

CONSTITUTIONAL RIGHTS AND SUPPORT FOR GUN CONTROL IN CALIFORNIA

Krystal Noga-Styron, Central Washington University, 400 E. University Way, Ellensburg, WA 98926, 509-963-3889, nogak@cwu.edu

Sarah Britto, California State University Dominguez Hills, 1000 E. Victoria St., Carson, CA 90747, 310-243-3890, sbritto@csudh.edu

ABSTRACT

The First and Second Amendments establish the constitutional rights to free speech and to bear arms, respectively, in the United States, yet neither of these rights is absolute and considerable friction between these two rights exists. Perceptual research on constitutional rights and gun control can help inform policy. Data, from a survey conducted in California in the summer of 2022, will be utilized to test the relationship between agreement with the First and Second Amendments and support for gun control, while controlling for other theoretically relevant variables. Findings and policy recommendations will be discussed.

Keywords: First Amendment, Second Amendment, Gun Control, Survey Research, California

INTRODUCTION AND LITERATURE REVIEW

The debate over gun control in the United States is informed by individual and political understanding of the constitutional rights guaranteed in the First and Second Amendments of the Constitution. As scholars have noted, tensions exist between First and Second Amendment rights as interpreted in the U.S. Constitution (Horwitz, 2016). Likewise, views on gun control are informed by other crime-related public perceptions such as the prevalence of violent crime and faith the police to maintain public safety (Noga-Styron & Britto, 2022). The current exploratory study uses survey data to test the relationship between the strength of belief in both the First and Second Amendments, and relevant control variables, and support for gun control, in the hopes of better informing gun control policymaking decisions.

RESEARCH METHODS

This study used a cross-sectional survey on crime-related public perceptions of California residents. An online sample representative of the California population in terms of gender and age was purchased through a market research company. The survey was conducted on May 31, 2022, and 411 participants completed the survey. The survey received Institutional Review Board approval. This study tested two related hypotheses: 1) strength of belief in the First Amendment is related to support for gun control, and 2) strength of belief in the Second Amendments is related to a lack of support for gun control.

The dependent variable – support for guns laws – is a 6-item factor ($\alpha = .785$) based on support for: having a longer wait period before an individual can purchase a firearm; banning military type guns from public use; only allowing individuals who have passed a certified gun safety class to purchase a firearm, banning ghost guns; requiring a mental health screening to purchase any firearm; and restricting gun purchases to individuals 21 and over. The independent variables were measured by asking respondents, on a 5-point scale from strongly agree to strongly disagree, how much they agree: 1) freedom of speech

is a right guaranteed by the U.S. Constitution that should not be subject to censorship laws or policies, and 2) the right to bear arms is guaranteed by the U.S. Constitution and should not be subject to gun control laws or policies. Ordinary least squares regression was used to test the two hypotheses with controls.

RESULTS

Table 1 shows the results of the regression analysis. Consistent with previous research, males and conservatives are less likely to support gun control, as are individuals who see violent crime in their neighborhood as a big problem. Individuals who are uncomfortable with firearms, are satisfied with the police maintaining public safety in their community, and have higher incomes are more likely to support gun control. Finally, although belief in the immutability of First Amendment rights was not related to support for gun control, those who agreed with the immutability of the Second Amendment were significantly less supportive of gun control.

Table 1: OLS regression - Belief in 1st and 2nd Amendment on support for gun control

	B	SE	Beta
Sex (1=male)	-.231*	.098	-.115*
Age	-.028	.038	-.036
Income	.089*	.037	.132*
Education	-.037	.032	-.065
Asian	.082	.149	.028
Black/African American	-.040	.155	-.013
Latinx	-.002	.119	-.001
Political Ideology (1=ext. liberal, 5=ext. conservative)	-.087*	.048	-.087*
Violent Crime (1=not a problem, 5 = a big problem)	-.141*	.045	-.150*
Police maintain public safety (1=not very satisfied., 5=very satisfied.)	.093*	.039	.116*
Comfort with Firearms (1=very comfortable., 5=very uncomfortable)	.057*	.036	.081*
First Amendment (1=strongly agree, 5=strongly disagree)	-.070	.045	-.080
Second Amendment (1=strongly agree, 5=strongly disagree)	.207*	.039	.291*
N = 383, *p<.05	R² = 0.195		

CONCLUSION

Overall, the results show that strength of belief in the Second Amendment is more important for the issue of gun control than is strength of belief in the First Amendment. The current study is consistent with prior studies which suggest that when it comes to issues of gun control, there is a perceptual divide based on variables such as gender, income, and political ideology. It expands the research on how variables such as perceptions of violent crime, faith in the police to maintain public safety, and comfort-level with firearms inform public positions on gun control. Policy discussions and decisions by lawmakers in the state of California should include these beliefs and perceptions when crafting gun control laws.

REFERENCES

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