

TO: SCRA Executive Committee c/o Judah Viola, Chair Public Policy Committee

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SUBJECT: SCRA support for changes to gun legislation and encouragement to contact legislators

On December 14th, 2012, the United States experienced another mass shooting. Twenty children and six adults were murdered inside an elementary school in Newtown, Connecticut. One adult was found murdered inside her home. The gunman also took his own life, taking the toll of the tragedy to 28 people.

Prior to 9:00am on Friday, December 14th, 2012, Adam Lanza, 20 years old, killed his mother, Nancy Lanza. A short while later, around 9:30am, Adam Lanza forced his way into Sandy Hook Elementary school. Five minutes later, the first calls to 911 were received. In the end, a mother, six school personnel, and twenty students were killed.

This tragedy is a stark reminder of the mass shooting gun violence that the United States has experienced over the past six years: 6 dead at a Sikh temple in Wisconsin; 12 dead at a shooting at a movie theater in Aurora, Colorado; 13 dead at an immigration center in Binghamton, New York; 13 dead at Fort Hood in Texas; and 32 dead on the Virginia Tech campus in Blacksburg, Virginia. Eighty-three Americans die every day from gun violence, eight of which are children or teenagers. And once again, the U.S. faces challenges concerning what to do, or not to do, to prevent mass shootings and gun violence within our communities.

Overview of Policy Issue

Discussions of gun violence after mass shootings often involve the second amendment to the United States Constitution. The second amendment, part of the Bill of Rights adopted in 1791, preserves individuals' right to keep and bear arms. The impact of the second amendment and other gun legislation is complicated, given recent changes to laws at the federal, state, and local levels. The following provides a short background on some of the important pieces of legislation and sets the stage for action to be taken by SCRA and its members. Although this call for action and support does not address all areas for potential legislative change, it does represent areas that, under federal law, would empower U.S. law to prevent these tragedies and promote, more consistently, positive and safe forms of gun ownership.

Right to Bear Arms Affirmed

In 2008 and 2010 (*McDonald v. Chicago*, *Heller v. District of Columbia*), the United States Supreme Court affirmed that the second amendment rights applied to federal enclaves and states, calling bans on handguns unconstitutional and striking down regulations that required firearms to be stored unloaded and disassembled (Legal Community Against Violence [LCAV], 2012; LCAV, n.d.). Of equal importance is the access to large capacity magazines (LCMs) that can accompany handguns and other firearms. LCMs typically hold more than ten rounds of ammunition and have been found to be disproportionately represented in mass shootings

(Webster, Vernick, Vittes, McGinty, Teret, & Frattaroli, 2012). Although the U.S. had banned LCMs and assault weapons from 1994 to 2004, these restrictions had limited effect given other legislation, opening loopholes that allowed modified assault weapons that had only minor differences from the banned versions. The legislation also grandfathered in LCMs and assault rifles purchased prior to the ban (Webster et al., 2012). LCMs and assault rifles are not used in all gun-related mass shootings and other criminal activities. Nevertheless, such bans, in conjunction with other legislative changes (outlined below), are widely believed to be instrumental in decreasing the incidence of, and degree of damage in, mass shootings and other criminal activities.

Background Checks, Licensing, Registration, and Trace Data

Citizens in states and federal enclaves have the right to own firearms, although not all purchases of firearms require documentation of sales and background checks. Licensed dealers are required to perform background checks on purchasers of such weapons. The dealers are also required to document all sales transactions; however, none of these requirements are in place for sales at gun shows, private sales, or other locations of trade (LCAV, 2010).

Furthermore, the verification system is flawed. The National Instant Criminal Background Check System (NICBCS), the primary mechanism for background checks in the country, does not allow the Federal Bureau of Investigation (FBI) time to properly verify checks and sales. Under the current system, automatic audit logs (i.e., information on purchases) are erased within 24 hours of an approved check, and do not allow sufficient time for federal employees to identify wrongful approvals and recover firearms from potentially dangerous sales (LCAV, 2010).

The three day limit for background checks needs to end. Under the current system, licensed gun sellers can proceed with sales after three days even if the seller has not received the results of the background check (Law Center to Prevent Gun Violence [LCPGV], 2012). Moreover, there is a need to ensure that all prohibited persons are entered into NICBCS. Currently, states vary on the availability of criminal history information, and many states do not provide law enforcement with mental health information (LCPGV, 2012). States should be required to submit all information to NICBCS.

