

Gun Safety Committee Study Articles

NEW GUN SAFETY COMMITTEE

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With the increase of gun violence at schools, churches, entertainment venues, in homes and on our streets as well as deaths by suicide, the State and Local Leagues have established GUN SAFETY COMMITTEES.

Our newly formed Gun Safety Committee seeks to support national and state League positions on guns including:

1. Support for private gun ownership licensing procedures which include strict enforcement and better resources allocation for monitoring gun dealers.
2. Background check waiting periods, personal identity verification and gun safety education.
3. A state ban on all semi-automatic assault weapons and large capacity feeding devices.
4. State provision of records to the FBI National Background Check System (NICS) and continuing efforts to repeal unsafe gun legislation, i.e., Open Carry and current interpretation of Stand Your Ground.

Our local committee is considering ways to partner with law enforcement, educational institutions and faith-based organizations in the area on ways to reduce gun violence.

Did you know that the *Florida Red Flag Law* has been used twice in Escambia County? It allows police to request a judge to approve temporary seizure of guns if it is believed "that a person poses a danger to himself or others by possessing a firearm." The NRA says this law violates the Second Amendment. As adopted in 1791, the Second Amendment reads "A well regulated Militia, being necessary to the security of a free State, the right to keep and bear Arms, shall not be infringed." Do you believe the Florida law violates the Constitution?

An article in the upcoming Voter will examine why the Second Amendment was adopted and how its interpretation has evolved and continues to do so. If you would like to join the Gun Safety Group, e-mail kinge3324@gmail.com.

The Second Amendment in the Modern World

by attorney Randle Carpenter, Gun Safety Committee member

Published October 4, 2018

"A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed"

The Second Amendment and the Supreme Court

United States v. Miller

From its ratification in 1789 until 1939, the Second Amendment was not the subject of serious controversy. Then in 1939, the Supreme Court directly addressed the Second Amendment. United States v. Miller, involved a challenge to the National Firearms Act of 1934 (NFA) which had been passed in response to the St. Valentine's Day gangland massacre. The NFA required certain types of firearms to be registered with the government. The defendant, Jack Miller, was

an Oklahoma bank robber who was arrested while carrying a sawed off, 12- gauge, unregistered shotgun. At trial, he argued the registration requirements of the NFA were an unconstitutional violation of the Second Amendment. On appeal, the Supreme Court held that, *"In the absence of any evidence tending to show that possession or use of a shotgun having a barrel of less than eighteen inches in length, at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument"*. In effect, the Supreme Court said that the Second Amendment only protects individual ownership of firearms appropriate for use by a militia. Both gun control and gun rights groups have claimed support for their respective views in this decision. Gun rights groups argue that the decision was limited only to a specific type of weapon, not all guns. Gun control advocates say that the firearms covered by the Second Amendment are tied directly to the concept of guns normally used by a militia and have pointed to concluding language in the opinion which states, *"With obvious purpose to assure the continuation and render possible the effectiveness of such [militia] forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view"*.

United States v. Heller

There was little controversy over the meaning of the Second Amendment in the decades following the Miller decision. However, in the 1980's and 1990's in response to growing domestic unrest and urban violence, a number of conservative and libertarian scholars, some funded by the NRA and other conservative groups, began to publish law review articles urging the individual rights interpretation. This led to efforts by libertarian attorneys working with public interest law firms like the Institute for Justice to seek out individuals who might have viable claims that their rights as individuals to have firearms had been infringed by the Second Amendment. In Dick Heller, they found such a person.

Dick Heller was a security officer who had moved to the District of Columbia in 1975. He was allowed to carry a gun on the job, but pursuant to the Firearms Control Regulations Act of 1975 applicable in the District, he could not have an unregistered handgun at his home. Heller was prevailed upon by his attorneys to seek registration which would allow him to have a gun at home. He was turned down and thus became a suitable plaintiff to assert that the Second Amendment unconstitutionally infringed his right as an individual to own a handgun.

