peak number. Crimes involving handguns also declined 44 percent from 5,549 in 2002-2003 to 3,105 in 2010/11.

Despite data showing declining crime rates, the efficacy of Britain's gun laws has been called into question. The most prominent mass shooting occurred in northern England in 2010 (Cusick 1996). A lone gunman killed 12 people in a four-hour shooting spree in rural Cumbria. After a vast dragnet, the body of 52-year-old taxi driver Derrick Byrd was found alongside two powerful rifles, one equipped with a telescopic sight. Data reveal a slight but significant decline in the use of firearms since Dunblane. The murder rate has decreased and signs are heading down the right path. The decline in gun crime reflects new legislation combined with improved law enforcement techniques against gangs. Gun control is not a panacea for mass shootings. The quagmire of gun use remains and while tighter gun control alleviates risk on an incremental basis, a substantial amount of weapons persists in Britain.

CONCLUSION

There is little to suggest that Loughner was influenced by the rhetoric of conservative talk show hosts such as Russ Limbaugh or extreme right-wing conservatives and Tea Party politicians such as Sarah Palin. We do not know whether he watched those types of programs or read such types of literature. Loughner appears to be an anarchist who is deeply disturbed and mentally ill with schizophrenia. He was out of touch with reality at the time of the shooting and living in a dream-like trance through lucid dreaming. The narration of the late night video he made as he walked through the campus of his community college shows the strain in his voice and how deeply disturbed he was at that time. He proclaimed, "This is genocide in America," reflecting a persecution complex.

Loughner showed his disdain for authority through the smirk on his face when standing

in front of the judge while receiving the five charges against him and in his video where he sarcastically remarks to an instructor: "Thanks for giving me a B." He was a burning fuse in the midst of hate rhetoric toward President Obama, his administration and Congress. Loughner resided in Tucson, the same city as Giffords, the closest and most convenient target on Palin's congressional map. The target just happened to be someone that he believed insulted him in public by not sufficiently responding to his question. In his view, this caused Loughner to lose face—causing public shame and humiliation. Although right-wing rhetoric may not intend to instigate violence, it may serve to incite a psychologically disturbed individual to go over the edge.

Loughner followed procedure in purchasing the gun used in the shooting. Technically, he committed a felony by lying that he did not use illicit drugs (marijuana, in this case). Smoking marijuana, however, may not have caused him to commit mass murder. Gun laws are far too lax. They can be improved by having a significant waiting period, thorough screening using multiple psychological assessments, and limiting clips to six bullets. Federally-licensed firearms dealers should not accept the ATF Form 4473 as a sworn statement. It is insufficiently binding. Firearms dealers must be allowed to use discretion and common sense. High-capacity ammunition magazines should be banned as they are not generally used for hunting or self-defense. They are, however, more readily used for mass murder. Another restriction is banning firearm sales through Internet or postal mail sources and closing the loopholes on gun show sales and enhancing background checks. The denial of sale can always be appealed.

Without strong leadership and legal "teeth", the ATF lacks the power to live up to its mission of protecting citizens from gun violence. In fact, there is no federal agency to adequately address violent crime within a public health agenda. The mass shooting in Tucson did not provide the fulcrum to change gun policy. Members of Congress felt safe even after the shooting. The NRA counts on

collective amnesia after such tragic mass shootings— that people will soon forget. The rhetoric is repeated: gun control not the answer. The issue of gun control gets diffused. For example, in the aftermath of the Tucson shooting, claims for greater gun control were dispersed in a discussion of competing claims, including political hate rhetoric and the mental illness of the shooter.

Congress, especially the Senate, is under the influence of NRA lobbyists and will not pass any legislation that may limit Second Amendment rights. This begs the question: What will it take to reform gun control? Perhaps it will occur in the advent of a more tragic, deadlier massacre than the Tucson one.

