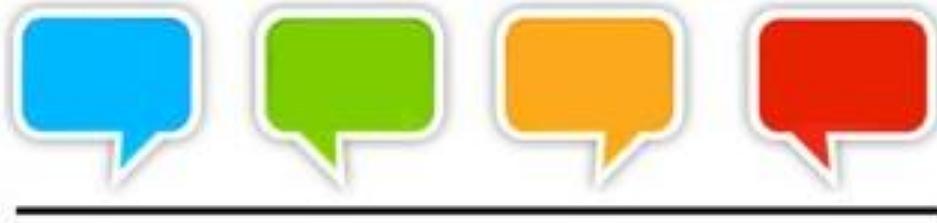


## A Colorado Conversation on Guns on Campus



On July 20, 2012, James Holmes walked into a movie theater in Aurora, Colorado, and shot into a crowd, injuring at least 58 people and killing 12. During the assault, Holmes used a Remington 870 shotgun, a handgun, and a semi-automatic assault weapon capable of shooting as many as 50 bullets in a minute. He used ammunition that he had stockpiled through on-line purchases over the preceding several months. The shocking incident led to calls for renewed discussions about gun control laws in the United States.

At about the same time, CU-Boulder professor Jerry Peterson announced that he would cancel class if he became aware of a student with a firearm in the classroom. CU-Boulder Chancellor Phil DiStefano immediately informed Peterson and other faculty members that they were not permitted to impose that exclusion, as state law provides that licensed individuals over the age of 21 may carry concealed weapons in Colorado except in specifically excluded locations. Colleges and universities are not among those locations. The University concluded that individual faculty members could not create rules for their classrooms that restricted the right of students to carry concealed weapons on campus.

These two events have moved questions about sensible gun policy front and center in Colorado. Here, as in the rest of the country, views about guns are highly polarized. According to a 2011 Gallup poll, 44 percent of Americans favor stricter gun laws, 43 percent believe that gun laws are about right just as they are, and 11 percent favor even fewer restrictions on gun ownership. A September 2012 poll by the Denver post showed that 27 percent of Coloradans support stricter gun-control laws and 64 percent favor stricter enforcement of existing laws. Women are more likely than men to favor stricter laws than men (32 percent to 21 percent).

To some extent, the range of possible gun policy options is limited by the U.S. Supreme Court's 2008 interpretation of the Second Amendment. The Second Amendment states that "[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." For most of this nation's history, that language was understood not as creating an individual right to gun ownership but as preserving the importance of militias, which were central to early American social and political culture. In the latter part of the twentieth century, concerted political and legal efforts by gun-ownership lobbies led to a dramatic change in both popular and judicial understanding of the meaning of the Second Amendment. In *District of Columbia v. Heller*, the Supreme Court announced that the Second Amendment guarantees "an individual right to keep and bear arms."

Even under this modern understanding of the Second Amendment, the right to bear arms is not unlimited. Governments can still restrict who can possess firearms and where they can be carried. Thus, laws prohibit felons and the mentally ill from owning guns. Other regulations prevent anyone from carrying a gun in a sensitive location such as an elementary school or a courthouse. Federal, state, and local laws also impose restrictions on purchase of firearms by requiring purchaser identification and background checks. The question that courts and policymakers ask today, therefore, is whether any particular government regulation is a permissible limitation in light of the *Heller* decision.

Colorado State Representative Claire Levy has indicated that she will propose legislation in the 2013 session to give the CU Regents authority to prohibit the carrying of concealed weapons into college classrooms. Supporters of this legislation believe that the possible presence of weapons in classrooms limits intellectual exploration and free exchange of ideas. They believe that professors will feel less comfortable raising hard topics in class, for fear of sparking violent

reactions. They further fear that professors will not be willing to provide mid-semester grades or critical feedback to students for fear of violent retaliation. Those who believe that guns should not be permitted in college classrooms note that the Second Amendment permits reasonable limitations on where guns are carried and they argue that colleges and universities are, like secondary schools and government buildings, inappropriate locations for weapons. They also argue that having more guns in a classroom will not help prevent violence if a shooter threatens teachers or other students; instead, they believe, more guns will most likely lead to more gunshot wounds and more deaths.

Opponents of laws that limit concealed carry on college campuses point out that there have been no incidents of violence as a result of concealed carry on campuses that do permit weapons. When violence occurs in classrooms, it happens because of students who are unlawfully carrying guns. These advocates of licensed concealed carry argue that students should be able to protect themselves against possible violence in classrooms and elsewhere. They emphasize that criminals will always find ways to get guns, so banning guns in any context will mean that the only people who have guns in that context are criminals. They further note that the rules for carrying a concealed weapon require that a permit holder be 21, that he or she show basic proficiency with a weapon, and that the gun owner go through a background check and fingerprinting.

These debates over concealed carry of weapons on college campuses in many ways mirror other debates about gun laws in the United States. Holmes's violent rampage led some to call for greater regulation on the sale of assault weapons and high-capacity magazines that enable release of dozens of bullets in just a few seconds. Opponents of gun regulation respond that the problem is not the guns or the ammunition, but the fact that criminals are using them. They argue for stiffer penalties for gun crimes as opposed to regulation of guns that would limit both criminal and non-criminal users.

### Gun Ownership in the United States

The number of guns in circulation in the United States is higher than in any other country in the world. Americans, who make up 5 percent of the world's population, own 50 percent of the world's guns. Americans possess more than 200 million firearms. Estimates are that between 39 and 50 percent of households in America own at least one firearm. A 2004 study showed that about 20 percent of gun owners in the country own about 65 percent of the nation's guns. Each year, approximately 640,000 violent crimes, including 16,000 murders, are committed with guns.

Because Colorado does not require registration of guns (in fact it prohibits registration), it is difficult to estimate how many Coloradans own firearms.

### Two Views on Guns on Campus

Students need to believe that they can state unpopular views without fear of reprisal. Intellectual and personal risk is ever-present in university classroom settings and is counterbalanced with various kinds of trust. The presence of concealed weapons in the classroom exacerbates these classroom risks to potentially deadly levels and destroys instructional trust.

—Dan Liston, professor at CU Boulder, in the *Denver Post*

Over the last decade, concealed carry has been allowed on more than 200 campuses in six states. Not once has a student threatened a teacher or other students over an academic debate, grades or a belief system . . . Concealed carry is one of the best advantages a person can have when faced with violence. Individuals who carry concealed handguns are not afraid—they are prepared.

—Elisa Dahlberg, Air Force veteran and CU Boulder student, in the *Denver Post*



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