

A Winning Message on Guns in 2020

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There's no doubt that Democrats are better positioned to effectively engage in the gun safety debate today than in decades. The politics on guns are shifting quickly. The NRA is weaker than ever. Gun safety advocates are stronger and smarter than they have been at any time in modern political history. And voters are fed up with decades of inaction in Washington, ready to bring change with their votes.

The 2018 midterms showed that Democrats can win over Independent and undecided voters, while energizing their base, by running a smart playbook on guns. In the purple western state of Nevada, for example, Jacky Rosen unseated her incumbent challenger by supporting sensible gun safety reform and spotlighting her opponent's failure to do the same. If Democrats successfully navigate this moment, they can push the politics of gun safety in a reform-oriented direction, win on this issue in 2020, and translate that momentum into real and long overdue policy change at the federal level in 2021.

The Problem: Our gun-safety laws do not meet the crisis we face.

The United States has a unique epidemic of mass shootings. Mass shootings occur with greater frequency and take more lives in the United States than anywhere else in the industrialized world.¹ In 2018, there were almost as many mass shootings in the country as days in the year. 373 people died in mass shootings and another 1,346 were injured.² Beyond the raw numbers, mass shootings have inflicted an immeasurable psychological toll on the country that makes many Americans afraid to send their kids to school or enjoy themselves in public spaces. Most frustratingly, the public knows there are practical steps that can be taken to address the crisis, and yet, they watch tragedy after tragedy go by—from Sandy Hook to Odessa and on and on—with nothing done.

Domestic violence incidents are gravely exacerbated by America's lax gun laws. In the United States, women are 21 times more likely to be killed with a gun than women in other industrialized countries.³ [3] This devastating statistic is explained again by the widespread proliferation of firearms in our country. A female partner is five times more likely to be killed in a domestic violence situation when there is access to a gun and insufficient laws and loopholes allow domestic violence perpetrators to purchase firearms.⁴ In the United States, nearly one million women have been shot or shot at by an intimate partner and over 4.5 million American women have been threatened by an intimate partner.⁵ [5] In an average month, 52 American women are shot to death by an intimate partner.⁶

We also face a crisis of gun homicides in our cities. The gun homicide rate in the United States is 25 times higher than in other industrialized countries.⁷ Half of all homicides in the country occur in concentrated city centers, and this has particularly impacted racially segregated and impoverished neighborhoods.⁸ As a result, African Americans are 10 times more likely than white Americans to die by gun homicide.⁹ Efforts to combat gun violence in urban areas by local government have been undercut by inconsistencies in the law and a steady stream of guns trafficked across state lines from neighboring states with more lax regulation. In Chicago, for example, local police reported that 21 percent of the guns confiscated in the city originated from Indiana—a state with relatively weak gun safety laws.¹⁰ And black market sales account for 43% of the sources of guns used in crimes; the single largest way they're obtained. Still more concerning, over 98% of all state and federal prisoners convicted of a firearm offense bought or obtained the weapon second hand, outside of a licensed firearm seller.¹¹

Our gun laws still haven't caught up to the online gun market. The online gun sales market remains a glaring hole in gun safety regulation. Our primary background check laws were passed before the internet, leaving the online market as somewhat of a 21st century wild west

of gun sales. While traditional online gun stores or auction sites do require purchasers to undergo background checks, websites like Armslist.com, which function similarly to Craigslist as a platform for classified ads, are almost completely unregulated. Because of the lack of background checks or other regulation, there's no way of knowing exactly how many sales are arranged through these sites, but it's estimated that upwards of 20,000 new ads are posted weekly on Armslist alone.¹²

The gun lobby's stranglehold on politics has thwarted reasonable, commonsense reforms. Despite representing just 1.5% of the population and only 20% of gun owners, special interest groups in the gun lobby, like the NRA, hold an outsized influence over the politics of our gun safety laws.¹³ Through campaign contributions and political retribution, the NRA has effectively turned meaningful gun safety regulation into a non-starter for most Republican lawmakers. The gun lobby's undue influence has ground Congress to a halt over the past 2 decades since the last major piece of gun safety legislation—the assault weapons ban—passed in 1994. On numerous occasions, in the wake of mass shootings in Parkland, Las Vegas, and El Paso, President Trump has routinely voiced a desire to act, and then promptly wilted to the wishes of the NRA. In just one example, he did a 180 on expanding background checks after NRA President Wayne LaPierre made his displeasure known.¹⁴ Even amongst its own dwindling share of the American public, the majority of gun owners and NRA members support commonsense reforms like expanded background checks and “red flag” laws.¹⁵ Unfortunately, the gun lobby has convinced the large majority of elected Republicans to pursue its agenda over the wishes of their constituents.