In addition to background checks, licenses and registrations should be required. Licensing should be required for all gun owners and sellers as it ensures proper safety training for owners, as well as placing pressures that encourage responsible business operations for sellers (LCAV, 2011). Licensing also provides an opportunity for potential gun owners to demonstrate competency in ownership. For example, in New Jersey, retired law enforcement officers who wish to retain their guns must demonstrate several areas of competency including proficiency with guns, semi-annual qualifications, knowledge of criminal codes, and psychological well-being (Greene, Bornstein, & Dietrich, 2007). All states should similarly require current and future gun owners to demonstrate competency in gun ownership prior to issuing licenses. Registration renewal of firearms should also be required from owners on an annual basis, which would help ensure that lost or stolen firearms are reported (LVAC, 2011). Registration should also include a liability clause such that the owner of the gun is liable for any damages the gun causes (unless the gun is properly reported lost or stolen).

Investments in personnel are also necessary to ensure proper background checks. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) needs leadership (ATF has not had a permanent director in over four years), and they need more personnel throughout the organization, in particular, to monitor gun sellers (current ATF resources allow inspections only once a decade; Van Houten, 2012). Policy changes are also needed. Restrictions, as part of the Tiahrt Amendments, restrain the ATF from disseminating trace data to cities and states, law enforcement personnel, researchers, parties involved in litigation, and other members of the public. These amendments also restrict ATF from enforcing requirements to submit firearm inventories to law enforcement personnel (LCAV, 2010; Webster et al., 2012). The NICBCS has denied an estimated 1.8 million applications since the system's inception (Bureau of Justice Statistics, 2009). NICBCS could potentially deny many more applications for individuals who, by law, are not allowed to own guns. Therefore changes in background checks system, licensing, registration and increases to personnel are all necessary to ensure greater safety.

Gun Safety Requirements

The prevention of tragedies cannot be accomplished by screening procedures alone. In addition to increased background checks and continuous monitoring, gun safety requirements are necessary to promote responsible gun ownership and reduce the incidence of death and injuries due to guns. One national study on gun ownership and use found that one-third of owners keep their guns loaded all or some of the time. However, about half keep their guns unlocked, and 20% of homes with guns keep them loaded and unlocked (Cook & Ludwig, 1997; Coyne-Beasley, Schoenbach, & Johnson, 2001). There are several strongly protective strategies that should be required for all gun owners, including keeping guns unloaded, locked, apart from ammunition, and with an outside safety device (e.g., gun lock, trigger lock, and/or lock box; Coyne-Beasley et al., 2001).

Public Places: National Parks and Other Locations

Stemming from legislation passed in 2009, persons who are in compliance with state laws are able to carry firearms inside all national parks (LCAV, 2010). Moreover, the current legislation does not provide complete clarity on whether or not states can enact their own bans on firearms in parks within their borders. There is little question that carrying firearms in national parks increases the chance of violence for attendees and employees, and significantly increases the potential for harm to wildlife (LCAV, 2012). There are other dangers associated with legislation around public places, such as college campuses. Calls for permits to carry weapons on college campuses began shortly after the Virginia Tech massacre in 2007. These -- possibly well-intentioned but ill-conceived -- methods to prevent mass shootings have been a consistent theme in arguments supporting the loosening of gun laws.

The importance of background checks and renewals cannot be overemphasized. In the Virginia Tech case, the shooter was wrongfully allowed to purchase firearms when a background check failed to contain documents on his mental status. Had these protections been in place, they would have prevented the shooter from purchasing firearms at the outset. Additionally, some individuals with permits to carry firearms have criminal records that include gun violence (Sieble, 2008). These cases again highlight the fallibility of the current system for background checks. There is a complete lack of credible evidence linking reductions in violence to permissibility laws. These laws encourage firearms. Given the lack of proper legislation to

promote positive gun ownership, and given the nature of these settings, public spaces should not be opened up to firearms.

Increased Funding for Gun Violence Research

Among all industrialized nations, the U.S. has the highest rate of gun violence including the use of guns in the majority of homicides and suicides (Weiner, Wiebe, Richmond, Beam, Berman, Branas, et al., 2007). Although statistics provide an alarming description of violence in the U.S., they do not provide a clear perspective on the links between guns and violence. Currently, the majority of this research is funded by private foundations. Since 1997, the Center for Disease Control has been restricted from conducting gun research (Weiner et al., 2007). There is a clear need for increases in funding for gun research, especially by the federal government (Weiner et al., 2007). Research is particularly needed on methods that promote safer forms of gun ownership that would reduce the incidence of death and injuries, and that provides greater understanding concerning the links between guns and the greater incidence of violence.

