

Gun ownership and public safety. What can the US learn from Europe?

Gabriela Aftyka

Uniwersytet Gdański, Wydział Prawa i Administracji

E-mail: g.aftyka.368@studms.ug.edu.pl

tutor: mgr Irena Moszczyńska-Janicka

Uniwersytet Gdański, Centrum Języków Obcych

Słowa kluczowe: strzelanina w szkole, broń, prawo, regulacje, masowy atak, przestępstwo

Key words: school shooting, guns, law, regulation, mass attack, crime

Streszczenie

Celem niniejszego opracowania jest porównanie trzech państw: Stanów Zjednoczonych, Polski oraz Szwajcarii pod względem regulacji dotyczących prawa do posiadania broni oraz ukazanie, w jaki sposób przepisy te są skorelowane z występowaniem przestępstw z użyciem broni. Artykuł obejmuje również problematykę szkolnych strzelanin jako powszechnego zjawiska w Stanach Zjednoczonych, jego przyczyny i skutki dla społeczeństwa wraz z konkretnymi przykładami. Opracowanie przybliży historię trzech różnych strzelanin szkolnych w Stanach Zjednoczonych, przywołuje dane statystyczne i rozważa, czy zakres prawa do posiadania broni istotnie wpływa na występowanie zjawiska szkolnych strzelanin.

Abstract

The purpose of this paper is to compare three countries: the United States, Poland and Switzerland in terms of regulations on the right to own guns and to show how these regulations are correlated with the incidence of gun crime. The article also covers the issue of school shootings as a common phenomenon in the United States, its causes and effects on society, along with specific examples. The study takes a closer look at the history of three different school shootings in the United States, cites statistical data and considers whether the scope of the right to own guns significantly affects the incidence of school shootings.

On 14 February 2018, 19-year-old Nikolas Cruz enters Parkland High School and causes the bloodiest school shooting in US history. The incident left 17 people dead and 17 others seriously injured.¹ This is just one of many mass school shootings in the United States. This was yet another case where a young person decided to take the lives of multiple people in a place where everyone should feel safe. The main topic of this article is the system and culture of weapons in the United States and their impact on citizens and the way they perceive firearms. The gun culture in the United States is heavily biased towards the normalisation of gun ownership by every citizen, as it is the right guaranteed by the 2nd Amendment to the Constitution. The phenomenon of a culture of violence, which is increasingly common, also occurs in this context. The extent of the problem is reflected by numbers, in 2023 there were as many as 650 mass shootings, and 52 of them took place in schools.

This article aims to show the scale of the problem of school shootings, which are only a small percentage of bigger problem - mass shootings. To illustrate the issue I am interested in, I will present in detail the Columbine High School massacre, the Sandy Hook Elementary School, and the Robb Elementary School shootings. Although the main focus of my analysis is the present, it is also important to consider key historical aspects. To get a better perspective on the scale of this phenomenon in the United States, I decided to compare the right to own guns in three different countries: the United States, Poland, and Switzerland. These countries have completely different legal systems

and regulations, which is also essential when assessing crime structures. I will first focus on the legal aspects in respect to the history of how the access to firearms have been regulated in each of these countries - from the very beginning to the present times. Then I will describe and analyze the above mentioned school shootings that took place in the United States and present the known cases of such incidents in Poland and Switzerland along with the circumstances surrounding them. Finally, I will present the conclusions to be drawn from the analysis.

Legal aspects of gun ownership and the background of changes in legal systems

1. *The United States of America*

The origins and early restrictions

Gun ownership in the United States is deeply rooted in the Second Amendment of the United States Constitution: "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."² It is part of the U.S. Bill of Rights ratified in 1791. Since then, the gun ownership has been protected at the national level.³

Let's move to 1934, when then-U.S. President Franklin D. Roosevelt signed the National Firearms Act (NFA). This act was signed because of Prohibition-era gang crime, such as the St. Valentine's Day massacre in 1929 and the attempted assassination of President-elect Franklin D. Roosevelt in 1933. Between 1920 and 1933, the murder rate in the United States rose year after year, as one of

¹ https://en.wikipedia.org/wiki/Parkland_high_school_shooting [page visited on 21.01.2025]

² <https://constitution.congress.gov/constitution/amendment-2/> [page visited on 21.01.2025]

³ <https://www.cfr.org/backgrounder/us-gun-policy-global-comparisons> [page visited on 21.01.2025]

unintended consequences of Prohibition, a period when the sale, production and transport of alcohol was banned throughout the whole country. The consequences of the Government's decision were surprising. Alcohol restrictions were followed by increased violence and abnormally high crime rate. People experienced a sense of betrayal and anger, as their right was taken away. The gangs took advantage of the situation and began distributing alcohol. The gangs, as their illegal activities grew, reaped significant profits. Therefore, the Government in an effort to combat criminal activity, enacted the NFA bill which is considered the first federal act to regulate the enforcement of gun control in the United States. This law required a registration and taxation of firearms in the amount of \$200.⁴ What is more, it was mandatory to register machine guns, short-barreled rifles and shotguns. When Prohibition was repealed in 1933, the murder rate dropped significantly. However, it was five years later, that President Franklin D. Roosevelt signed the Federal Firearms Act of 1938 (FFA), requiring that all gun-related businesses must have a federal firearms license (FFL).⁵

Further changes

Over the course of the next thirty years, there were several tragic events that forced the US Congress to implement further changes to the law on the regulation of access to weapons. The term 'tragic events' refers to a series of political assassinations that occurred between 1963 and 1968, the first of which was

the assassination of the 35th President of the United States, John Fitzgerald Kennedy on 22 November 1963 in Dallas. The second happened five years later on 4 April when the Nobel Peace Prize winner, the leader of the civil rights movement and campaigner for equal rights, Martin Luther King was shot in Memphis. Shortly after this tragic event the presidential candidate Robert Francis Kennedy was assassinated on 5 June 1968 in Los Angeles. It was the assassination of President Kennedy that prompted the US Congress to start working on a new law regulating the right to bear arms. In 1968, a new Gun Control Act (GCA) replaced the FFA⁶. The new act introduced restrictions that greatly limited the right to acquire weapons. The first and most important restriction stated that the sale of firearms is prohibited to any person who: "(1) is under indictment for, or has been convicted in a court of, a crime punishable by imprisonment for a term exceeding one year; (2) is a fugitive from justice; (3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954)".⁷ The last provision of the Act worth mentioning was the one requiring gun dealers to keep records of gun purchasers to verify that the customer meets all legal requirements to purchase a gun and to ensure that the identity of the purchaser can be disclosed if necessary. This law introduced a few new regulations in the context

