

**THE RECESSION AND LAW ENFORCEMENT LAYOFFS  
WHAT IS THE IMPACT ON BUSINESS SECURITY AND CRIME AGAINST BUSINESSES?**

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**Abstract**

*This research analyzes the impact of two confluent factors upon business safety/security; (1) the nationwide economic recession, which has led to cities and governmental organizations laying off police and law enforcement personnel, and (2) record high rates of concealed firearm carry permits issued to the public, motivated by a well-organized social movement for Second Amendment Constructionism, accompanied by increases in firearms and ammunition sales such that many dealers cannot meet customer demand. Conventional wisdom has it that fewer jobs, less money, more guns and less police/law enforcement personnel lead to more crime. Yet available data show that gun deaths inflicted by this new generation of CCW (Carry Concealed Weapons) permit holders are at a much lower level than that of the general US population. Extensive background checks and training of CCW (Carry Concealed Weapons) permit holders/licenseses are credited with these extremely low rates of death and crime. The expanded rights of these Second Amendment Constructionists are discussed in the context of business and organizational safety.*

**Key Words:** Economic Downturn; Recession; Business Security; CCW (Carry Concealed Weapons); RTC (Right-to-Carry); Gun Violence; Layoffs of Police / Law Enforcement Officers; D.C. vs. Heller; Second (2<sup>nd</sup>) Amendment Rights, Second Amendment Constructionism.

**Introduction**

Daily the grim message of recession, economic downturn, plant closings, job loss, bankruptcy, and now layoffs of police and law enforcement officers are relayed to us by a variety of news sources. With the reality of police/ law enforcement layoffs, the ever thin blue line is now “a thinner blue line” according to research by Harpen (2009). Harpen shares findings that, “Cutting back on [police] officers makes it more convenient for people to commit crimes without being caught” (2009). Police officials have resorted to string language analogy when discussing the executives whom they perceive as being behind the layoffs, “I equate him [The Mayor] to a terrorist because it’s like he’s holding the police officers hostage and pitting us against the residents” (Harpen, 2009). Police note that the negative effect of cuts is measured in “response time”. Harpen reported “...the field day criminals had when the police went on strike...” and also that “arsonists set fires in broad daylight that burned down entire blocks of houses” [the firefighters were on strike, too] (2009). Weber shares concerns with what police officials detail as “...a delay in police response and an increase in crime...” will result from police layoffs in cities that have a troubled budget (2009).

Dan Wagner, a police expert, says that police will not be able to respond quickly to incidents involving a weapon or potential injury and predicts crime rampant crime (Messina & Weber, 2009). So far news media have been the harbingers of the trend. Wagner noted, “You’re going to have to start triaging crimes of violence, which is sad when you’re a victim of violence and you don’t see any follow through” (Messina & Weber, 2009). Triage or triage is defined as sorting out of casualties to determine priority of need and treatment as well as the classification of the injured and dying as who(m) could survive (Medical Dictionary, 2009). A forty percent (40%) layoff figure of law enforcement personnel is reported in a mid-western jurisdiction by Gilbert (2009). Due to a lack of funds, law enforcement “furloughs” have also become a reality. A County Commissioner said “Everyone is nervous about it and is concerned” (Gilbert, 2009).

From the west coast of the USA, Siders (2009) as well as Kimitch (2009) reports layoffs of police officers. Dombrowski (2009) finds police layoffs in New Mexico State Police. Matz (2009) shares speaking of Police layoffs “There’s no guarantees right now—not in this economy” and titles the findings *Layoffs Expected at Police Department*.

Michigan, with one of the highest unemployment rates in the USA, has now added police to the unemployment lines. Zakalik’s (2009) data was directly from the police. “We [The Police Department] will get to you when we can or we’ll tell them [people being held at gun point] we’re not a full service agency and you have to resolve your own problems.” Usually the Chief of Police reports a sunny picture – NOT today. Jackson, Michigan Police Chief Matt Heins said, “...cutting almost 15% of my sworn staff, it will have a drastic impact on how we deliver service” (Zakalik, 2009). Pennsylvania was covered by Silver & McNulty (2009), where a SWAT team may be disbanded, as well as officers that are assigned to multi-jurisdictional task forces. Police observed, “It’s going to be like the cable company – we’ll be there Wednesday between 12 and 3” (Silver & McNulty, 2009). Likewise in Rhode Island, as reported by Crandall (2009), both police and fire departments may be facing unemployment. In New Jersey, Megerian (2009) discovered that 20% of New Jersey Police Departments are considering layoffs.

