

## **Dunblane - A Predictable Tragedy**

On the 13th of March 1996, Thomas Hamilton entered the Primary School in Dunblane, Scotland and shot and killed sixteen Children and one teacher. Twelve children and two teachers were left badly injured some near fatally. The unthinkable had happened. Children hardly more than babies were shot at point blank range. Some of the children had as many as seven gunshot wounds. They were not victims of a random shooting, they were coolly executed. Hamilton used a Browning 9mm automatic pistol capable of firing 20 shots in less than 6 seconds loaded with hollow nosed ammunition designed to cause maximum damage.

These events did not happen in downtown LA or in some lawless third world country. They happened in Great Britain, said to have some of the toughest gun laws in the world. It happened in a rural community in Scotland. This country has experienced a number of major disasters in recent years, the Piper Alpha Oil Platform Explosion and Lockerbie to name but two. In both of these tragedies which involved major loss of life and injury I had the privilege to represent the families of the bereaved and injured. There was however something uniquely awful about the events of March 13th. We

can accept that we may be the victims of accident or even terrorism, but are we now to accept that our children are at the mercy of lawfully owned firearms? We no doubt all share the outrage and despair at the meaningless loss of sixteen young and pure lives, the ruthless murder of their teacher and the indiscriminate maiming and injury to their young classmates and other teachers.

As attorney for the families of the dead, survivors, and two of the teaching staff I appeared at the Public Inquiry lasting seven weeks which heard evidence from more than 170 witnesses with the purpose of understanding how such an event could have happened and what could be done to prevent a repetition. What has been learned is of universal importance and I want to share it with you in the hope that no one will witness such a thing again.

Of the day itself I can tell you that Hamilton entered Dunblane Primary school without difficulty. He came with enough guns and ammunition sufficient to kill almost every adult and child there. He had cut the telephone lines and there is evidence to suggest that he expected to find the school assembly in session with every pupil present - some 250 children. In the event he found it empty and proceeded to the gymnasium, occupied by a class of five year olds,

dressed for gym practice and full of the joy and excitement that children of that age have. They had kissed goodbye to their mums and dads only minutes before. Hamilton started firing his automatic weapon, resulting in a carnage beyond words. Within seconds 17 lay dead and the many badly injured some close to death and several disfigured for life. They cowered in a corner with two brave but helpless teachers protecting them with their own shattered and blood soaked bodies.

There is one fact which is central and which must be understood by all. The victims of this massacre were shot, murdered and injured by a lawfully held weapon, lawfully owned ammunition and by someone licensed to hold and use firearms. He had been approved as suitable to hold, own, possess and use a firearm by a licensing system said to be one of the toughest in the world.

Inevitably these events will re-open the debate on gun control. This debate from time to time gathers momentum. The death of a president, the suicide of a teenager and now the execution of five year olds. For a moment the focus is once again on the 'gun' in society. We have not only an opportunity but an obligation to take part in this debate.

It is and should be for every parent or individual a matter of conscience.

The gun debate usually revolves around several issues, the link between firearms availability and violent crime, suicide and accidental death and of course the 'Right' to own and possess weapons for sport, recreation or self protection. Dunblane unleashed a sea of emotion and grief around the world, a huge and overwhelming response from ordinary people everywhere, many from the United States. All were horrified by the event and all wanted to ensure nothing like this could happen again. Yet it is important not to underestimate the strength of opposition to gun control, the gun lobby presents vigorous and constant argument against further control. The public are told it is criminals who commit gun crimes, guns are safe with ordinary folks, it is people not guns who commit these crimes and so we need to sift out the criminal and those unsuited to have weapons. We are told that ordinary decent people should be allowed to pursue legitimate sporting and recreational interests, or protect themselves from criminals, such people are not a risk. There can be no proper or rational argument to interfere with or restrict such rights.

It is the plea from the families of the dead and injured at Dunblane and from their teachers that never again should we tolerate the possibility of crimes such as this being carried out with lawfully held weapons. No one, whether families or their legal team are blind to the problems created by illegal weapons, they are an important but separate issue. Our concerns relate to those weapons we as a society sanction to be lawfully held in the community. Weapons put in the hands of citizens which are by design intended to kill and do so with rapid and clinical efficiency.

The Gun lobby will and do argue that controls are at present sufficient and that more needs to be done to screen out unsuitable persons and to educate those who hold weapons. No such argument addresses the central issue of the availability of guns in our communities and the inevitable price we must pay. Whatever improvements are made to any system of gun control in Britain or the United States the potential for another Dunblane will remain. There is no system which can guarantee public safety from undesirables possessing weapons. Without such a guarantee we must be prepared to pay the price Dunblane paid when the system fails. We have a choice.

Dunblane can either be consigned to a few lines in newspapers as a random inexplicable event, or it can become a focus for change.

I will argue Dunblane was not a random event, it was predictable. These children were shot not because Hamilton was a madman but because the Law failed them we all failed them. I am here not to attack the 'civil rights' of gun owners but to speak for the civil rights of the children of Dunblane and everywhere else, their right to life was violated, a right not to be executed or shot by a lawfully held firearm. Dunblane was preceded in Britain by the mass shooting of civilians in Hungerford in 1987 and by many other examples here and elsewhere around the world. It was closely followed by the carnage in Tasmania. Those who fail to learn from history are cursed to relive it. We know, that Dunblane was not the last mass execution by gun, regrettably that is now a matter of fact. We know in the United States that every six hours an American teenager commits suicide with a gun, that more teenage males in the United States die in gun homicide than by natural causes. There can be no better time than now to answer the gun lobby arguments and to press for radical reform of gun law around the world. There needs to be a change in culture, no longer a right to own a gun, but rather a privilege extended to those who

serve us such as the Police and Armed Services. The evidence is there for all to see, gun ownership imposes a cost on society in terms of murder, suicide and accident yet it bestows no benefits beyond the interests of target shooters and those who hold a weapon as a response to fear.