Link with SCRA Mission and Vision

Clear connections exist between the values of community psychologists and changes in gun legislation. As an organization, SCRA values include the enhancement of well-being and promotion of social justice for all people (SCRA27.org). The state of the gun epidemic includes 31,000 deaths in 2007; 46 gun suicides a day from 2001-2007; 385,000 gun-related crimes in 2007; and \$100 billion in direct and indirect costs related to guns (LCAV, 2011). These statistics provide a clear opportunity for SCRA to advocate for changes in gun legislation. Such legislation would not only reduce the number of gun-related deaths, criminal activities, and societal costs, but it would also promote responsible gun ownership and sales. As a field, changes to gun legislation mirror every value consistent with community psychology (Kloos, Hill, Thomas, Wandersman, Elias & Dalton, 2012):

- Individual and family wellness
- Sense of community
- Respect for human diversity
- Social justice
- Empowerment and citizen participation
- Collaboration and community strengths
- Empirical grounding

Action Proposed

The undersigned Community Psychologists and The Society for Community Research and Action, in light of this tragedy, propose to:

- Contact legislators immediately and ask them to:
 - Ban large capacity magazines (LCMs) and assault rifles and recall all LCMs and assault rifles.
 - Require licensing for gun purchasers and sellers.
 - Require background checks for all purchasers including purchases at gun shows, private purchases, and all other purchases.
 - Require annual registrations of all guns and reports of guns that are lost or stolen.
 - Ban firearms in public places including national parks, Amtrak, schools, etc.

- Provide the Bureau of Alcohol, Firearms, Tobacco, and Explosives (ATF) the resources needed to manage, monitor, and enforce the aforementioned regulations; and end the automatic destruction of approved background checks after 24 hours.
- Provide increased funding for gun violence research.
- Advocate for the proposed changes in varied public forums
 - Op-eds
 - Blogs
 - Town, city, county, etc. meetings
 - Professional contexts (e.g., talks, conferences, journal articles, etc.)

Many resources can be used for interested SCRA members. To provide just one example of a site that can be used to find local and state legislators to contact see: <http://www.congress.org>.

Opposing Arguments, Policy Statements, Opponents

Several reasons have been consistently expressed for opposing changes in gun legislation. Polls of voters in some states, including Colorado, Virginia, and Wisconsin, do not believe that stricter gun laws would prevent mass shootings (Sussman, 2012). Although the telephone polls were limited to several states, the findings do represent perceptions held by many people in the United States (see Kleck, Gertz, & Bratton, 2009). Given these views, some legislators, as is well known, will feel that changes to gun laws are not what the majority of their constituents want. It is inevitable, as in many other health and well-being related issues, that many voters may feel that increased restrictions will not be effective. Since this tragedy however, perceptions by voters may be changing in terms of increased restrictions. While many voters do not support a complete ban on handguns, the majority of voters do support a ban on ammunition magazines (Sussman, 2012).

Another reason for opposition to changes in gun legislation is the natural sense for individuals to feel they need to protect themselves and their loved ones. This sentiment was explained by a Georgia lawmaker who introduced a bill allowing guns to be carried into bars: “Folks were being robbed, assaulted-it was becoming an issue of personal safety. The police aren’t going to be able to protect you. They’re going to be checking out the crime scene after you and your family’s been shot or injured or assaulted or raped” (Frum, 2012).

The opposition to gun control framework invariably assumes that, without guns, there is a higher probability of crime (Second Amendment Foundation, 2012). However, many of these firearm supporters hold inaccurate assumptions and a misguided confidence that individuals who have guns will tend to be law-abiding citizens, unlikely to commit violent crimes. Evidence to the contrary has shown that many who carry firearms also have criminal backgrounds, and that right-to-carry laws are associated with increased aggravated assaults (Webster et al., 2012).

Conclusion

As our nation is recovering from another gun-related tragedy, discussions of gun control and safety are taking place across the country. The conversation is equally within our own organization (SCRA listserv discussion, December 17th, 2012). SCRA should not miss this opportunity to work alongside its own mission and values by advocating for changes to our nation’s current gun laws. This socially responsible position is primary. It in no way

recommends a repeal of our second amendment rights. Rather, this position urges for laws that prevent gun-related tragedies and promotes positive gun ownership and a greater return to well-being through the nation's communities.

While the focus of this policy statement is on the important topic of gun control and gun safety, true solutions will be found in more systemic and ecological approaches to the many events that lead to such violence. Future statements are needed that are broader in focus, encompassing but not limited to strategies to enhance connectedness and sense of community among citizens, and provide support for vulnerable individuals and communities. There is a need for the implementation of prevention programs that are ecological and systemic in nature, increased access to mental health and other services, and social movement activities that address the culture of violence in our society. Many of these solutions will be found in thinking about whole communities and their role in building a greater sense of trust and safety.

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