An unexpected consequence of looming layoffs is early retirement of senior police officers. Messina & Weber (2009) report that rather than take pay cuts, senior officers are retiring, for if they wait for retirement, they will be forced to retire at lower pay scale. Many have more than thirty (30) years of experience, and their retirement will leave law enforcement without the needed depth of knowledge. Mayors and city managers have discovered that the threat of layoffs will produce the retirements and resignations needed to reduce police departments and meet cost and budget reductions (Messina & Weber, 2009). In addition to an economy headed down, lost jobs, and less money to spend, Chavez (2009) reported a spike of 47% in bankruptcies in an average mid-west city, accompanied by high unemployment. Reindel (2009) asked citizens to imagine a city without law enforcers, less tax collection, permit inspection, zoning officials, contract compliance specialists, and 150 fewer police officers. “Will there be a to a “Wild West scenario?” (Reindl, 2009). Troy’s research shows that a 25 % reduction of police that includes gang task force, detective bureau, vice-metro, mounted patrol and SWAT team will mean “. . . more fighting and contesting for control by drug-dealing gangs (2009, p. 3)”. Subsequently gang members boasted on T-shirts, “When the 150 go, we’ll run the show!!!”

The conclusion was, “This summer it’s going to be crazy. A lot of people are going to die . . .” (Troy, 2009, page 1). Even the Chief of Police of a major city observes, “I’m not making predictions. I know we have a monumental task on our hands” (Troy, 2009). The research by Troy, 2009 ends with “With 150 police (25% of the Police force) officers facing layoffs . . . its’ up to the citizens.. . to keep their streets safe”. Concerned citizens did not need to wait long -- shortly after the police layoffs in a drug deal gone bad it was reported that “Man fatally shot; another is wounded !!” as citizens had reason to worry about less police on the street (Sigov, 2009). The men shot and the gunman were involved in a drug sale, then a citizen said, “ I was putting my kids to bed and heard six or seven shots fired. . . and saw two guys lying in the driveway. There was blood all over the place.” ( Sigov, 2009, page 1). When asked about the future, “I think there should be more police patrols around here” and “People are starting to get shot, and it’s only going to get worse!! (Sigov, 2009, p. 1).

Additionally, multiple gunshots in broad day light near 12 noon, a man is murdered on his front porch as he comes home from church (Baird, 2009). Called a “good guy and a good neighbor” the 47 year old church going citizen was listed as, “. . . an unfortunate reminder of why more police are needed to patrol streets “ (Baird, 2009, p. 6). The murder “. . . happened when police officers were being laid off. It’s unfortunate, because we need the Police “ (Messina, & Sigov, 2009). The victim was a business man who was active in church especially in the Bible study class and was active in outreach programs. He was described as “courageous, serious, humble and a godly man who was fun to be around” (Messian & Sigov, 2009 page 3).

First police layoffs , then the murder of an 88 year old woman, and attempted murder of her husband, who struggles to survive, police admit worry and say that criminals are exhibiting a more brazen attitude (Blake, 2009). After the brutal slaying, unread newspapers that detail the recent police layoffs piled on their front porch ( Blake, 2009). Was it brazen or was it revenge?? The 88 year old murdered woman was the mother of a Police Sergeant who frequently visited his parents at their home, now the crime scene.

Research by Messina (2009) observed that “Police layoffs let suspects walk free” since judges will be dismissing cases that involved police who were now unemployed.

A “free pass” on crimes charges ranging from misdemeanor traffic offences to felony drug cases ( Messina, 2009). Since a personally delivered subpoena to laid-off police officers is required, a judge stated , “we do not have the manpower or money to serve every officer” (Messina, 2009). Be charged with a crime, even a felony -- get a free pass. With more poor and needy people, the decrease of law enforcement is even more critical. Nationwide, with “THE THINNER BLUE LINE” as a background, where Police and Law Enforcement are laid off (downsized) the question of “how safe is the work environment????” needs to be asked. With this framework of triaging or triage and the sorting out of casualties and police officials talking about becoming “the cable guy,” being there sometime Wednesday between 12 noon and 3 p.m., perhaps the police may show up!!! How safe is life on the job??? Ryan (2009) writes that “...gun, ammunition sales rise...!” This sale of guns and ammo is a USA NATIONWIDE dynamic. The sale and purchase of weapons and supplies has been termed “...a buying frenzy” (Ryan, 2009).

A gun store owner says that the demand for guns and ammo are so high that she, “...Is forced to scavenge the nation for items,” to meet the guns and ammunition buying demand of her customers (Ryan, 2009). Furthermore, “...pistols are selling rapidly, and some guns are selling as soon as they hit the shelves. Ammunition is selling just as well. The whole [gun & ammo] industry is pretty tight right now. Ammunition has been pretty hard to come by” (Ryan, 2009). Theresa Cleland, a respected member of the business security community says, “I don’t believe guns are right for everyone but people need to know how to protect themselves” (Ryan, 2009). Increased guns and ammunition sales are a nation wide USA trend (Ryan, 2009).

With some police saying after layoffs, “we are NOT a full service agency, you will need to handle your own problems!!!” and with gun and ammunition “flying off the shelf” is the American business community safer or less safe???