President Obama could issue a series of Executive Orders aimed at protecting private citizens from gun violence. However, if he does, he will be criticized as anti-Democratic and dictatorial by a Republican controlled House of Representatives, a NRA controlled Senate and a host of conservative right-wing pundits. It is important to note that even Gabriel Giffords and her husband, Mark Kelly, prior to the Tucson shooting, were gun advocates, promoting responsible gun usage. Right-wing conservatives insist that claims for gun control are nothing more than using a massacre to push a political agenda that attempts to restrict Second Amendment rights. The NRA fails to recognize that people in communities are affected by gun violence, even if they are not victims or family members of victims. In the Norway mass shooting and bombing in July 2011 that killed 77 people and wounded over 300 others, one out of every four Norwegian citizens knew a victim of the massacre (Skjeseth 2013).

Within the NRA, there is also a huge disconnect between the upper echelon leadership and rank-and-file membership (Mayors Against Illegal Guns 2012). The latter is aligned with the majority of Americans favoring background checks on all gun sales and banning high magazine assault weapons. Many lawmakers, politicians and the public have called for stricter gun control laws at the federal level, including a revisit and reinstatement of and

improvement on the 1994 Feinstein assault weapons ban that expired in 2004. By improvement, I mean a ban on the sale, transfer, importation, and possession of assault weapons defined as firearms with magazines that hold more than 10 bullets.¹ The bill should not be retroactive, but rather prospective. It would be problematic to outlaw firearms that were legally purchased. Any gun legislation should be introduced and eventually passed in both venues— Senate and the House. The disproportionately high number of mass shootings in the United States is an indication that our laws are excessive on individual freedom but short on individual responsibility and social welfare.

The tipping point or fulcrum to reform gun laws in the United States has decidedly come through the Tucson massacre. It has undoubtedly taken this atrocity to once again spark the serious gun reform debate.

END NOTE

- ¹ The 1994 bill defined assault weapons as guns with clips that held more than 4 bullets— putting an end to the majority of semi-automatic pistols and revolvers that are typically used with magazine capacity of four to seven bullets. This excludes a bullet that can be placed in the chamber.

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Stories of Old-Time Oklahoma

By David Dary

ISBN 978-0806141817

Do you know how Oklahoma came to have a panhandle? Did you know that Washington Irving once visited what is now Oklahoma? Can you name the official state rock, or list the courses in the official state meal? The answers to these questions, and others you may not have thought to ask, can be found in this engaging collection of tales by renowned journalist-historian David Dary.

Most of the stories gathered here first appeared as newspaper articles during the state centennial in 2007. For this volume Dary has revised and expanded them— and added new ones. He begins with an overview of Oklahoma's rich and varied history and geography, describing the origins of its trails, rails, and waterways and recounting the many tales of buried treasure that are part of Oklahoma lore.

But the heart of any state is its people, and Dary introduces us to Oklahomans ranging from Indian leaders Quanah Parker and Satanta, to lawmen Bass Reeves and Bill Tilghman, to twentieth-century performing artists Woody Guthrie, Will Rogers, and Gene Autry. Dary also writes about forts and stagecoaches, cattle ranching and oil, outlaws and lawmen, inventors and politicians, and the names and pronunciation of Oklahoma towns. And he salutes such intellectual and artistic heroes as distinguished teacher and writer Angie Debo and artist and educator Oscar Jacobson, one of the first to focus world attention on Indian art.

Reading this book is like listening to a knowledgeable old-timer regale his audience with historical anecdotes, "so it was said" tall tales, and musings on what it all means. Whether you're a native of the Sooner State or a newcomer, you are sure to learn much from these accounts of the people, places, history, and folklore of Oklahoma.

Award-winning writer David Dary is retired as head of what is now the Gaylord College of Journalism at the University of Oklahoma. He has published numerous articles on the Old West and the plains region and authored eighteen previous books, including *Cowboy Culture*, *True Tales of the Prairies and Plains*, and *Frontier Medicine*.