⁴ https://en.wikipedia.org/wiki/National_Firearms_Act [page visited on 21.01.2025]

⁵ https://en.wikipedia.org/wiki/Gun_law_in_the_United_States [page visited on 21.01.2025]

⁶ <https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Flammable-Fabrics->

[Act#:~:text=FFA%20regulates%20the%20manufacture%20of,can%20issue%20mandatory%20flammability%20standards](https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Flammable-Fabrics-Act#:~:text=FFA%20regulates%20the%20manufacture%20of,can%20issue%20mandatory%20flammability%20standards) [page visited on 21.01.2025]

⁷ https://en.wikipedia.org/wiki/Gun_Control_Act_of_1968#Prohibited_persons [page visited on 25.01.2025]

of the right to bear arms. Almost two decades later, in 1986, President Ronald Reagan signed the Firearm Owner Protection Act, which banned the creation of a national registry of gun dealers and allowed licensed dealers to sell firearms at "gun shows" in their state and relaxed regulations on ammunition sales and transfers.⁸ On the one hand, the act liberalized certain regulations, but on the other it banned civilian possession or transfer of submachine guns manufactured after May 19, 1986. Further regulations continued to evolve, with the Brady Handgun Violence Prevention Act of 1993⁹ establishing mandatory background checks for gun buyers, and the Violent Crime Control and Law Enforcement Act of 1994¹⁰ banning assault weapons and high-capacity magazines. However, this ban expired in 2004 and has not been renewed. Another change took place in 2003, when the Tiahrt Amendment¹¹ restricted the release of information from the firearms tracking database only to law enforcement agencies in connection with criminal investigations. Two years later, President George Bush signed the Protection of Lawful Commerce in Arms Act into law.¹² It provided legal protection to gun manufacturers by shielding them from lawsuits filed by victims of crimes involving firearms produced by their companies. 2008 was a year in which the Supreme Court overturned a ban on

guns in Washington, D.C., stressing, however, that. "The right to bear arms is not unlimited, and guns and their possession will continue to be regulated."¹³ The latest change was introduced in 2022, the Supreme Court ruled in the case *New York State Rifle & Pistol Association, Inc. v. Bruen* "that the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home"¹⁴ and that "the State's may-issue licensing regime violates the Constitution."¹⁵

Current Regulatory Framework

The right to bear arms is not absolute, as it is controlled by both the U.S. Congress and state legislatures which possess the authority to enact regulations governing its exercise. In the United States, firearms ownerships are regulated at the federal and state levels; however, this article specifically focuses on federal regulations.¹⁶ Federal firearms laws are enforced by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As it was mentioned earlier, the right to keep and bear arms has been protected by the Second Amendment to the Constitution since 1791, and the U.S. Supreme Court has ruled that it protects the right of every citizen to self-defense in their own homes and in public places and it further confirmed that it applies

⁸ <https://www.congress.gov/bill/99th-congress/senate-bill/49> [page visited on 25.01.2025]

⁹ https://en.wikipedia.org/wiki/Brady_Handgun_Violence_Prevention_Act [page visited on 25.01.2025]

¹⁰ <https://www.congress.gov/103/bills/hr3355/BILLS-103hr3355enr.pdf> [page visited on 25.01.2025]

¹¹ <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/tiahrt-amendments/> [page visited on 25.01.2025]

¹² <https://www.congress.gov/bill/109th-congress/senate-bill/397/text> [page visited on 21.01.2025]

¹³ https://en.wikipedia.org/wiki/District_of_Columbia_v._Heller [page visited on 21.01.2025]

¹⁴ https://en.wikipedia.org/wiki/New_York_State_Rifle_%26_Pistol_Association,_Inc._v._Bruen#:~:text=In%20a%206-3%20decision,guaranteed%20by%20the%20Second%20Amendment. [page visited on 21.01.2025]

¹⁵ https://en.wikipedia.org/wiki/New_York_State_Rifle_%26_Pistol_Association,_Inc._v._Bruen#:~:text=In%20a%206-3%20decision,guaranteed%20by%20the%20Second%20Amendment. [page visited on 21.01.2025]

¹⁶ <https://www.uwujasama.pl/posiadanie-broni-w-usa-jak-to-jest-naprawde/> [page visited on 21.01.2025]

to state, local, as well as federal regulations.¹⁷ Laws regulating the possession of firearms are liberal, as ownership is a right, not a privilege for the few, and does not require a license or proof of need. Federally, there is a minimum age of 18 to possess a handgun, one must be 18 for long guns and 21 for handguns. Federally, new firearms must be transferred by a federally licensed dealer (FFL) with form 4473 and background check. Under the federal law in the United States, there are no restrictions on the number of firearms or the quantity of ammunition and reloading supplies that a private citizen may own. Individuals who are not legally prohibited from owning guns (subject to National Firearms Act (NFA) and are over 21 of age are generally allowed to own firearms in most states, although certain states impose restrictions on some or all this class of firearms. The United States Code, specifically 18 U.S.C. §922 ("Unlawful Acts"), outlines a list of individuals prohibited from possessing firearms or ammunition.¹⁸ These restrictions apply to individuals who meet any of the following criteria:

- Have been convicted of a felony, or any other crime for which they could face a sentence of more than one year in prison or are currently charged with such a crime.
- Are fugitives from justice.
- Have been convicted of a misdemeanor involving domestic violence.
- Are unlawfully using or are addicted to controlled substances.