### **Seven Recent Events Involving Firearms and the Workplace: Are Businesses Safer While Armed? Gun Fire at Miramar Foot Locker**

Shots ring out outside a Miramar Foot Locker when a security guard strikes a would-be robber. Police said a Marion security guard was having lunch in front of the Foot Locker at 3194 South University Drive Friday afternoon, when he saw a man covering his face with a bandana and taking out a gun. That's when the guard fired his gun striking the suspect four times, said police. (CBS4.com, 2008)

### **Hold up in Waco, Texas**

A juvenile is in jail charged with holding up a local gun store. Three other suspects remain on the run. Waco Police say four people stole several guns from the Guns R Us gun shop in the 2100 block of La Sallare just after 1:00 Thursday afternoon. Owner Gary Hammond says the suspects said they wanted to buy some equipment, but when he turned away to get it, the suspects stole eight guns and ran from the store. Three of the suspects ran across the street and started shooting at Gammond before driving off in a car. Hammond caught the fourth suspect, identified only as a 16-year-old male. Hammond says, "Too many guns in the hands of people who shouldn't have them. Law-abiding citizens need the guns, not criminals." (KCEN-DT, 2008)

### **Pawn shop manager shoots would-be robber (Houston, TX)**

“A robbery attempt in southwest Houston ended with gunshots and a suspect being taken to the hospital. Investigators say that two men walked into the Bayou pawn shop off Fondren near Clarewood with guns drawn. The manager reportedly grabbed a gun and fired at the men. One of the suspects was hit and the other surrendered. The condition of the suspect, who was hit by a bullet, hasn't been released. Police took three people in for questioning.” (KTRK, 2009)

### **Shotgun-toting robbery suspect shot and killed by business owner (Atascosa County, TX)**

“A business owner shot and killed a suspected robber near Poteet according to deputies. The Atascosa Co. Sheriff’s investigators say around midnight two robbers burst into Larry's Game Room on Hwy 16. The robbers, who had a shotgun and pistol, fired one shot in the ceiling and began demanding money. They forced a female worker to ground and pointed a shotgun at her. The business owner came out of the backroom with a 40-caliber handgun and shot one of the robbers in the head. Carlos Valero, 25, died at the scene. The other would-be robber ran off.” (Fernandez, 2009)

**Suspect Shot During Gas Station Robbery (Columbus, OH)**

“Police said a man was shot during a robbery at a northeast side gas station early Thursday. Two men went into Sam's Gas and Food, located at 1773 Fifth Ave., shortly after midnight as it was closing, 10TV's Tino Ramos reported. Police said the men had guns and attempted to rob the store. One of the clerks grabbed a gun and shots were exchanged between the worker and the robbers. One of the suspects was shot. The robber was taken to The Ohio State University Medical Center East. He was transported to OSU Medical Center where he was treated and arrested in connection with the robbery, Ramos reported. Police continued to search for the second suspect. The employees at the gas station were not injured.” (10TV, 2009)

**1 dead, one injured in Miami Burger King shooting (Miami, Florida )**

“One man was killed and another seriously wounded in a shootout inside a Miami Burger King on Tuesday, officials said. Police said a man wearing a ski mask walked into the store at Biscayne Boulevard and 54th Street and demanded money from a clerk. A customer, who has a concealed weapons permit, pulled a gun, said Officer Jeff Giordano, a Miami police spokesman. The customer and robber exchanged fire. The robber was shot dead at the scene. The customer, who had several gunshot wounds, was taken to Ryder Trauma Center in serious but stable condition, said Lt. Ignatius Carroll, a Miami Fire Rescue spokesman. At about 4 p.m., officials got several 911 calls reporting people shot inside the Burger King.” (Miami Herald, 2009)

**Store clerk saves his life in self defense shooting (Toledo, OHIO)**

The strong proof of guns saving lives is reported by Hall, 2004 where the research found the example of Habib Howard, Jr. Mr. Howard works in the family business Howard's Carryout. The family motto “Money can be replaced, lives can not” Habib Howard, Sr. (Hall, 2004). Mr. Howard the elder had instructed his family and employees to hand over the money and cooperate during any robbery because MONEY CAN BE REPLACED, LIVES CAN NOT !!!” Howard the younger had just received his CCW (Carry Concealed Weapons ) permit under the newly passed Ohio law. Below is an outline of the vetting procedure that ALL in Ohio must pass to obtain a CCW (Carry Concealed Weapons ) (Attorney General State of Ohio, 2009). The vast majority of states in the United States that have CCW (Carry Concealed Weapons ) laws and most states now have CCW require similar vetting and training, in fact The State of Ohio has reciprocity with many other states in the United States (Attorney General State of Ohio, 2009). Reciprocity is granted when the Laws and requirements of other states granting the CCW

(Carry Concealed Weapons) permit have as detailed requirements as the Laws of the State of Ohio dictate. Reciprocity allows the CCW (Carry Concealed Weapons) holder the same rights of self defense in the state in which they travel as well as their own home state. Habib Howard, Jr. had been vetted via fingerprints and photos under the Ohio Law of CCW (Carry Concealed Weapons ), that is ---no criminal record, no history of mental health problems (Attorney General State of Ohio, 2009). In fact, the Ohio law also checks nationwide for not only convictions but also for arrests for any crime, with special emphasis on crime with weapons, all felony charges, domestic charges and convictions and even arrests for crimes against a peace officer (Attorney General State of Ohio, 2009). Also, as required by Ohio Law, Mr. Howard agreed to OPEN any juvenile records and have those records of a criminal youth examined by officials of the State of Ohio to determine if he should be granted a CCW (Carry Concealed Weapons ) permit.

