The proposed gun laws are not enough

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February saw two official inquiries from the Kauhajoki school shootings concluded. One was the specially appointed review board’s report to the Minister of Justice proposing, quite controversially, a total ban on semi-automatic handguns. The other was the District Court’s acquittal of the police officer that questioned but then allowed the 22 year old permit holder to retain his semi-automatic handgun the day before the massacre. Yet the focus on banning semi-automatics outright falls between two key issues raised by the shooting but seemingly not fully addressed in the proposals. One is the need to reduce what passes as ‘justifiable purposes’ for which a firearms permit may be approved. The other, as the outcome of the officer’s trial testifies, is the need to lower the threshold by which the police can lawfully revoke a permit. Neither necessarily requires an outright ban of handguns *per se* but would affect a ban in practice through reasoned and effectively applied firearms regulation.

The police officer was acquitted of negligence charges by the Kauhajoki district court on Friday 29 January. The case is now subject to appeal by the prosecutor and families of the ten victims, who want the officer convicted of ten counts of aggravated negligent homicide arising from the school shooting of 24 September 2008. Summons had been served on 26 March 2009 and in doing so made public the officer’s submitted statement of defence since the matter was likely to have important social implications. The detail of what information was and was not available to the officer for his consideration at the time is a matter of record. Much centred on what the nature of killer Matti Saari’s YouTube videos of himself engaged in ‘hobby’ style shooting with his newly acquired semi-automatic handgun and general internet activity. The police had been alerted to this, with similarities to the previous year’s Jokela school massacre in mind.

The point to note, though, is the officer’s claim of no legal grounds to seize the weapons due to the fact that the nature of the information available to him was not ‘serious enough’ to warrant confiscation. Yet, according to his reported defence statement, he still gave Saari an ‘unofficial warning’ which was ‘supposed to lead to a closer monitoring of the suspect’s actions’. This would suggest the officer at least had some low level concerns as to Saari’s fitness for a gun, otherwise why the ‘unofficial’ warning and for the purpose of what sort of monitoring? From this it seems that he may have wanted to revoke Saari’s permit based on some degree of concern. But he was not lawfully able to do so because the threshold was too low, in law, to be ‘seriousness enough’: hence the ‘unofficial warning’ as a compromise.

The police are bound to act only within what the law allows and in this respect I stand in support of the officer’s basic point of defence. The trial judges went on to consider for themselves if the information available to the officer at the time was ‘serious enough’ to lawfully invoke the revocation laws. One reportedly thought it was. The other two thought not. The officer was acquitted on the basis of a majority decision in his favour. Whatever the outcome of the appeal, this highlights the need to review the threshold level for revocation. As a far more effective precautionary measure, it would seem that the firearms revocation threshold should be substantially lowered, or at least further clarified in guidance. This would
allow an officer who feels there is any cause for concern at all, as the officer in this case seemed to have, to lawfully err on the side of caution and seize the weapons without fear of criticism.

Quite aside from the trail and implications of its defence case, the review board submitted its proposals to the Ministry of Justice on 17th February. While it does not seem to deal with making powers of revocation easier, it does propose (among other things) an outright ban and recall of all 200,000 or so semi-automatic weapons thought to be out there among permit holders, to be compensated for at an estimated €40 Million. But is that really a workable suggestion? Shouldn’t the focus be on ground for approval rather than type of weapon?

The main opposition to the proposed ban has been from the so-called ‘target-shooting hobbyist’. I am no supporter of firearms myself but there are those who would say it is unfair to penalise the many otherwise law abiding and responsible firearms owners who have a legitimate purpose for the possession and use of a semi automatic just because of the criminal actions of a few. But that raises the question as to what ‘legitimate use’ is. And it is perhaps this – what counts as ‘justifiable purpose’ for approval – rather than blanket prohibition of certain types of firearms that would seem the more appropriate aspect of review.

At the time of the Kauhajoki shooting I previously wrote of the need for any firearms applicant in the UK to have to ‘show a good reason’ as to why they want a specific type of gun for a specific type of purpose and the maximum quantity of ammunition they may be allowed to possess at any one time. In other words, put the onus on the applicant to subjectively show a good reason for needing the gun, not on the police to show an objective reason to reject it. The same points, along with those about revocation, were also a subject of a voluntary report to the relevant authorities in anticipation of a review board being set up.

