

U.S. Gun Control

Inequality and Mass Policing

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## U.S. Gun Control: Inequality and Mass Policing

Gun violence is a major problem in the U.S. Available data indicate that there have been as many as 1,600 mass shootings between when the Sandy Hook Elementary School shooting occurred in December 2012 and June 2018. However, mass shootings only comprise a small segment of overall gun violence, as nearly 39,000 firearm-related deaths occurred in 2016 alone (Lopez). Liberals have given this uniquely American problem greater attention in recent years, particularly in March of 2018 when hundreds of thousands of protesters gathered in Washington, D.C. and across the nation calling for more stringent gun control laws (Shabad et al.). This is a generally positive and therefore welcome development. Nevertheless, the false dichotomy between liberals and conservatives has become reified in a way that is unhelpful and ultimately ahistorical. Liberals frequently refuse to discuss the mechanics of how reform could be carried out without intensified policing, while conservatives see no problem with the mass distribution of automatic weapons *in addition to* intensified policing necessary to control an over-armed population. The history of racist mass policing under the guise of protecting the citizenry from armed “thugs” is regularly overlooked as well. It is this reification and ahistoricism that must be countered to thoroughly understand the deeper roots of the phenomenon. In order to end gun violence, society must address gross inequalities, propose and enforce gun restrictions in a way that does not contribute to mass policing and incarceration, and ultimately disarm both the populace and law enforcement.

One of the primary drivers of gun violence in the U.S. is the persistence of gross inequalities. Not surprisingly, there is a strong correlation between heightened inequality and a high homicide rate per capita (Paul). High incidence of gun violence is deeply intertwined with conditions of “poverty, unemployment, lack of adequate housing, schooling, and health care”

(Majumdar). It is in this context of inequality that a “gun culture” is bound to thrive. This produces an extremely alienating environment in which there is an ongoing threat of dispossession, and guns provide a false sense of security (Majumdar). Consistent with this, many of the gun-related deaths in the U.S. do not result from mass shootings; most occur within the context of interpersonal conflict, often within poverty-stricken neighborhoods, or because of suicide. Mass shootings understandably elicit outrage and shock, but the quotidian nature of gun violence which takes place across the U.S. each day goes unnoticed. This should suggest that the U.S. cannot simply impose gun control measures without addressing the unequal, socioeconomic underpinnings which propel gun violence in the first place. A serious political program which seeks to radically transform our society to be fairer and more just cannot look only at the smaller sliver of mass shootings, nor can it settle for a normative ideal of “equality of opportunity.” It must look at the totality of gun violence and its link to inequality and it must focus on improving equality of outcome.

Within an unequal society in which social protection of the working class and poor are continually attacked and eroded, there is an increasing sense of a lack of political and economic efficacy; indeed, many are apathetic to the political process altogether (Kerbel 66-67, 113-14). To address inequality, the Left must build a political program which can articulate working-class concerns. The Left must reject the claim that gun violence is an individualized problem, caused by mental illness or criminality. Instead, it should be made clear that capitalism, and the very notion of private property, can only be maintained as a social and ideological order through coercion and violence, often carried out by law enforcement with guns. It is in this context, one of constant fear of dispossession, in which violence ensues. Consequently, a gun control intervention that does not or cannot address inequality will leave the deeper causes of violence in

place. Such violence will invariably have to be managed by aggressive, broken-windows type policing, increased levels of incarceration, and ultimately violence perpetrated by police as a means of managing the deleterious consequences produced by bourgeois class power.<sup>1</sup>

The current US gun control laws are enacted and enforced in a way that entails mass policing and incarceration, disproportionately impacting poor and working-class people. This “War on Guns” has largely been a bipartisan project in which both sides of the aisle see no problem with imposing mandatory minimum sentences for felons arrested for possessing a firearm. Even more outrageous is the fact that the gun need not even be used in a crime. For instance, DeJarion Echols was arrested for possession of crack cocaine and an unloaded rifle under his bed. There was no connection between drug dealing and the rifle, and he did not even own any bullets for the rifle. That notwithstanding, he was convicted and sentenced to two ten-year minimum sentences; one for the crack cocaine and the other for possessing the rifle (Denver, “Better Gun”). Echols’ mandatory minimum sentence is far from anomalous. In the fiscal year 2017 alone over 6,000 people were convicted of violating 18 U.S.C. § 922(g), the statute which sets restrictions on gun ownership for felons and unlawful users of any controlled substance. Over 97% of those convicted were sentenced to prison for an average duration of 64 months (“Quick Facts”). Ironically, many of the same people who see the “War on Drugs” and the hyper-policing it entails as a failure, fail to see a similar link when it comes to gun control. Indeed, what some have called the “War on Guns” may have similar implications to the “War on Drugs” (Walker 23-27). The Left must be cognizant of this as it moves forward to enact gun regulations.