Habib Howard, Jr. passed the detailed criminal and mental health check outlined above. Habib Howard, Jr. had taken and passed the extensive safety and legal CCW (Carry Concealed Weapons ) training as well as the firing range examinations as required under the laws of the State of Ohio. Hall (2004) details that Mr. Howard was at work in the family business Howard's Carryout when a robber with a hand gun walked into the store and demanded money. Mr. Habib Howard, Jr. handed him the money in cash as instructed by his father to complete the family business motto of MONEY CAN BE REPLACE, BUT LIVES CAN NOT!!! The armed robber rather than leave with money in hand, as the gun man approached the door he turned back toward Mr. Howard and pointed his gun in the direction of the head of Habib Howard, Jr. While the armed robber had been walking toward the door with the stolen cash, Mr. Howard pulled out his gun. His CCW (Carry Concealed Weapons ) training was effective. Babib fired four (4) shots at the would be killer. Wounded - the armed robber dropped the money and crawled to his car, where his get away man drove him from the crime scene. Mr. Howard called the police and the robber was arrested at a hospital while he was requesting treatment of gunshots to his leg and shoulder (Hall, 2004).

Habib Howard, Sr. speaking for his son, said his son was “quite shook up” over the attempt to kill him, and that “It’s a very upsetting thing to defend your life” (Hall, 2004). Furthermore, “My son did what he had to do. Fortunately, this gentleman did not die” and Mr. Howard, Sr. feels very badly for the families of the robbers, but the father prays his son does the same thing if he finds his life under threat again, but “Money can be replaced, lives can not” (Hall, 2004) The above data support a conclusion is that the proper training of the Ohio Carry Concealed Weapons program saved the life of Mr. Howard and perhaps lives of the robber, maybe this near death experience will help the criminals to consider another more honest life than a life of crime using guns to take money from others. In these dangerous and deadly economic times, CCW has helped protect businesses, organizations and has saved lives again.

Lott correlates a decrease in violent crimes with the millions of new CCW permits, his theme in *More Guns, Less Crime* (1998). Research by sociologists Kleck & Gertz agrees, where they find that every year that 2.5 million armed Americans successfully stopped criminals in most cases by NOT firing a shot (1995). The threat of a gun or the display of a gun ends the conflict and does not show up in death and crime statistics (Kleck, & Gertz, 1995). This is a very different outcome than the lurid outcomes of gun use portrayed on American entertainment media.

A summary would read as follows:

America has spoken. With guns and ammo sales and concealed weapons permits surging at an unprecedented rates, never in the history of mankind have more people possessed more firepower and most significantly, carried more concealed weapons on their persons than today across America. And as FBI crime reports and law enforcement and academic studies conclude, the self-evident truth is that more guns clearly equals less crime. Where there are more legal guns per capita, violent crime goes down, particularly crimes of assault, like rape, burglary, and robbery (Nugent, 2009).

Far more data are now available. Firearms are used far more extensively to prevent crime than to take a life (Gunfacts, 2009).

### **Debate over right to carry firearms**

The people's Constitutional right to keep and bear arms in the United States is unique in the world politic. Whether for self-defense or sport, firearms have served the nation of the USA well for over 200 years. News reports of crime, terrorism, or civil unrest following natural disasters provide a compelling argument supporting the right to own a gun. In a nutshell, the people of the United States of American when given the right to vote have shown they believe the must keep the right to awfully and responsibly exercise their right of self defense must be preserved (Constitution Arms, 2007). With the recent Heller v DC case in the Supreme Court, and other legal victories in other venues, this view of an individual right to own and carry a gun by an upstanding citizen is quickly becoming the dominant U.S. interpretation. More people legally carry guns, and businesses must adapt to the law. They must also adapt to the well-organized citizen gun groups who boycott businesses that do not recognize their right to carry under the laws. Consider the magnitude of this trend as suggested in the following sections.

### **Carry Concealed Weapons (CCW) States & Arguments for CCW/RTC More Right-to-Carry (RTC), less crime**

Violent crime rates since 2003 have been lower than anytime since the mid-1970s. Since 1991, 23 states have adopted RTC, the number of privately-owned guns has risen by nearly 70 million, and violent crime is down 38%. In 2007, the most recent year for which complete data are available, RTC (Right to carry) states had lower violent crime rates, on average, compared to the rest of the country (total violent crime by 24%; murder, 28%; robbery, 50%; and aggravated assault, 11%). (NRILA, 2009)

As tabled data below will indicate, Concealed Carry Weapons (CCW) permits are popular with one new CCW permit being issued every 23 minutes in the state of Ohio (Patrick, 2010, p. 22, Ch# 4).