As I understand it, in Finland one requires a ‘justifiable purpose’. Outside of professional use and museum/collector type possession, the basic purposes are listed as ‘hunting’ and ‘sports and hobby shooting’. Applications and use, these days, should be in conjunction with properly supervised and strict membership of a genuine club and subject to comprehensive vetting procedures as to an applicant’s suitability. Such checks should obviously included the military’s ‘E list’ of conscripts identified as not to be trusted with a gun, as well as with the Security Police as to known extremist group tendencies and affiliations. But there seems nothing unreasonable about ‘hunting’ provided it is for the genuine but limited purpose of necessary animal control, such as elk. But this does not reasonably require the use of a semi-automatic handgun because a single shot ‘humane destroyer’ of sorts can be used to put a terminally injured animal out of its misery if not shot cleanly on a seasonal hunt.

The place of a semi-automatic handgun in ‘sports shooting’ also appears quite limited to the outsider, especially if confined to ‘internationally recognised sports shooting’. The Olympics, for example currently have nine recognised shooting events. Only one of which, the 25 metre ‘rapid fire pistol’, requires a semi-automatic handgun and a very specific 5 round ‘sports’ one at that. Undoubtedly there are other ‘rapid fire pistol’ type events in other internationally
recognised sports shooting events but one would expect to see a very limited range of semi-automatic handguns being applied for by genuine sports shooters engaged in such (which would include those who need to practice even when not competing).

So who has the estimated 200,000 semi-automatic handguns in Finland and for what justifiable purpose? The ‘hobby shooters’, it would seem. This is the area to affect a ban: on the category of purpose, rather than the firearm itself, because it would appear to have no genuine sporting or hunting connection. Simply shooting for shooting’s sake, it would seem. So the state could reasonably tell an applicant to find another hobby, without too much fear of rights violation or sustainable compliant. But there seems to be something more to this.

I recently asked a Finnish sports shooter why someone might want to use a semi-automatic handgun (or any gun) as a ‘hobbyist’. The disturbing suggestion was ‘national defence’. To quote: “When talking about gun ownership, the geo-political situation of Finland cannot be bypassed. Finland’s capability of defending the country against foreign aggressors completely relies on a reserve of conscripts. The government has cut down on the rehearsals for the reservists, who in turn have formed voluntary organizations to practice the basic skills, including shooting semi-automatic guns, on their own time and money.” In other words, a volunteer defence corps, or militia who conceivably see themselves as carrying the mantle of the Jäger, or ‘hunters’, of Finland’s 1918 Civil War volunteer defence corps. Sorry, but if there is a genuine national defence need, then this is best organised, funded and closely supervised via the ministry of defence, not self-appointed volunteers free to define who the enemy is today and what the threat level is in their own terms.

There is suggestion elsewhere of far-right nationalists in Finland gathering automatics and other firearms as ‘defence training weapons’ under this guise of ‘hobby shooting’. According to its website, Finland’s Antifascist Committee ‘SAFKA’ has apparently been collating such information on a nationwide basis since 2008 in respect of the strongly nationalistic and immigration-critical based association ‘Suomen Sisu’. At risk of being litigious, the contemporary ‘enemy’ in the minds of such ‘hobbyists’ may be far different from those the authorities and wider society reasonably saw across the boarders 70 years ago during the Winter and Continuation Wars, or internally during the 1918 Civil War.

If there is any truth to what the Finnish sports-shooter of 20 years experience says, then the government might have a serious problem: how to disarm a would be militia of 200,000 semi-automatic handguns and many other types of firearm obtained, kept and practiced with for the purpose of ‘national defence’. In other words killing, as is the sole intended purpose of any firearm by origin and design. The fact that dissenters to the suggestion of a ban on semi-automatics handguns (easily concealable and designed for rapid multiple killing in close range combat) seem to suggest prohibition would only lead to illegal possession, further suggests that such people are actually no respecters of law when it does not suit them: reason enough for revocation, if not refusal to approve application for the purpose of ‘hobby-shooting’ in the first place. The proposals are not enough. Reduce the legitimacy of purpose
to internationally recognised sports shooting and necessary hunting and lower the police revocation threshold to the slightest doubt as to character.

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