Law enforcement often employs aggressive policing approaches under the guise of removing illegal weapons from the streets. The practice of stop-and-frisk policing, introduced by

the New York City Police Department, exemplifies an aggressive approach to gun control. Stop-and-frisk practices are premised on *Terry v. Ohio*, which created an exception to the Fourth Amendment allowing the constitutionally mandated practice of obtaining a search warrant to be circumvented. Instead of the need to demonstrate probable cause necessary for a search warrant, a lower standard of “reasonable suspicion” would suffice. The Court’s decision in *Terry* created an opportunity to institute various mass policing schemes. In 1994, John Q. Wilson’s NY Times essay exemplified this approach. Wilson, relying on *Terry*, contended that police officers should “take guns away from people who carry them without a permit” by encouraging officers to “make street frisks.” He concedes that many innocent people, predominately black and Latino, will be stopped in the process, but that, nevertheless, stop-and-frisk is necessary to confiscate illegal guns (Wilson). Other proponents of aggressive policing, such as Heather Mac Donald, argue that tactics such as stop-and-frisk, and the racially disparate outcomes manifest in such programs, are simply a result of intensified policing in places where it is needed (Jost 1021). Thus, the sophistry animating this argument is that stop-and-frisk is a beneficent program and that the police are only using heavy-handed, stop-and-frisk tactics because they must, and/or no other solutions are available.

What is most striking about these arguments is their contradictory nature vis-à-vis civil liberties. Reactionaries insist that the Second Amendment must be protected at all costs, but often in the same breath see no problem with abridgement of Fourth Amendment rights. Groups like the NRA and its CEO, Wayne LaPierre, defend an absolutist reading of the Second Amendment on the grounds that it’s the right that guarantees all other individual freedoms (Denvir, “We Can Fight”), but at the same time the NRA has failed to defend lawful, black gun owners killed by law enforcement, such as Alton Sterling. Consistent with the racist narrative of

“good guy” vs. “bad guy,” they have been strong supporters of law enforcement’s aggressive tactics and emphasized the need for harsh penalties (Denvir, “Better Gun”). Unfortunately, liberals and conservatives see the interpretation of the Second Amendment as the only point of contention, and the Fourth Amendment continues to be eroded without much notice.<sup>2</sup> In much the same way that anti-terrorist social panic impelled Americans to cede some of their civil liberties in exchange for the government’s “protection” after the 9/11 attacks, America’s gun problem has the potential to elicit similar indifference to civil liberties. That is, gun laws that promote aggressive policing and prosecution could function analogously to how the PATRIOT Act functioned to permit eavesdropping without a warrant (Kerbel 29-30). In another example, Benjamin Levin draws a comparison between the “War on Drugs” and the “War on Guns,” suggesting that they may function similarly in infringing on civil liberties and promoting aggressive policing strategies and prosecutorial overreach (2186-87). Although both “wars” materialized out of concern for the “social scourges that have wreaked havoc in communities, ... both have also contributed to the mass incarceration of members of those same communities” (2177). Therefore, it should be emphasized, particularly in exigent times, that surrendering civil liberties in exchange for mass policing and surveillance is unacceptable. None of this should be construed to say that gun control measures are wrongheaded or unreasonable, or that a laissez-faire gun control policy is the only option. The Left’s task is to ensure that gun policy is enacted and enforced in a way that does not ultimately harm the people it is supposed to protect.

An integral element of any gun control movement should be a push to disarm the police. With the increasing support for more stringent gun laws in recent years (according to Marshall, 67% of Americans support stricter gun controls, the highest rate in over 20 years) along with growing support for movements highlighting instances of police violence, now is an opportune

moment to emphasize that society itself should be disarmed, including law enforcement. Emphasizing a link between incidences of police gun violence and gun violence more generally offers a holistic way to look at violence as a problem that plagues all of society, rather than a problem of a few psychotic or criminally insane mass shooters. Furthermore, if Americans are disarmed, there would be little need for armed law enforcement, much less the militarized police departments the U.S. has now. As an interim measure, the Left could push for the demilitarization of police forces, including the relinquishment of their automatic weapons. However, full disarmament should not be considered an entirely fanciful possibility; leftists should point to New Zealand and countries in Europe as success stories of disarmed police (Majumdar).

In conclusion, gun violence is not simply a matter of a few mentally ill or pathologically criminal actors; it is a phenomenon which occurs in the broader context of gross inequality in the U.S. The present methods and practices of gun control by law enforcement and prosecutors are utterly compatible with the current regime of upward redistribution and dispossession. That is to say, a Left which aims to disarm society must also be able to fight for a more egalitarian society itself. Anything less is inadequate in that it will leave the deeper roots of gun violence in place, only to be managed and contained by law enforcement. With this understanding, it should be emphasized that a more egalitarian society must not only disarm its general population, but it must contemporaneously disarm the police, to fully realize a fairer and more just world.

Notes

1. See Reed, especially the 6<sup>th</sup> and 10<sup>th</sup> paragraphs.
2. See, for example: Richards v. Wisconsin; Adams v. Williams; United States v. Musa;  
United States v. Stowe; United States v. Singer.



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