### *Non CCW States & Arguments Against CCW/RTC*

There are two states which deny the right to carry, Wisconsin which had made this illegal since 1971 and Illinois. Wisconsin Gun Owners Inc. is a group advocating the right of self defense this organization spearheaded the fight to enact CCW laws in Wisconsin.

Illinois is not a traditional open carry state. Open carry is generally prohibited except in unincorporated areas where the county has not made open carry illegal. Open carry is also prohibited inside a vehicle even when in unincorporated areas. (Carry Concealed, 2007)

The quantitative data analysis below will aid understanding by providing additional insight into the relative safety of the business environment in the current recession relative to business personnel being armed for their own protection.

### **Are CCW holders predisposed to committing crimes?**

Texas State is well-known for its gun culture and thus there are many statistics available in relation for gun license statistics. According to the Texas Department of Public Safety, there were over 85,000 firearm licenses issued in 2008, of which only 503 licenses were suspended and only 329 licenses were revoked, all for various violations. These statistics show that in the states with the largest gun culture, only 0.9% of CCW holders for 2008 committed violations. The violations were NOT generally for violent crimes - revocations included failure to renew the CCW permit, and change of legal residence (Texas Department of Public Safety, 2009).

Analysis by Patrick (2010) of the Florida Carry Concealed indicated that negative prediction of “an armed camp” made by mass media proved to be unfounded. Further Patrick found that (CCW ) concealed carry permit holders did not use their weapons to murder, rape, or rob (2010,p. 9 intro). Where CCW permits were revoked, it is NOT for killing someone or using the weapon in a crime (Patrick, 2010, p. 9 introduction). The vast majority of revoked permits were for NON-violent violations. Less than a tenth of one percent of permits are evoked.

It is estimated that 4 million persons may now legally carry concealed weapons in the USA. Some of the best statistics are provided by Bird (2008) in his research on concealed carry of weapons in the USA from his book now in its fifth edition. Patrick (2010) observed that NO state has revoked its concealed carry weapons laws, in fact the RTC( right to carry) has been expanded in many states where the laws were passed. Cities rights of “home rule” have been overruled in favor of broader more pro gun rights to carry (Patrick, 2010). That is, many cities would criminalize CCW in a state where CCW is legal. Consistently state courts and state legislatures have supported the state wide rules that favor 2<sup>nd</sup> Amendment rights rather than the city by city, and county by county anti gun laws which deny 2<sup>nd</sup> Amendment rights (Patrick, 2010).

Some of the FEAR of firearms arises from people who have NO DIRECT KNOWLEDGE of firearms. A highly respected PHD with strong research, publication and analytical skills when told that someone he knew had just participated in the National Pistol Matches at Camp Perry, OHIO. The learned Professor asked, “Isn’t that dangerous?” with all of his “knowledge” the good doctor had NO idea that there has NEVER been a shooting injury in at the National Pistol Matches at Camp Perry, OHIO in more than 100 years !!! To many who are uninformed and untrained, the cognitive equation for them is simply guns= violence (Patrick, 2010, p. 11, ch# 6).

### Certificate of Competency

Holders of CCW permits go through extensive check. This is sometimes called a certificate of competency.

### **Crime statistics for CCW Holders**

People with concealed carry permits are:

- 5.7 times less likely to be arrested for violent offenses than the general public
- 13.5 times less likely to be arrested for non-violent offenses than the general public

In Texas, citizens with concealed carry permits are 14 times less likely to commit a crime.

Carry concealed permit holders are also five times less likely to commit a violent crime. (Gunfacts, 2009)

**Expanded Homicide Data Table****Justifiable Homicide** by Weapon[Download Excel](#)

Year	Total	Total firearms	Handguns	Rifles	Shotguns	Firearms, type not stated	Knives	or	
	cutting instruments	Other dangerous weapons				Personal weapons			
2003	247	203	163	6	20	14	23	13	8
2004	222	166	138	11	7	10	38	9	9
2005	196	147	123	5	6	13	33	8	8
2006	238	192	154	12	15	11	31	12	3
2007	254	198	159	8	21	10	38	8	10

<sup>1</sup> The killing of a felon, during the commission of a felony, by a private citizen.  
([http://www.fbi.gov/ucr/cius2007/offenses/expanded\\_information/data/shrtable\\_14.html](http://www.fbi.gov/ucr/cius2007/offenses/expanded_information/data/shrtable_14.html))

Every year, people in the United States use a gun to defend themselves against criminals an estimated 2,500,000 times – more than 6,500 people a day, or once every 13 seconds. Of 285 of these instances, 15.6% of the people using a firearm defensively stated that they "almost certainly" saved their lives by doing so. Firearms are used 60 times more often to protect lives than to take lives. (Gunfacts, 2009)