- Have been declared mentally incompetent.
- Have been dishonorably discharged from the armed forces.
- Have renounced their U.S. citizenship.¹⁹

These categories are reflected in the ATF Form 4473, which is used for background checks during firearm transactions. According to the U.S. Sentencing Commission, an estimated 5,000 to 6,000 individuals who are prohibited from possessing firearms are convicted annually for unlawfully receiving or possessing a firearm. In 2017, more than 25.2 million background checks were conducted for firearm purchases. While federal law prohibits the establishment of a national firearms registry, the National Firearms Act (NFA) registry, which predates this prohibition, is an exception. Some states, however, do maintain their own firearms registration systems. As of mid-2022, there were no federal laws banning semiautomatic assault weapons, military-style 50 caliber rifles, handguns, or large-capacity magazines. There was also no federal requirement for those purchasing a gun to have any firearm safety training.²⁰

2. Poland

Early regulations and the interwar period

To trace the history of the right to own firearms in Poland, it is necessary to begin with the enactment of the Decree on the Acquisition and Possession of Arms and Ammunition in 1919.²¹ This regulation stipulated that

¹⁷<https://crsreports.congress.gov/product/pdf/LSB/LSB11108#:~:text=Heller%2C%20the%20Supreme%20Court%20held,is%20a%20%22fundamental%20right> [page visited on 21.01. 2025]

¹⁸ <https://uscode.house.gov/browse/prelim@title18/part1/chapter44&edition=prelim> [page visited on 21.01. 2025]

¹⁹ <https://www.law.cornell.edu/uscode/text/18/922> [page visited on 21.01. 2025]

²⁰ https://en.wikipedia.org/wiki/Overview_of_gun_laws_by_nation [page visited on 21.01. 2025]

²¹ Dz. U. 1919, nr 9, poz. 123 <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19190090123> [page visited on 21.01. 2025]

the ownership of weapons was restricted to organizations and civilians who obtained the requisite permission from the relevant state authorities. The power to issue such permits was vested exclusively in the Minister of Justice or bodies authorized by the Minister. Unauthorized possession of firearms was subject to penalties, including imprisonment or a significant fine. The Executive Order of the Minister of the Interior, dated May 21, 1920, further clarified that permits for hunting rifles and short firearms could be issued by administrative authorities.²² This decree also introduced the requirement that civilians demonstrate a "necessary need" for owning weapons to qualify for a permit. A crucial milestone in the development of firearm regulation was the Decree of the President of the Republic of Poland of October 27, 1932, which promulgated the "Law on Arms, Ammunition, and Explosives."²³ This law consolidated and unified the legal framework governing firearms in Poland. It upheld the principle that private individuals could only possess weapons following the acquisition of an official permit from the relevant authorities. On March 23, 1933, the Executive Order of the Minister of the Interior on Permits for Weapons for Personal Use and the Acquisition and Disposal of Weapons was issued.²⁴ It regulated the conditions to be met by a person applying for a gun permit. These included ensuring that the person would not use the weapon for purposes contrary to the interests of the State or security, good repute, appropriate age (over 17), full mental

faculties, lack of addictions and no criminal record.²⁵

World War II period

Following the outbreak of the Second World War in 1939 German law, which included a total ban on the possession of weapons by the Polish population, was imposed in the areas of Poland under the occupation of the Third Reich. Under this regime, the possession of weapons by civilians were punishable by death. Even the failure to report the possession of weapons by others was considered a capital offense. The only individuals legally permitted to possess firearms were state police officers and forest guards. Similarly, under the Soviet occupation, the legal framework regarding weapons was almost identical. All firearms were classified as illegal, and those found in possession of them could face arrest, deportation to labor camps, or execution.²⁶

Post-war period

The absolute ban on gun ownership in Poland ended with the end of World War II in 1945. Then, on June 14, 1945, the Minister of Internal Security issued an order that all gun owners should obtain new permits (the application for a permit had to be accompanied by a certificate of the necessity of the weapon issued by the relevant authority). Another milestone was the Arms, Ammunition and Explosives Act of 1961, which was modeled on a 1932 presidential decree. Ac-

²² Dz. U. 1920, nr 43, poz. 266
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19200430266> [page visited on 21.01. 2025]

²³ Dz. U. 1932, nr 94, poz. 807
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19320940807> [page visited on 21.01. 2025]

²⁴ Dz. U. 1933, nr 22, poz. 179
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19330220179> [page visited on 21.01. 2025]

²⁵ <https://milmag.pl/posiadanie-broni-w-polsce-w-okresie-miedzywojennym/> [page visited on 21.01. 2025]

²⁶ <https://demagog.org.pl/wypowiedzi/przed-ii-wojna-swiatowa-w-polsce-posiadanie-broni-bylo-legalne-sprawdzamy/> [page visited on 21.01. 2025]

cording to this law, weapons could be possessed subject to a permit issued by the Citizens' Militia. As with other laws, a permit was issued when the authority decided that the applicant had sufficiently substantiated his application. It is interesting to note that the authority issuing the permit could check whether the person is familiar with the regulations for handling weapons. In contrast, those using weapons for sporting purposes did not need a gun permit. Penalties have been established for the illegal possession or carrying of weapons, with offenses punishable by imprisonment for up to three months or by a fine. Article 7 of that law prohibited the issuance of firearms permits to minors (under 18) or to mentally ill persons, drug addicts, persons without a permanent residence or an established source of income, and persons who may use firearms for purposes incompatible with the interests of state security or public order.²⁷

