

Bernhard Goetz & NYC's Vigilante Future

BE OUR GUEST BY **Ross Sandler '61**

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On June 23, the Supreme Court overturned New York's 111-year-old Sullivan Law, which regulates the concealed carry of firearms in our state. The court ruled that the law unconstitutionally prevented law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to carry handguns in public for self-defense.

I instantly thought of the Bernhard Goetz case. On Dec. 22, 1984, in an episode that came to be emblematic of the "bad old days" of Gotham violence, Goetz shot four young Black men on a New York City subway train after they apparently tried to rob him.

Goetz, 37 years old at the time, was an ordinary law-abiding citizen with ordinary self-defense needs. Goetz got on a downtown No. 2 train at 14th St. When he sat down, four men (three aged 19 and one 18) stood around Goetz and one demanded \$5.

Goetz, who was carrying a five-shot Smith & Wesson handgun, stood, pulled out his firearm and fired five shots, wounding all four men. Goetz testified at trial that for his business, he carried expensive electronic equipment on the subway and had been robbed once before. He claimed that he spent more time at the police station than the man who had attempted to rob him. That was when he decided he needed a handgun for protection.

What happens to a law-abiding citizen with ordinary self-defense needs who finds himself in a stressful situation? This is how Goetz in 1984 described his mental state at the moment he confronted the four men. The statement comes from a friend Goetz called a week after the shooting. Goetz said:

Myra, in a situation like this, your mind, you're in a combat situation. Your mind is functioning. You're not thinking in a normal way. Your memory isn't even working normally. You are so hyped up. Your vision actually changes. Your field of view changes. Your capabilities change. What you are capable of changes. You are under adrenaline, a drug called adrenaline. And you respond very quickly, and you think very quickly. That's all ... You think! You think, you analyze, and you act. And in any situation, you just have to think more quickly than your opposition. That's all. You know. Speed is very important.

In statements to the police after his arrest, Goetz said that when the four men surrounded him on the train, he feared being "beaten to a pulp" as well as being robbed. He denied any premeditation for the shooting, but said that when he drew his pistol, his intention was to kill all four.

The Goetz case shocked New York City and the country. Many considered Goetz a hero who was standing up for himself, and for public safety. Others saw the shooting as vigilante justice.

Most New Yorkers, however, felt somewhat safe because they could rely on the Sullivan Law to keep concealed handguns off the street.

The Supreme Court has now effectively said that ordinary citizens like Goetz have a constitutional right to carry a handgun in public. Under a new state law, the subway will be designated a “sensitive location” where concealed handguns will be banned. Assuming this law withstands challenges in court, we won’t be inviting a literal repeat of the Goetz incident — but with the Supreme Court’s ruling, another Goetz-like incident has gotten exponentially more likely.

In Goetz’s case, the possession of a handgun turned him into a tragic parody of a hyped-up combat soldier who instinctively sought to kill every enemy in sight. How many other ordinary citizens will have similar conversions? We train police on restraint. Ordinary citizens get no such training, and there is every reason to expect other ordinary citizens will repeat the Goetz scenario as more of them decide that they must carry handguns to stop the bad guys who will or might endanger them.

The Supreme Court left open the possibility of intense training and other checks on the skills and capacity of ordinary citizens to handle handguns. New York has quickly written some of these limitations into law.

But more is needed. Bus drivers and truck drivers must pass an annual physical examination. Car drivers must pass a written test and a driving test. Natural gas workers are subject to random drug testing. Police who carry handguns are trained to be restrained in the use of lethal force and to try to calm dangerous situations. If they fail to meet standards, they are disciplined. Who will assure the restraint of ordinary citizens carrying handguns?

Vigilante justice is anathema to a civilized society. The state must assure that ordinary citizens with self-defense needs who carry handguns must also meet, at a minimum, the same standards of conduct and restraint that sworn officers must meet. No one wants to live in a society where Bernhard Goetz is a model for achieving safety.

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