**The Castle Doctrine**

Another aspect of Second Amendment Constructionism that affects businesses is the **Castle Doctrine** (also known as a **Castle Law**, **Defense of Habitation Law** or **Stand-Your-Ground Law**) is an American legal concept arising from English Common Law that designates one's place of residence (or, in some states, any place legally occupied, such as one's car or place of work) as a place in which one enjoys protection from illegal trespassing and violent attack. It then goes on to give a person the legal right to use deadly force to defend that place (his/her "castle"), and/or any other innocent persons legally inside it, from violent attack or an intrusion which may lead to violent attack. In a legal context, therefore, use of deadly force which actually results in death may be defended as justifiable homicide under the Castle Doctrine. Every U.S. state has adopted some form of the Castle Doctrine, with the exception of Iowa, New Mexico, District of Columbia, and Virginia (Wikipedia, 2009).

Research by Patrick (2010) provides one of the best examples of the Second Amendment Constructionism, that is of Virginia Cantrell who is a president of a major metropolitan teachers union. An educator with 30 years of teaching experience with a master's degree. She could have retired a few years ago, but prefers to keep working. She has a reputation as an effective advocate and works long hours, frequently return home late at night. Her house in Detroit is the last one remaining on her block, all the other homes have been burned and /or been torn down. Because her retired husband spends time out of state, Cantrell often comes home to an empty house. Late one evening Cantrell parked as usual in her driveway and as she walked up to her front porch she discovered a 200+ pound man, a stranger, waiting for her on her steps. Virginia who is five feet tall and weighs slightly less than 100 pounds, said, "May I help you?"

The large man replied, "Bitch, I live here!!!"

Unfortunately there is no transcript of the confrontation but realizing that her life was in danger, Cantrell produced what she calls her "traveling companion". Her friend is a five-shot small "J-frame" Smith & Wesson revolver a caliber .38 special. The last time Cantrell saw the intruder he was running away screaming obscenities back at her over his shoulder. There was no shooting, no violence, no crime and no police, and no police report!!! Virginia went into her home and the man went off into the night, presumably to find softer target.

Virginia Cantrell is one of the 27,000 plus people in Wayne County, Michigan who have obtained a CCW (Carry Concealed Weapons) permit since Michigan passed the "shall issue" CCW in 2001. She is also one of the increasing number of women with a CCW permit. Virginia would NOT have been granted a permit under the old discretionary system for licensing of CCW in Detroit and in the state of Michigan (Patrick, 2010). As part of her application process she paid \$ 150 in tuition and took the CCW course that emphasizes safety, weapons storage and laws governing Michigan's Carry Conceal Weapons laws. She passed all her training course in hands on use of a firearm, including weapons firing range.

With documented successful training, she was charge a \$105 licensing fee, photographed, fingerprinted and charged an additional \$15 fingerprinting application fee. Wayne County Michigan took several months to process her CCW permit. During the application process, a search was made of criminal records for both convictions and arrests were made.. After several months her clean record resulted in an issuance of her Carry Concealed Weapons (CCW) Permit, good for five (5) years in the state of Michigan and her CCW permit has reciprocity with many other states in the USA. For Virginia her home is her Castle ( Castle Doctrine USA). Her training and her “travel companion “ [a five-shot small “ J-frame” Smith & Wesson revolver, a caliber .38 special] has given her more years with her husband and family. It has been said, that God created all women and men, but Samuel Colt (i.e. the inventor of the Colt revolver) made them equal. In the case of Virginia Cantrell, Smith & Wesson made her physically equal or superior to a 200 + pound man.

### Statistics for crimes against businesses

#### Robbery Table

#### Robbery, Location (Percent

Region	Total <sup>1</sup>	Street/ store	highway Residence	Commercial Bank	house Miscellaneous	Gas or service	station Convenience	
<b>Total</b>	<b>100.0</b>	<b>43.8</b>	<b>13.9</b>	<b>2.6</b>	<b>5.6</b>	<b>15.2</b>	<b>2.1</b>	<b>16.8</b>
<b>Northeast</b>	100.0	57.9	8.4	2.8	5.8	9.6	2.5	13.0
<b>Midwest</b>	100.0	46.7	12.4	4.4	4.3	14.2	2.2	15.8
<b>South</b>	100.0	37.2	14.1	2.3	6.3	20.7	1.9	17.6
<b>West</b>	100.0	44.8	17.4	2.2	5.1	10.3	2.0	18.1

<sup>1</sup> Because of rounding, the percentages may not add to 100.0.

([http://www.fbi.gov/ucr/cius2007/offenses/expanded\\_information/data/robberytable\\_01.html](http://www.fbi.gov/ucr/cius2007/offenses/expanded_information/data/robberytable_01.html))

Figures, numbers, statistics , and examples detailed above are a fine starting point, but what is the law of the land in the USA???