Modern regulations

The 1961 law remained in effect until March 20, 2000, when the current May 21, 1999, Law on Arms and Ammunition went into effect.²⁸ The Arms and Ammunition Act of 1999 is the law that is still in effect today. The right to own guns in Poland is one of the most restrictive laws in Europe. A permit is required to own or possess firearms.²⁹ To obtain a permit, one must have a specific and very important reason or purpose for doing so. Such reasons or purposes include self-defense, sports, licensed hunting, or collecting. It is worth mentioning that it is much easier to

obtain a gun permit for sport or hunting than for the need for self-defense, since in this case one must make a special effort to sufficiently prove such a reason. To obtain a permit, you must meet the following conditions: be a permanent resident of Poland, be at least 21 years old, have no addictions, have no criminal record, be in good physical and mental health, and pass an exam before a sport or hunting association or before the police. Even if all conditions are met, the relevant authority still has the right to refuse to issue a gun permit. Carrying loaded guns is allowed on all types of permits except permits for collecting and memorial purposes.³⁰ Guns shall be carried concealed in a holster close to the body, and on public transport firearms can be carried only by the self-defense permit holders. On the other hand, carrying a weapon while intoxicated or during mass events or public gatherings is strictly prohibited. Since 2020 the Police can issue permits for firearms with suppressors for hunting, but only to be used for sanitary shootings.³¹ However, no permit is required to own air weapons, although the purchaser must be at least 18 years old and pass medical and psychological tests, and these weapons must be registered and can only be used at shooting ranges.³²

3. Switzerland

Historical Context and Early Regulation

The origins of gun regulation in Switzerland can be traced back to 1291, when the foundational covenant was established at the

²⁷ <https://milmag.pl/posiadanie-broni-w-prl-1945-1989/> [page visited on 21.01. 2025]

²⁸ Dz. U. 1999, nr 53, poz. 549
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19990530549>, [page visited on 21.01. 2025]

²⁹ (Kąkol, 2021).

³⁰ Ruczkowski P. (2012). Decyzja w sprawie pozwolenia na broń. *Przegląd Prawa Publicznego*, nr 1, p. 6-24.

³¹ <https://ksp.policja.gov.pl/wpa/bron/ pozwolenia-na-bron-paln/21954,Pozwolenia-na-bron-palna-dla-osob-fizycznych.html> [page visited on 21.01. 2025]

³² https://en.wikipedia.org/wiki/Gun_laws_in_Poland [page visited on 21.01. 2025]

meadow of Rütli, marking the beginning of the Swiss Confederation.³³ For much of Switzerland's history, up until 1999, it was easier to acquire firearms in Switzerland than in the United States, primarily due to the country's historically liberal stance on gun ownership.³⁴ Most Swiss cantons maintained minimal interference with citizens' rights to possess weapons, with a few legal restrictions in place. For centuries, Swiss law had not imposed limitations on the keeping and bearing of arms, though all able-bodied men were required to supply themselves with weapons for militia service. Throughout this period, Swiss citizens did not need a permit to own firearms, with the notable exception of machine guns not owned by the military. It was not until the second half of the 1960s that some cantons began to require permits for handguns.³⁵ However, firearms like shotguns could still be purchased without a permit. This liberal approach to gun ownership persisted for centuries, reflecting the country's deep-rooted traditions of self-defense and militia service.

Modern regulations

Some changes were introduced only in 1999, when The Federal Weapons Law came into force, according to which all gadgets for improving weapons and machine guns were banned (not allowed for commercial sale to civilians).³⁶ To use such weapons, a government permit must be obtained. However, despite these changes, Swiss law on this issue is still one of the most liberal in Europe.

It is worth mentioning that the mere possession of weapons does not require a permit, but the acquisition does. To obtain such a permit, only three conditions need to be met: the individual must be at least 18 years of age, of sound mind, not pose a danger to others, and have no criminal record. These conditions apply only to the purchase of a weapon from a commercial store, as the purchase of a weapon from a private individual does not require a permit, however, the person selling must make sure that the person buying meets the conditions listed above. In addition, Article 3 of the Swiss Law states that "The right to acquire, possess and carry arms is guaranteed in the framework of this law".³⁷ Swiss citizens who meet the above conditions may legally purchase, possess and carry weapons. In fact, every Swiss soldier keeps his army weapons with the ammunition at home and will own his personal weapon upon his retirement from the army at the age of 50. However, there are also some restrictions - the possession of machine guns or explosives is strictly prohibited.³⁸ The main difference to be noted between the Polish and Swiss legal systems is that in Switzerland, it is not necessary to provide a specific reason for applying for a firearm, as it is sufficient to meet the conditions mentioned above.

³³ <https://guncite.com/swissgun-kopel.html> [page visited on 21.01.2025]

³⁴ <https://www.hoplophobia.info/bron-palna-w-szwajcarii/#:~:text=Przez> [page visited on 21.01.2025]

³⁵ https://en.wikipedia.org/wiki/Firearms_regulation_in_Switzerland [page visited on 21.01.2025]

³⁶ https://en.wikipedia.org/wiki/Firearms_regulation_in_Switzerland [page visited on 21.01.2025]

³⁷ https://en.wikipedia.org/wiki/Right_to_keep_and_bear_arms#:~:text=use%20of%20weapons%20in%20Switzerland,within%20boundaries%20of%20this%20law.&text=The%20Swiss%20have%20a%20statutory,19%20and%2024%20is%20conscripted [page visited on 21.01.2025]

³⁸ https://pl.wikipedia.org/wiki/Polityka_broni_w_Szwajcarii#:~:text=Po [page visited on 21.01.2025]