In the Supreme Court, attorneys for the District of Columbia argued that the right to bear arms set out in the Second Amendment was militia based. They pointed out there was nothing in the language or history of the Second Amendment that referred to the use of weapons by individuals for personal purposes and cited the Miller case in support of their position. Therefore, they said, reasonable restrictions for the purpose of public safety were not unconstitutional.

In its 5 to 4 decision, of 2008, the Court disagreed, overturning the Miller decision which had been the established law for sixty-nine years. Writing for the majority, Justice Scalia found that the Second Amendment protects the individual's right to possess a weapon unconnected with service in a militia and to use that weapon for all lawful purposes. He concluded that the Amendment's preamble referring to a "militia" stated a purpose, but did not restrict the right to own a firearm to service in a militia. It is important to note that Scalia emphasized the right to bear arms was not unlimited. He wrote, *"Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings,*

or laws imposing conditions and qualifications on the commercial sale of arms". Referring to the Miller case and the sawed-off shotgun involved there, he noted that there was a constitutional limitation on the carrying of "dangerous and unusual weapons".

NO ONE ANSWER TO GUN VIOLENCE

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I is important to emphasize that individuals who are concerned with gun safety do not want to take away the guns of law abiding citizens. Additionally everyone should be reminded, when considering a reduction in gun violence, there is no one Constitutional item, that would solve this problem. However, there are a number of common sense measures you can support to lessen gun violence. Some of these are:

1. Fund more research on gun violence.
2. Mandate safe gun storage and reporting of stolen firearms.
3. Invest in "smart guns".
4. Make serial numbers harder to file off and require micro stamping cartridges so they can be traced back to the guns that fired them
5. Expand the time for doing background checks.
6. Invest in gun buyback programs.
7. Enhance programs aimed at bullying.
8. Hire more mental health counselors in schools.
9. Increase after school and summer programs, especially for teens.
10. Institute more community policing.
11. Harden schools, churches, businesses. FYI, the Escambia Sheriff (ECSO) and the Pensacola Police (PPD) are assisting in this effort.
12. Form more neighborhood watch groups with enhanced training to prevent racial profiling. FYI, many currently operate in Escambia and Santa Rosa Counties.
13. Repeal Florida's *Stand Your Ground Law* as currently written.
14. Require universal background checks for all gun sales. (Currently there is a gun show exemption for conducting background checks. A bill to address this situation was introduced last year in Congress where it languishes. However, Louisiana and Tennessee now require gun dealers to report to law enforcement when someone who is prohibited from buying a gun tries to do so. Several cities have adopted regulations that public property cannot be used for gun shows.)

Support these measures through lobbying the appropriate governmental body, including Congress, state legislature, local decision makers, including schools.

If you are interested in the topic of GUN SAFETY, check out these two WEB sites momsdemandaction.org and thetrace.org.

If you are interested in joining the Gun Safety Group, contact kinge3324@gmail.com.

Guns - Chapter Three
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Chair Gun Safety Committee

Since the District of Columbia v Heller decision, lower Federal Courts have upheld a number of state and city regulations aimed at promoting public safety and reducing gun violence.

These include:

- Background checks;
- Longer waiting periods...referred to as cooling off laws;
- Restrictions on assault rifles and large capacity magazines
- (8 states have outlawed Assault weapons);
- Red flag laws aimed at keeping guns out of the hands of the mentally ill and domestic abusers;
- Prohibitions on gun ownership by felons;
- License requirements to carry gun in public... (Florida has concealed license requirement);
- Carrying guns in sensitive places, e.g. schools, hospitals, churches, government buildings;
- Age limitations on buying specific type of weapons.

**U.S. House of Representatives introduced HR8
supporting universal background checks... close
loopholes for on-line and gun show purchases**

The U.S. House of Representatives recently introduced a bill (HR8) supporting universal background checks, which would close loopholes for on-line and gun show purchases. It would exempt law enforcement agencies and transfers between friends and family members. According to the March for our Lives organization, 85% of public opinion supports this measure.