### The Second Amendment of the Constitution of the United States of America (1791).

**The Second Amendment** (Amendment II) to the [United States Constitution](#) is the part of the [United States Bill of Rights](#) which states “**Amendment 2 - Right to Bear Arms.** 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. (Ratified 12/ 15/ 1791) “ Did the Constitution of the United States of America in the Second Amendment mean a collective right (militia, police, military) or did the Second Amendment right “. . .to keep and bear Arms” mean an individual right (private citizens) having the right keep, carry and use firearms to protect themselves ??This debate continued and needed interpretation until 2008 when the Supreme Court of the United States of American considered and ruled on ---did the Second Amendment mean the police (and military) only or was the Second Amendment an individual right(business owners, and employees) ??

### Interpretation of the Constitution of The United States of America, the 2<sup>nd</sup> Amendment

**The District of Columbia v. Heller**, 554 U.S. 290 (2008) is a legal case in which the Supreme Court of the United States held that the [Second Amendment to the United States Constitution](#) protects an individual's right to possess a [firearm](#) for private use. It was the first Supreme Court case in United States history to directly address whether the [right to keep and bear arms](#) is a right of individuals or a collective right that applies only to state-regulated [militias](#) (Wikipedia, 2009).

This ruling by the [U.S. Supreme Court](#) found in The [District of Columbia v. Heller](#) (June 26, 2008), protected the [pre-existing individual right](#) to possess and carry weapons (i.e., "keep and bear arms") in case of confrontation (District of Columbia, et al., Petitioners v. Dick Anthony Heller. 554 U.S. 209 (2008), page 19). Codification of the [right to keep and bear arms](#) into the Bill of Rights was influenced by a fear that the [federal government](#) would disarm the people in order to impose rule through a [standing army](#) or [select militia](#), (District of Columbia, et al., Petitioners v. Dick Anthony Heller. 554 U.S. 209 (2008), page 25) since history had shown taking away the people's arms and making it an offense for people to keep them was the way [tyrants](#) eliminated resistance to suppression of political opponents (District of Columbia, et al., Petitioners v. Dick Anthony Heller. 554 U.S. 209, 2008).



The Supreme Court in *DC vs. Heller* ruled **self-defense** to be a central component of the right of the Second Amendment of the right of people to keep and bear arms. It was ruled that the Second Amendment means an individual right. Individual citizens can keep and bear firearms. On June 26, 2008 The District of Columbia et al., Petitioners v. Heller became the law of the land. The momentum to have greater protection via the 2<sup>nd</sup> Amendment with CCW (carry concealed weapons) continues. But this rule by law has NOT been welcomed, the District of Columbia, et al., Petitioners v. Dick Anthony Heller. 554 U.S. 209, (2008) was a landmark case.

The Chicago Tribune had NOTHING to say about the history making issue of U. S. Supreme Court's rule that the 2<sup>nd</sup> Amendment to the U. S. Constitution means an individual right to keep and bear firearms. But the day after the U. S. Supreme Court's ruling, The Chicago Tribune did run an editorial entitled "**REPEAL THE SECOND AMENDMENT**" other newspapers have also called for a repeal of the Second Amendment with little or no discussion of the affirmative ruling in the Heller Case (Patrick, 2010, p. 16, ch# 9).

### **In Summary,**

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

#### **HOLDING**

**The Second Amendment guarantees an individual's right to possess a firearm unconnected with service in the militia, and to use that arm for traditionally lawful purposes, such as self-defense in the home.**

#### **How effective are Weapons Free Zone Signs?**

When thoughtful people consider the concept of "gun-free zones," words like "futility" come to mind. But in light of recent horrific events, there is another word that more accurately sums it up: "dangerous." (LaPierre, 2008)

The classic case is that of Suzanna Gratia-Hupp who was required by state law to leave her gun in her car, rather than legally carry her gun into a restaurant. A killer did NOT comply with the GUN FREE ZONE SIGN and murdered both her parents and 21 other people before her eyes as well as wounding 20 some others. Gratia-Hupp said, "My state has gun control laws. It did not keep [the man with intent of murder] from coming in and killing everybody. What it [the Weapons Free Zone Signs] did was to keep me from protecting my family" (From the Mouths of Women, 2004).

The peril of gun-free zones for law-abiding citizens was demonstrated by two terrifying events involving two sociopaths bent on murdering many innocent people at random. One involved helpless victims denied the life-saving force of firearms, and the other was marked by the intervention of a courageous private citizen armed with a carry permit and a semi-automatic handgun. The first act of public terror and mass murder occurred December 5, 2007, at a busy mall packed with Christmas shoppers in Omaha, Nebraska. Described by an eyewitness as "smiling" as he fired, the twisted 19-year-old murderer killed eight innocent people before he committed suicide. In doing so, he failed to obey the signs that announced firearms were prohibited in the mall, just as he violated a host of laws prohibiting murder and mayhem. (LaPierre, 2008)

What is relevant is that there was no law-abiding person in this gun-free zone equipped to meet his evil through the good use of deadly force. Reportedly, the gun-free zone covered mall security guards as well.