Conclusions – Law regulations and crime rates

In summary, the Polish legal system has the most restrictive law (of the three I am considering and comparing) on the possession and acquisition of weapons, as it requires meeting several conditions, as well as a systematic, specific and factual justification to obtain a weapon permit, and despite all this, the permit may not be issued. The Swiss gun policy is unique in Europe due to its gun policy, which allows gun ownership under several conditions, without providing a valid reason to own a gun. It is a common practice that most Swiss soldiers keep their weapons in their own homes as a part of their military service obligation.³⁹ Even though the total number of guns in Switzerland is estimated at 1.2 to 3 million, gun crime is not as high as in the United States. This is borne out by statistics - Switzerland, despite its easy access to guns, records only 1.23 homicides per 100,000 inhabitants per year.⁴⁰ While in the US, the case is decidedly different, with more than 24,000-gun crime fatalities in 2021.⁴¹ The United States, with its most permissive gun laws, ranks as the lowest in national security of the three countries presented in this study. This is all due to the regulations in some states that allow a person who has not been vetted in any way to purchase a gun. This factor probably impacts the country's

security level. States with the most liberal gun laws include Arkansas, Wyoming, Idaho, Missouri, Kansas, Mississippi, South Dakota, Kentucky, Arizona and Alaska.⁴² In theory, guns can be owned in all US states, but in some a permit to purchase them or a criminal background check for the applicant is required, for example in California, New York or Hawaii.⁴³ The FBI maintains a database of people who apply for such a permit. Their records are checked to see if, when and on what grounds these people have been convicted. Sometimes, one still must undergo the appropriate training. Generally, training is required in the following situations: to be able to obtain a Concealed Carry Weapon (CCW) permit, or an Open Carry (OC) permit, when applying for weapons considered more dangerous or specialized, or even for previous offenders. Regulations requiring training are in effect in California, New York and Illinois, to mention just a few.⁴⁴ There are also states where you can buy a gun without a permit and often without registering it. Such States include Texas, Kansas, Nevada or Ohio.

The school shootings in numbers

School shootings have been a common issue in the United States over the years and the immensity of the problem is constantly on the rise. Comprehensive statistics on all

³⁹https://en.wikipedia.org/wiki/Swiss_Armed_Forces#:~:text=The%20regulations%20of%20the%20Swiss,citizens%2C%20with%20women%20serving%20voluntarily [page visited on 21.01.2025]

⁴⁰ <https://instytutbirm.pl/dostep-do-broni-a-liczba-przestepstw/#:~:text=Szwajcaria> [page visited on 21.01.2025]

⁴¹ <https://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/> [page visited on 21.01.2025]

⁴² <https://worldpopulationreview.com/state-rankings/strictest-gun-laws-by-state> [page visited on 06.03.2025]

⁴³ <https://www.uwujasama.pl/posiadanie-broni-w-usa-jak-to-jest-naprawde/#:~:text=Stany%2C%20w%20których%20wymagane%20jest%20pozwolenie%20na%20bron%20i&text=Tak%20jest%20np.,Nowy%20Jork%20czy%20na%20Hawajach>. [page visited on 06.03.2025]

⁴⁴ <https://www.money.pl/archiwum/wiadomosci-agen-cyine/pap/artikul/usa;kto;moze;miec;bron;;27,0,1128731.html> [page visited on 06.03.2025]

school shootings in a specific time frame have been systematically collected since 1966.⁴⁵ According to this data, the annual number of school shootings from 1970 to 2017 remained similar. The annual number of school shootings ranges from 20 to 60. In comparison, a rapid escalation in the number of these incidents occurred in 2018, and since then, the number of school shootings has been steadily increasing, at a concerning rate. In 2018, there were 119 school shootings. Going by the years, one can see a dangerous upward trend: 2019 – 124 shootings, 2020 – 116, 2021 – 257. However, the years 2022-2024 are the most tragic, as in each of the listed years there were more than 300 school shootings: 2022 – 308, 2023 – 349 and 2024 – 331, respectively.⁴⁶ The situation in 2023 with 349 school shootings, is particularly alarming, as it signifies that nearly each day was marked by an incident of gun violence. The studies prove that mass shootings are a significant problem in the United States.⁴⁷ For the purpose of illustration, the scale of the issue, I would like to discuss three cases of school shootings that particularly stuck with me while exploring this topic.

Columbine High School Massacre

The attack on Columbine High School took place on April 20, 1999, in Columbine, Colorado. The perpetrators turned out to be this school's students, Eric Harris and Dylan Klebold – teenagers aged 18 and 17. They killed 13 individuals, including 12 students and one teacher before taking their own lives. Additionally, 24 people sustained injuries during the attack. Harris and Klebold pre-arranged the attack over the course of

one year. They hoped for as many victims as possible. Their initial plan was to carry out a bomb attack. They created bombs on their own and planted them in several places in the building. However, this plan proved to be unsuccessful, due to the failure of the bombs to detonate. Had there been a detonation, the explosives would have killed or injured as many as 488 people and severely damaged the school's structure, with one floor likely to collapse.⁴⁸ As the primary plan failed, the perpetrators moved to a back-up plan. Harris and Klebold began shooting at 11:19 a.m. Firstly, they attacked two students who sitting on the grass near the school entrance, eating lunch. The female student was killed, and the male student, despite receiving eight gunshots, survived, but was paralyzed from the chest down. The attackers then proceeded toward the library, shooting anyone in their vicinity and killing two individuals in the process. Their main target was the library because of the largest number of people gathered there at one time. At 11:29 a.m., the library massacre began, it lasted just seven minutes and took ten lives. At 11:36 a.m., Harris and Klebold left the library and walked around the school shooting but injuring no one. At 12:08 p.m., both perpetrators took their own lives.⁴⁹

Sandy Hook Elementary School Shooting

The attack on Sandy Hook Elementary School took place on December 14, 2012, in Newtown, Connecticut. The perpetrator was the 20-year-old Adam Lanza, who had attended this school in his childhood. Lanza killed 20 first-graders and six adult staff members. The shooting lasted only five

⁴⁵ <https://k12ssdb.org/all-shootings> [page visited on 01.03.2025]

⁴⁶ <https://k12ssdb.org/all-shootings> [page visited on 01.03.2025]

⁴⁷ <https://everytownresearch.org/mass-shootings-in-america/> [page visited on 01.03.2025]

⁴⁸ (Danielewicz, 2021, p. 13)

⁴⁹ (Cullen, 2009, p. 67)

minutes from 9:35 to 9.40 a.m., in the final moments Lanza took his own life with a gunshot to the head. Earlier that day, the perpetrator shot his mother in their family home. Lanza drove to the elementary school in his mother's car and started the massacre. He shot his way through a glass panel next to the school's locked front entrance doors. Initially, he killed members of the school staff: the behavior therapist, the principal, the special education teacher, two teachers and the school psychologist. He then brutally murdered 20 children aged 6 and 7. At 9.40 a.m. he shot himself in the lower rear part of his head.⁵⁰

