

Secure Your Guns

There was a victory of sorts for gun makers and gun owners March 6th. Maryland's highest court ruled that Ruger could not be held responsible for the death of a three year old who shot himself with his father's handgun, stored under a mattress. Antigun activists argued that the Ruger semi auto pistol was defective because it wasn't childproof. The antigun activists assert that a gun that doesn't lock itself, or that can be operated by a child, is inherently defective. The court recognized that what was defective wasn't the gun, but the father who clearly lacked the sense to store the gun correctly.

According to the decision, the father was warned by the instruction manual, by a BATF pamphlet entitled "Youth Handgun Safety Act Notice," and by the store that sold him the gun that he should secure it, and store it unloaded when not in use. The father declined to take a free gun safety class. According to the store, they also recommended a trigger lock, which the store claims the father rejected. The gun came with a lockbox. The retailer, On Target, Inc., appears to have done not only what the law required, but also more than the law required--a good example of a store that did its job correctly. So what went wrong?

Everything, it seems. A loaded magazine was in plain sight to the child, and not secured. The pistol was hidden, but also not secured. But what are the chances that a three year old would find the gun, load a magazine, rack the slide, and pull the trigger? It seems unlikely, doesn't it? Yet, if we are to believe the court's decision, this child had watched enough television to know how to load the gun and rack the slide.¹ (Forgive me

¹ *Melissa M. Halliday v. Sturm, Ruger & Company, Inc.*, ____ No. 54 (Md. 2002) at <http://caselaw.lp.findlaw.com/data2/marylandstatecases/coa/2002/54a01.pdf>.

for my skepticism, but I am more inclined to believe that the gun was already loaded when the child found it, than that a three year old completed all those steps. Even my 13 year old has trouble racking the slide on a pistol.)

Accidents like this aren't really all that common--but every single one of them is inexcusable. A three year old died for no good reason. The parents are going to be grief stricken about this for years, and I assume that Maryland gun control activists will use this tragedy for years as an example of why guns need to be tightly regulated, with licensing, safety classes, and every other regulatory scheme that they can imagine. Does anyone think that there is any safety class that would have prevented this sort of pigheaded refusal to think?

I'm sure that all of you that read my column are too smart to leave your guns unsecured. After all, you are smart enough to read and appreciate my column, right? The next time you see someone who isn't as smart as you and me about this, tell him. You don't have to be mean or rude about it: "You know, leaving your guns out like that makes it more likely that some burglar will steal your guns--or maybe some kid comes over, and starts goofing around with them. It might be safer to have them properly secured."

Every gun owner should secure his guns, both to prevent burglars from stealing them, and to prevent a tragedy like this. Yes, a real gun safe that will keep a determined burglar out is expensive and heavy. But even locking the hard plastic cases that many handgun makers now ship with their product will keep a three year old out. It will also encourage a burglar to take the case elsewhere. That's not wonderful, but it's better than walking into your house and discovering that the burglar has found and loaded your gun.

If you live a neighborhood that is so rough enough that you need a gun available on short notice, you should plan on moving. Sometimes that isn't an option, or the crisis is short-lived. In that case, you should buy a quick opening lockbox to secure that gun. If that isn't immediately possible, and you expect a situation so dangerous that you can't take four or five seconds to find a key and unlock a gun case, then you should have either the gun or the magazine (or both) on your person, so that a curious three year old doesn't become both a personal tragedy, and a gun control statistic.

Yes, there was that tragedy last year in the Central Valley of California, where the parents' obedience to California's very strict "negligent gun storage" law meant that the teenager couldn't protect her siblings from a madman with a pitchfork who broke into the house. There have been some splendid examples of teenagers who picked up a gun and protected Mom from an intruder.

Those incidents, however, are not all that common. There may be good reasons in particular cases to let a teenager have access to a loaded gun, but that doesn't mean leaving it out unsecured where a small child or a burglar can get to it. For the *average* American, the risk of teen suicide or horseplay is almost certainly higher than the benefit of having the gun available to a teenager for home protection.

I try not to sound like a raving liberal on this subject, but there are too many gun owners out there who store guns irresponsibly and stupidly. One example sticks out in my mind. My wife used to tutor a sixth grader. His reading skills were too far below grade for him to pass the written Hunter Safety test, and he really wanted to go hunting with Dad. This kid wasn't stupid; the school district had misclassified him as "special needs" when he was young, and even though it was obvious that this was an error, the

district never corrected their mistake. As another teacher in the district explained to us very gently, the schools received extra funding for every child in the special education program, so they had no great interest in moving kids into the mainstream. Unsurprisingly, the special education label stuck to the kid, and he met the school's expectations, falling years behind his grade level.

In a few weeks, my wife raised his reading level from first grade to fifth grade. He was at least able to take the Hunter Safety written test and have some hope of passing. My wife noticed something that was quite worrisome, however, when she was over there one day, when this kid explained why it was so important to get his reading skills up to grade. In one of the spare bedrooms, Dad's shotguns and rifles were lined up against the wall. They weren't locked up; the bolts were still in the rifles; they weren't even hidden. Ammunition was in the closet. Any burglar who broke in could have walked out with all the guns he wanted. If someone arrived at the house, either a resident or the police, the burglar could have used those guns to make his escape.

The father was pretty confident that his son wouldn't do anything stupid with his guns, and perhaps his trust in his son was appropriate. But what about the friend that comes home from school, who hasn't been raised around guns, or is just plain irresponsible?

One of the things that I have learned, as my daughter passed through those turbulent teenaged years, is that the 10 year old that you think you know can become a wild and unpredictable stranger in just a few short months of hanging around with the wrong crowd. Even if your children don't end up doing the dumb things that teenagers are

known for, what sort of friends and acquaintances are coming to your house when you aren't around?

You don't have a gun safe? I understand. They are heavy and expensive, and the light metal storage cabinets that cost a lot less than a real gun safe need to be screwed down to a stud to prevent theft. If you rent, you will be understandably uncertain of how to secure your guns. But there are still steps you can take.

Back when I rented, I kept my guns in the hard sided cases made by Doskocil. I locked the case, put a chain through the handles, and around the case, then padlocked the chain around a plumbing fixture (such as the pipe under a sink). Even if someone broke the locks on the case, the chain around the case prevented opening the case far enough to get the gun out.

This method of securing a gun is unsightly, and the top 10% of burglars might come back with tools for cutting the chain. But at least the guns were secured from the sort of casual mischief that your kids and their friends might get into while you aren't home. Most burglars, as tempted as they might be, aren't going to come back later with the right tools to cut the chain.

I've reached the end of my sermon, so let me just make this point as forcefully as I can: every gun needs to be secured, at least to prevent a tragedy involving a child (perhaps your child, or one of his friends), and to make sure that your gun doesn't end up in the hands of a criminal.

Clayton E. Cramer is a software engineer and historian. His last book was *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* (Praeger Press, 1999). His web site is <http://www.claytoncramer.com>.