An eyewitness, in a Web posting, wrote:

*"I am not allowed to carry a gun at all in Westroads Mall [in Omaha, Nebraska] If the laws did not oppress my rights . . . I would certainly have had it in the mall. Honestly, and as God is my witness, when I saw him shooting and as I watched for a few seconds trying to figure out what he was going to do and what I should do, the thought that went through my mind was, 'If I had a gun, I have a perfect shot.'" (LaPierre, 2008)*

Nebraska is joining the majority of states in the USA in passing a CCW (Carry Concealed Weapons) permit law. The Westroads massacre may have aided more laws for self protection in Nebraska (LaPierre, 2008). Within four days of the Omaha Westroads mass murders, another killer—likely encouraged by the media attention to the Omaha killer—acted. This 24-year-old, with a similarly bent mindset but more heavily armed than his role model, began a two-location murder spree. Just after midnight, Sunday, December 9, this disaffected church member entered the Youth with a Mission training center in Arvada, Colorado (a Denver suburb), and began randomly shooting. When he was through, two young people died and two others were critically wounded. Some 13 hours later, at the New Life Church in Colorado Springs, the killer murdered two teenage sisters. At the entrance hall of the large church, he was prepared to randomly take many more innocent lives.

That is, until he was confronted by a private citizen armed with a semi-automatic handgun and a CCW (Carry Concealed Weapons) permit. Her name is Jeanne Assam, a participant in the church's volunteer security force of parishioners with Right-to-Carry permits. Jeanne Assam exhibited extraordinary courage, advancing and firing well-aimed shots, as the murderer was firing at her. Unflinchingly, she nailed him. Her CCW (Carry Concealed Weapons) training paid dividends. Wounded, he committed suicide. (LaPierre, 2008) Nugent added that , the “. . . gun ban dream of GunFreeZones have proven to be the guaranteed slaughter zones where most innocent lives are lost. Think Lane Byant, Luby's Cafeteria, NJ, Westroads Mall, Omaha, Flight 93, the mayor's office of San Francisco. . . .Peace and love will get you killed, and unarmed helpless is bad. Unless of course your anthem goes baaa... baaa... baaaa (Nugent, 2009). Further, “Self-defense is the most powerful, driving instinct of good people everywhere. To deny this is evil personified. Write this down –GunFeeZones are a felon's playgrounds “(Nugent , 2009). Businesses and organizations have successfully used the CCW (Carry Concealed Weapons) system to save and protect lives as detailed above.

### ***Conclusion: More guns more crime or more guns less crime??***

Businesses have been known to be a target for many criminals, most from robbery and attempted robbery. From data and other supporting evidence detailed above, it can be argued that guns are very useful in preventing crimes against businesses. The ability of business owners to apply for and receive CCW(carry concealed weapons) permits encourages safety in the work environment, while it dissuades criminals from committing crimes against businesses. Another view, is that, guns in the workplace can be considered dangerous, however the vast majority of those holding anti-gun positions have little or no training in the use of firearms. Most to do NOT have a CCW (carry concealed weapons) permit. Most of the anti weapons analysis has come from those outside of the business community. Those opposing the right of business and store owners to protect themselves are not on the front lines in this rising tide of social, economic, and criminal confrontation. Remember the “book smart man” who asked if firing pistols at Camp Perry, Ohio was “dangerous “??? Book smarts, no street smarts. PHD as never faced down a gun using felon in a carry out store. The Professor can continue to write about how sweet life can be if only there were less gun violence.

The research detailed above shows that the realities of the times are that there is more and more job loss, more and more poverty, more and more cities and governmental jurisdictions laying off police and law enforcement. The thin blue line has become THE THINNER BLUE LINE. Criminals can do the math, less police means more opportunity to commit crime. More and more business and organizational members are exercising their Second (2<sup>nd</sup>) Amendment Rights and opting to obtain a CCW (Carry Concealed Weapons) permit and to protect their person and property. The opinions of “I do NOT like guns!!!” may be valid as free speech under the First Amendment, but the Constitution of the United States of America is NOT a menu. The Second Amendment still stands as the law of the land even for those who HATE guns!!! Individuals and groups may oppose freedom of speech, freedom of press, freedom of religion, freedom of assembly, freedom of petition, yet these freedoms are protected by law (First Amendment, Constitution of the United States of America).

Likewise, Americans have the Constitutional right (Second Amendment, Constitution of the United States of America) to keep firearms, to carry firearms and protect themselves at work as discussed above under The Castle Doctrine. Will prosperity and peace return any time soon??? Will self-defense become unnecessary? Will the Second Amendment with its rights of self-protection be as outdated as the ancient paper upon which it is written?? The Castle Doctrine of self-defense has been discussed above has been expanded into the work environment.

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