Uvalde School Shooting

The attack on Robb Elementary School took place on May 24, 2022, in Uvalde, Texas. The offender turned out to be a former student of the school, the 18-year-old Salvador Ramos, who fatally shot 21 people, including 19 students aged 10 and 11 and two female teachers, while wounding 17 people. Before arriving at the school, the shooter shot his grandmother in their family home. He then reached the area outside the school grounds. Driving at excessive speed led to his own accident and his vehicle ended up in a ditch, however, this did not stop him from carrying out the massacre. He began his attack at 11:28 a.m., entering one of the classrooms where lessons were being held. He fired indiscriminately at everyone who was there. Police arrived at the scene exactly 3 minutes after the attack began, however,

they did not stop the perpetrator expeditiously. The perpetrator barricaded himself with hostages in the classroom and refused to turn himself in. Negotiations with the murderer continued until 12:50 p.m., when police entered by force and opened fire on the perpetrator. The exchange of fire lasted a while and ended in Ramos' death.⁵¹

School Shootings in Poland

In the entire history of Poland, there have been only four cases of school shootings. The first occurred in 1925 in Vilnius, which was then part of Poland.⁵² On May 6, 1925, during final exams at Joachim Lelewel State Gymnazjum, one of the high school graduates pulled out a pistol and fired twice at the school principal, though the attack did not prove fatal. A scuffle ensued, in which the perpetrator pulled a hand grenade from his pocket and threw it in front of himself. The grenade explosion killed the perpetrator and two other high school graduates. After the detonation, another high school graduate picked the gun and started shooting at the examining board, killing one teacher before taking his own life. The incident resulted in the loss of five lives: two perpetrators, two high school graduates and one teacher, nine people were injured.⁵³ Another case of a school shooting in Poland was the one that happened on April 1, 1936, at a school in Inowrocław.⁵⁴ The perpetrator turned out to be a former teacher of the same school, who had been fired from his job for excessive use of alcohol. In the act of revenge, this teacher entered the school on that fateful day and

⁵⁰ https://en.wikipedia.org/wiki/Sandy_Hook_Elementary_School_shooting [page visited on 01.03.2025]

⁵¹ https://en.wikipedia.org/wiki/Uvalde_school_shooting [page visited on 01.03.2025]

⁵² <https://hit.policja.gov.pl/hit/aktualnosci/187506,Strzelanina-w-gimnazjum-w-Wilnie-1925.html#:~:text=6%20maja%201925%20roku%20-%20w,Europe%20na%20tak%20duż%20skale>. [page visited on 01.03.2025]

⁵³ https://pl.wikipedia.org/wiki/Strzelanina_w_gimnazjum_w_Wilnie [page visited on 01.03.2025]

⁵⁴ <https://sbc.org.pl/Content/235316/iv4422-1936-93.pdf> [page visited on 01.03.2025]

fatally shot three members of the school's staff and seriously wounded a police officer. He then attempted to take his own life, which proved unsuccessful, and the perpetrator suffered the consequences of his actions. The penultimate incident occurred in Kluczbork in 2001,⁵⁵ when an armed man staying at the Economic School Complex shot his wife, then fatally shot a student who had just entered the school and finally committed suicide in the courtyard of the building. The latest incident occurred in May 2019 at the Elementary School in Brześć Kujawski when the 18-year-old former student trespassed on the school's grounds and shot at two people – a school janitor and an 11-year-old female student – using a black-pistol revolver.⁵⁶ Luckily, these people survived the attack.

School Shootings in Switzerland

Finding information on school shootings in Switzerland required significant effort and extensive research. Even after a thorough search, I was not able to identify any information about school shootings. However, there are examples of mass shootings in public spaces. The first took place in 2001 in Canton of Zug, when a 57-year-old perpetrator stormed into the local parliament and shot fourteen people before committing suicide.⁵⁷ The second one happened in 2013 in Menznau. A woodworker shot two other employees, including himself and seriously wounded seven other people.⁵⁸

Such a low number of reported incidents of shootings in a country with relatively liberal laws concerning gun ownership is surprising. It could indicate that citizens comply with the regulations, and in particular the one that states that you can own a weapon if "there is no reason to believe you may use the weapon to harm yourself or others."⁵⁹

Possible causes and effects of school shootings in the US

The inquiry that comes to mind, regarding school shootings, is "Why?" and "For what reason?" There is no simple answer and there are many factors that come into play. I will discuss a few feasible reasons. According to statistics, as many as 42.9% of the shootings' perpetrators were students at the school where the attack took place. When students are the perpetrators, there are several reasons that may have led them to commit this crime. The most common motive for a student to carry out such an attack is their strong need to retaliate, whether against peers or teachers. In many cases, it turned out that the student had been either bullied, ridiculed, or oppressed by other students or teaching staff and decided to take such a radical revenge.

Furthermore, another equally plausible reason is the desire to emulate people who have previously committed similar acts. It is also the fact that the perpetrators want to be remembered. The Columbine massacre has

⁵⁵ <https://wiadomosci.wp.pl/strzelanina-w-kluczborskiej-szkole6109060608868993a#:~:text=Do%20tragedii%20dosz%20w%20niedziele,pope%20ni%20samob%20stwo%20na%20dziedzi%20szko%20ly.> [page visited on 01.03.2025]

⁵⁶ https://pl.wikipedia.org/wiki/Strzelanina_w_szkole [page visited on 01.03.2025]

⁵⁷ https://pl.wikipedia.org/wiki/Masakra_w_Zug [page visited on 01.03.2025]

⁵⁸ <https://www.money.pl/archiwum/wiadomosci/artykul/strzelanina-w-szwajcarii-trzy-osoby-nie-zyja,93,0,1259357.html> [page visited on 06.03.2025]