With two new members on the U.S. Supreme Court, some gun regulations may be challenged. For the first time in nine years, the Court has agreed to hear a challenge to a gun regulation. New York City's regulation prohibits carrying a licensed, locked and unloaded handgun outside of the city limits. At the same time, individuals want to take their guns to their summer homes or to a gun range outside of the City. Gun safety advocates claim the gun owners would need a concealed gun permit. This case will be followed with great interest.

Some states have outlawed bump stocks but the courts have not ruled on these measures. However, a federal agency has ruled the bump stocks will be outlawed in March. There is talk of a challenge to this measure as the ruling was made by a federal agency rather than passage of a law.

The Florida Legislature passed several gun regulations in bi-partisan votes as a reaction to the Parkland School shooting; however the NRA has challenged the law in Federal Court. (NRA vs Florida Attorney General, FDLE) Our state government is probably inclined to favor fewer restrictions. Governor Ron DeSantis has stated he would have vetoed the legislation passed after the Parkland massacre. In addition, Representative Mike Hill has introduced a bill to overturn many of the positive gun safety measures passed recently. A bill supporting Campus Carry has been re-introduced in the Florida House. Finally, there is an attempt to make the current *Stand Your Ground Law*, which puts the burden of proof on the prosecution, retroactive through the courts.

Because it is thought that gun control measures have little chance of passing the current Florida Legislature, the Florida Coalition for Gun Safety is supporting a constitutional initiative, BAWN (Ban Assault Weapons Now). The State League is a member of this coalition. Hopefully, this measure will be on the 2020 ballot. You can help put this measure on the ballot. **Go to bawnfl.org to download the petition.** Instructions are set forth on the web page.

The League is also supporting **SB 74** which would move the issuing of Concealed Weapons Licenses from the Department of Agriculture to the Florida Department of Law Enforcement. In most states, this responsibility is located in a law enforcement agency.

Gun Safety is on the State League's Legislative Priorities list for the March legislative session. Phone calls to your Legislators on this issue are encouraged. ◇

Article in March Voter 2019



Preventing Gun Violence in Our Area

March 16, 2019 - 10:15 AM
Tryon Library, 1200 Langley Ave.

The March 16 monthly League meeting will feature a panel discussion related to efforts to reduce gun violence in the local area. Speakers will be:

Rodney Jones, President and Area Representative of NAACP

Malcolm Thomas, Superintendent of Escambia County Schools

Joshua Timo, Investigator, Escambia County Sheriff's Office

LEAGUE GUN POSITION

The League of Women Voters believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification. The League supports a ban on "Saturday Night Specials," enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

Statement of Position on Gun Control, as Adopted by 1990 LWWUS Convention and amended by the 1994 and 1998 Conventions.

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Gun Safety Committee Report

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B*an Assault Weapons Now!* officially reached the 100,000-petition-signature milestone, qualifying the constitutional amendment for review by the Florida Supreme Court. A press conference was held to share this exciting news!

Due to the recently enacted legislation, the *Ban Assault Weapons Now!* has changed the amendment petition for volunteer gatherers. Download the new version by visiting bawnfl.org. Please mail any 'old' petitions immediately to the address provided on the petition and immediately begin gathering petitions with the latest version.

Check out the article on 10 years of school shootings at CNN.com [here](#). "How US Gun Culture Compares with the World" is here.

Published in the September Voter 2019

Reminder from the Gun Safety Committee:

September is Suicide Prevention Month

- Firearms are the second leading cause for deaths of children and teens.
- 36% of child and teen gun deaths are suicides.
- 1 in 5 kids have handled a gun when an adult wasn't around. (Brady 6/20/19)
- 4.6 M children have access to unlocked guns. Locking up guns could reduce teen and childhood deaths by 33% according to a study by JAMA Pediatrics of the AMA. If just 10% more households with children had locked up their guns 50 children would be alive today. (Brady 5/18/19)
- Responsible firearm storage practices are associated with the reduction in the risk of self-inflicted and unintentional firearms injuries among children and teens. (JAMA 2005)

**LOCK IT UP SAVE A LIFE
SUICIDE HOTLINE
1-800-273-8255**