Guns don't kill - people do.

My first observation and an obvious one but nonetheless important is that guns, are designed to kill people. Cars kill people, they impose costs on society but these are weighed against the benefits. Cars are not designed as an instrument to inflict death with almost instant efficiency. We have traffic and environmental laws to find a balance between the danger posed by the car and the benefits which accrue. Guns are designed to kill, this is there primary function. Why would a rational society allow individuals to have at their disposal a weapon designed to kill people? Do we have such confidence in those whom we entrust with the ownership of guns, to be sure they are safe to have this responsibility? No matter how much we check out any applicant for a gun licence the potential will always remain for an individual's circumstances to change, creating dangers where none existed previously, for example the onset of mental illness, or unforeseen factors such as a decision

to commit suicide or in the case of Hamilton a decision to carry out an extended suicide.

Guns are an effective means of killing. All surveys have, perhaps not unsurprisingly, found gun attacks are more lethal than attacks with other weapons. Many who kill do so in moments of anger, an anger which more often than not dissipates quickly. The use of guns leaves no chance for the victim. There is a large body of evidence to suggest that a significant proportion of those who shot their spouse attempt or commit suicide afterwards, underlining the spontaneity of many homicides in domestic situations and the regret afterwards. The availability of guns is directly related to the number of attempted and successful suicides. Some suicide attempts are not premeditated and can be transitory. Attempts with firearms have the highest probability of success, almost twenty times more likely to result in death than with a knife. Guns are highly lethal, fast and critical in determining the outcome of suicides.

There are no medical, psychological or psychiatric tests which can predict such behaviour with any certainty. Do we simply take the chance? We have a choice.

There is clear evidence that the more guns in households the greater the homicide rate. The more available guns there are the more they will be used, increased use results in more deaths. A reduction in the number of guns available in society may not have any effect on, for example robbery but it would have an effect on the number of deaths resulting from robberies. Knives can kill but they are less certain to be lethal than a gun. Drive by killings would be difficult without guns. Mass killing of children in a school would be much more difficult without a gun.

Guns also account for more accidental deaths. If you compare Canada with the United States, the US has two or three times the level of gun ownership and it also has consistently two or three times the level of accidental fatalities.

All available evidence, and we commissioned a review of 200 recent studies in firearms research, points to one conclusion, homicide rates are related to gun ownership.

A reduction in gun ownership does mean a reduction in homicide. We have a choice.

Dunblane - the act of a madman?

It is often said after events such as Dunblane that such tragedy is the act of a madman who ought not to have had a gun. What can you do to protect yourself or society against a madman? It follows that it is wholly unreasonable to suggest banning guns, you should rather 'screen out' undesirables from having guns. Yet as I mentioned before there are no tests to screen out people or predict how they will change. We find ourselves in a situation where we watch our neighbour's personality and character change out of all recognition, perhaps due to illness, bereavement, domestic or employment problems. We may see signs of instability or violence, but may not know until it is too late that he possessed a gun.

It is perhaps worth looking for a moment at Thomas Hamilton.

There was little evidence of past significant violent behaviour. There was no evidence of violence in his family life as a child. There was evidence that during his adult life he was what could be described as a 'loner'. Notwithstanding this after the most exhaustive scrutiny a leading Professor of Forensic Psychology using the Psychopathy Checklist to assess psychopathic personality disorder could find no evidence of any of the key indicators and found Hamilton would have scored 6 on a scale which

recognises a psychopath at a score of 18 and above. He also found that on balance there was not enough evidence to make an absolute diagnosis of a sadistic personality disorder. There was no evidence that he was impulsive, or had poor anger control or that he abused alcohol or drugs. The available evidence suggested nothing more than a personality disorder characterised by a lack of empathy and a desire to control others. The conclusion was that psychological or psychiatric examination prior to the incident at Dunblane would have been unlikely to alert an assessor to his being a danger.

It is clear from all available evidence that many in the population will from time to time suffer from mental illness in one shape or other and that the onset of this is often difficult or impossible to predict. It follows that in any society where gun ownership is widespread some of those possessing guns will become ill. The only way to effectively prevent Thomas Hamilton from doing what he did was to ensure he had no guns available to him. To ensure that he had no access to guns, especially at home where access took place in isolation and unobserved.

Predicting human behaviour is complex and difficult and is only possible with detailed and intimate knowledge of the

individuals. It is clear from all available expert psychiatric opinion that there is no safe alternative to the exclusion guns from people's homes. We control other threats to human life, such as the possession of certain drugs.

The availability of guns is a key factor in the severity of violence, rates of homicide, rates of suicide and the number of gun related accidental fatalities.

One part of this debate is about the 'Rights' of those who want to possess guns. The other part is about the 'Rights' of those who are the victims of a device designed to kill and their 'Right' to life. Is this 'right to life' not the most fundamental right in the laws and constitutions of all developed nations? Is it not time to raise the level of debate from the selfish arguments of those who insist on owning guns and who ask *others* to pay the cost this inevitably imposes? Thus far the gun lobby have succeeded in putting guns in the hands of thousands throughout communities around the world. The price of this is now known and we must decide if this is a price we wish to pay. We have a choice.

If the gun lobby succeed then you must accept that your child or one you know, or one you will read about will as a matter of certainty, be shot at school, at home, or playing

in the street, by accident or by design. Guns kill, the more guns the greater the probability of death. The parents of those killed and injured know that it doesn't always happen to someone else. I have met them, I have watched the torture, the loss of their children has inflicted. One said to me 'what about my daughter's right to life...I would give anything to have her sit on my knee tonight.'

We have a choice.

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