⁵⁹ <https://www.ch.ch/en/safety-and-justice/owning-a-weapon-in-switzerland/#who-is-permitted-to-acquire-or-own-a-weapon> [page visited on 06.03.2025]

influenced and inspired a number of young individuals to attempt similar acts. This phenomenon has its own name, a crime, an attack or any other criminal act that closely resembles a famous crime previously committed by another person is referred to as a *copycat crime*⁶⁰. The Columbine High School shooting, which happened in 1999, is still a vivid inspiration for perpetrators who hope to have their name remembered and gain media publicity. For example, the perpetrator of the Sandy Hook shooting – Adam Lanza – was fascinated by the Columbine shooting and shared his views about it on the Internet. In one of his online posts, he excused perpetrators Eric Harris and Dylan Klebold, claiming that they were merely “innocent victims of civilization”.⁶¹ Another example of being inspired by a crime might be Salvador Ramos, the perpetrator of the school shooting in Uvalde. He was not influenced by any previous shooting but rather a specific individual – Luka Magnotta, a Canadian murderer, rapist and necrophile. Magnotta committed a brutal murder in 2012, which he recorded and published online. Salvador Ramos was fascinated by this figure and wanted to become such a cold-hearted killer himself. Therefore, the date of the shooting was no coincidence, Ramos committed the attack on the 10th anniversary of Luka Magnotta’s crime – May 24, 2022.⁶²

Another motive behind school shootings, but also other acts of terror is extremism or adherence to an extreme ideology. Such perpetrators adopt ideologies and justify the use of drastic measures – such as violence,

intimidation, or terror – to achieve their goal. Eric Harris – one of the perpetrators of the Columbine shooting – was precisely that type of person. He was an admirer of Adolf Hitler, affirming him and identifying with the ideology of racial and biological superiority. Eric Harris and Dylan Klebold were thrilled about the consequences of the planned crime and assumed they would become well known.⁶³

Various mental disorders exhibited by perpetrators are also a factor that lead to school shootings. An example of such a case is again Adam Lanza, who was diagnosed at the age of thirteen with sensory disorders, Asperger’s syndrome and obsessive-compulsive disorder. A number of American psychologists also suspected him of schizophrenia, or psychotic disorders.⁶⁴

School shootings have a profound and long-lasting impact on those directly involved, as well as on the entire school community. The most immediate and devastating consequence is the loss of many lives. Parents experience the unbearable tragedy of losing their children. No compensation will ever be enough for a person who has lost a loved one. The Columbine shooting claimed 15 lives, including those of criminals. The Sandy Hook crime resulted in the deaths of 20 young children who had their whole lives ahead of them.

Another impact is the psychological trauma experienced by survived victims and their families. Surviving a mass attack, being

⁶⁰ <https://www.ldoceonline.com/dictionary/copycat-crime-attack-etc> [page visited on 04.03.2025]

⁶¹ https://pl.wikipedia.org/wiki/Adam_Lanza#Charakterystyka,_swiatopogląd_i_aktywność_w_internecie [page visited on 02.03.2025]

⁶² https://pl.wikipedia.org/wiki/Salvador_Ramos [page visited on 02.03.2025]

⁶³ https://en.wikipedia.org/wiki/Eric_Harris_and_Dylan_Klebold [page visited on 02.03.2025]

⁶⁴ https://pl.wikipedia.org/wiki/Adam_Lanza#Problemy_ze_zdrowiem_psychicznym [page visited on 02.03.2025]

an eyewitness to the deaths of close friends, and knowing that you could have died must be something unimaginable. Moreover, it may lead to emotional problems and mental disorders such as Post-traumatic Stress Disorder (PTSD), anxiety disorders or depression, to name just a few. Unfortunately, some individuals are unable to cope with such profound trauma and ultimately take their own lives.

Another effect of the shootings is that fear and uncertainty are beginning to paralyze the society. People no longer feel safe, as incidents occur at schools – that should be the safest places for children – it is the fact that raises concerns about security in public spaces and even within the walls of their own homes. Unfortunately, instead of tightening regulations on gun ownership, the U.S. government urges its citizens to purchase even more guns⁶⁵, which has the opposite effect – the increased feeling of insecurity.

Another result of the shootings is also overwhelming destruction. Schools after such attacks often have to be closed for a period of time before the buildings can serve their purpose. These disruptions in learning have a negative impact on students' education. Not only have school buildings been destroyed, but also victims' and witnesses' psyche and lives have been shattered. The attack survivors apart from mental disorders, often experience trust issues, severe social anxiety and learning problems that can persist for the rest of their lives.

Final Thoughts

School shootings in the United States represent a significant and pressing issue for the nation. Shootings also occur in other countries; however, the States lead by numbers every year and other countries are a long way from catching up.⁶⁶ The scale of this issue is incomparable. The only reasonable explanation for why this problem is so prevalent in this country is the system under which this North American country operates. It is about the right to bear arms. In my opinion, it is too liberal because it allows almost anyone to buy a gun without any verification, without any tests to see if that person is capable of possessing or handling a gun in a safe way that does not endanger anyone.

The second issue is the lack of proper security measures for weapons stored at home, preventing the firearms from falling into the hands of children. So, a child not fully aware of the consequences may want to take a gun just to brag to friends and the situation leads to a tragedy. A situation of this type occurred, and although it did not happen at school, the circumstances fit the problem raised. In the state of Georgia, a 13-year-old boy shot his friend directly in the face. The distraught mother of the slain child describes the situation this way: "My only son, my husband's only biological child, my beloved Robert Harvell Taylor III, forever thirteen, was shot in the face and killed by a friend, at the friend's house, with a pump shotgun. They told us the boys were playing with the gun, that was an accident."⁶⁷ There are also cases when a child deliberately takes a weapon to school because shooting is their plan, but if

⁶⁵ <https://www.thetrace.org/2025/01/gun-sales-america-market-decline-data/> [page visited on 06.03.2025]

⁶⁶ https://pl.wikipedia.org/wiki/Strzelanina_w_szkole [page visited on 06.03.2025]

⁶⁷ <https://momsdemandaction.org/13-year-old-shot-in-face-by-friend-mother-grieves-his-loss-and-the-lack-of-charges-in-case/> [page visited on 06.03.2025]

the weapon had been properly secured, many tragedies could not have been averted.

Whereas even that the gun laws in Switzerland are also quite liberal, the country's policies work in such a way that the problem of school shootings is virtually non-existent. The Swiss have the right to own firearms, but there are certain conditions to be met. A gun ownership is permitted provided the individual meets the legal requirements and successfully undergoes a background check. In the case of civilian weapons (e.g. pistols, hunting rifles), the applicant must pass a criminal and psychiatric test. In addition, applicants must demonstrate appropriate training, which usually includes courses on the safe use of weapons. Therefore, anyone who passes this process can own a gun. What is more, there is a fairly strong culture of respect for the right to own a gun in Switzerland. For many Swiss, guns are part of a tradition associated with military service, as well as hunting and target shooting. As a result, the level of gun violence in Switzerland is relatively low compared to other countries with similar access to weapons. This is where Switzerland differs from the US, and it is safe to say that the country manages its weapons policy much better than the United States of America. There is no single cause of school shootings, yet the numbers alone say that an easy access to firearms can be labelled as the major factor.

In contrast, Poland, with the most restrictive regulations of the three on gun ownership and a very low number of incidents in schools, also provides support for the hypothesis that restrictive gun ownership laws

and pre-permit background checks of subjects help reduce the commission of crimes with firearms in schools. This makes Poland one of the safer countries in the world in this regard. Therefore, the time for the USA to change the regulations and introduce stricter gun laws is now. The main conclusion of this study is as follows. The 2nd Amendment, which was intended to provide greater protection for property and civil liberties, has consequently led to an uncontrolled increase in school shootings that threatens the safety of American society as a whole.

Post Scriptum

The problem of school shootings is not slowing down. Since I started work on this paper a number of incidents has happened. The last high-profile incident took place just before Christmas 2024. A student opened fire at a private Christian school in the State of Wisconsin, injuring six people and killing a teacher and a teenage student. The perpetrator turned out to be a 15-year-old pupil of the school. Two victims were in a life-threatening condition. The perpetrator, on the other hand, was found dead. The motive for this crime is unknown, but the fact that it was committed by such a young person is alarming and once again makes us reflect on the system that prevails in the United States.⁶⁸ As of March 6, 2025, there have already been 33 school shootings in the United States this year.⁶⁹

⁶⁸ <https://www.bbc.com/news/articles/ckg13lz9zn4o> [page visited on 01.03.2025]

⁶⁹ <https://k12ssdb.org/all-shootings> [page visited on 06.03.2025]

Bibliography:

- Cullen, D. (2009). *Columbine*. Twelve.
- Danielewicz, K. (2021). *Przeżyć szkołę: Bezpieczeństwo w szkole. Teoria i praktyka*. Security in Practice.
- Congressional Research Service. (n.d.). *Constitution of the United States: Second Amendment*. Retrieved January 21, 2025, from <https://constitution.congress.gov/constitution/amendment-2>.
- Council on Foreign Relations. (n.d.). *US gun policy: Global comparisons*. Retrieved January 21, 2025, from <https://www.cfr.org/backgrounder/us-gun-policy-global-comparisons>.
- K12 School Shooting Database. (n.d.). Retrieved March 1, 2025, from <https://k12ssdb.org/all-shootings>.
- Gramlich, J. (2025, March 5). *What the data says about gun deaths in the US*. Pew Research Center. Retrieved from <https://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/>.
- Kąkol C. (2021). *Ustawa o broni i amunicji. Komentarz*. Wolters Kluwer Polska.
- Ruczkowski P. (2012). *Decyzja w sprawie pozwolenia na broń*. Przegląd Prawa Publicznego.
- Wikipedia contributors. (n.d.). *Brady Handgun Violence Prevention Act*. In Wikipedia. Retrieved January 25, 2025, from https://en.wikipedia.org/wiki/Brady_Handgun_Violence_Prevention_Act.
- Wikipedia contributors. (n.d.). *District of Columbia v. Heller*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/District_of_Columbia_v._Heller.
- Wikipedia contributors. (n.d.). *Firearms regulation in Switzerland*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/Firearms_regulation_in_Switzerland.
- Wikipedia contributors. (n.d.). *Gun Control Act of 1968*. In Wikipedia. Retrieved January 25, 2025, from https://en.wikipedia.org/wiki/Gun_Control_Act_of_1968#Prohibited_persons.
- Wikipedia contributors. (n.d.). *Gun law in the United States*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/Gun_law_in_the_United_States.
- Wikipedia contributors. (n.d.). *Gun laws in Poland*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/Gun_laws_in_Poland.
- Wikipedia contributors. (n.d.). *National Firearms Act*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/National_Firearms_Act.
- Wikipedia contributors. (n.d.). *New York State Rifle & Pistol Association, Inc. v. Bruen*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/New_York_State_Rifle_%26_Pistol_Association,_Inc._v._Bruen.
- Wikipedia contributors. (n.d.). *Parkland high school shooting*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/Parkland_high_school_shooting.
- Wikipedia contributors. (n.d.). *Swiss Armed Forces*. In Wikipedia. Retrieved January 21, 2025, from https://en.wikipedia.org/wiki/Swiss_Armed_Forces.
- Wikipedia contributors. (n.d.). *Uvalde school shooting*. In Wikipedia. Retrieved March 1, 2025, from https://en.wikipedia.org/wiki/Uvalde_school_shooting.

Notka o autorce: Jestem studentką III roku kryminologii na Wydziale Prawa i Administracji Uniwersytetu Gdańskiego. Oprócz dodatkowych prac naukowych, jednocześnie piszę pracę licencjacką na podobny temat: „Jak kultura broni w USA wpływa na zjawisko strzelanin szkolnych”. Moje szczególne zainteresowania są ściśle powiązane z moim kierunkiem studiów, czyli przestępstwa, prawo karne oraz wszelkie przejawy patologii społecznej.