Real Answers

Despite the serious challenges we face, there are a variety of gun-safety reforms that, taken in combination, will bring meaningful progress and real change to the country. As opposed to other proposed reforms that are sure to aggravate the partisan political divide across the country, the following reforms enjoy widespread public support from the general public and gun owners alike.

Gun Safety Proposals that have Unshakeable Mainstream Support

There are a wide array of commonsense gun safety reforms that are supported by the public. Voters across the political spectrum want action on gun safety and are ready to vote for candidates who will make that happen. What follows are some of the reforms we believe unite Democrats and deliver swing votes, particularly, in the suburbs where Democrats made substantial gains in 2018. If passed, these reforms would also represent the boldest gun safety action taken by Congress in the history of the country.

Expanding Background Checks

Federal law doesn't require background checks for private sales of guns. This has deadly consequences. In the recent mass shooting in Odesa, Texas, the shooter failed a background check but was then able to buy an assault rifle through a private sale that didn't require a background check.¹⁶ Nearly every voter in America believes that every gun sale should require a background check.¹⁷ The House has also passed legislation that would make this a reality, but Senate Majority Leader Mitch McConnell, still refuses to bring the bill to the floor of the senate. Democrats should relentlessly hammer Republicans over their inaction on this issue. They have no excuse or real pushback. Passage of either the House bill or Manchin-Toomey would constitute the most significant progress on gun safety since the Brady Law in 1993.

Closing the Charleston Loophole

Current law gives the FBI just 3 days to complete a gun purchase background check. That allows thousands of prohibited gun sales to go through every year. In 2015, white supremacist Dylan Roof used this loophole to purchase a gun even though he was prohibited by federal law from doing so—then walked into a historic black church in Charleston, SC, and shot and killed nine people.¹⁸ It's crystal clear to voters why this is absurd and needs to change. Beyond closing this loophole that gives felons access to guns, we should also demand law enforcement reclaim weapons already purchased through it. Known as the "default proceed," closing this loophole would be a modest improvement in existing gun laws.

Closing the Boyfriend Loophole

Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from buying a firearm. The way the law is currently written, however, it only protects those who are married to, live with, or have children with their abuser.¹⁹ This dangerous loophole lets far too many dangerous people with a history of abuse slip through the cracks and buy a weapon they may use to inflict violence on a current or former romantic partner. Closing this loophole makes perfect sense to the overwhelming majority of voters and should be aggressively championed by Democrats up and down the ballot.

Promoting Red Flag Laws

Red, purple, and blue states across the country have been enacting laws that allow family members or police officers to temporarily remove firearms from those who pose a serious risk of harm to themselves or others. These laws come with strong protections for law-abiding gun owners yet can help to prevent deadly tragedies. Their proven bipartisan support makes them an excellent starting point for action to stem gun violence.

Making Gun Trafficking a Crime

There is no law that specifically prohibits a person from selling a firearm out of their car, in a parking lot, or in an alley. And yet there is evidence of massive gun trafficking that takes guns from the legal market and supplies them to gangs and criminals. Studies of gun crime recoveries in Chicago, New York City, and Boston showed that as many as 87 percent of the firearms used to commit crimes in these cities were trafficked from weaker gun law states.²⁰ The most common channel of gun trafficking, straw purchasing—where the gun purchaser buys a gun on behalf of someone else—accounts for almost 50 percent of all trafficking investigations and is associated with nearly 26,000 illegally trafficked firearms per year.²¹ And yet, there is no federal law that allows law enforcement to effectively prosecute these illegal and dangerous trades. Senator Kirsten Gillibrand introduced a bill designed to combat trafficking and reduce urban gun crime.²²

Repealing the Gun Industry Immunity Law

Two decades ago, the gun industry was reeling under several lawsuits that (like the tobacco industry before them) would have held them accountable for sales and marketing practices that fed the gun crime epidemic. A 2005 NRA-inspired law granting the gun industry immunity from most lawsuits was the worst gun law passed since the 1986 Gun Owner Protection Act. Its repeal would make the gun industry accountable for its harmful practices just like any other industry and would have the potential to force them to change the marketing, selling, and lethality of their products.

Banning Assault Weapons

Assault weapons stand alone as the weapon of choice for mass shooters. And the political sands are shifting fast here for action to ban them from use. Nearly 7 in 10 Americans agree assault weapons have no place in our communities.²³ Even Walmart and other former wholesalers have called on Congress to debate renewal of the assault weapons ban.²⁴ With public support for the ban rising to a fevered pitch, the time is ripe to push for sensible restrictions on these deadly weapons that have no place in our schools, movie theatres, or churches. In the past, the assault weapons ban was controversial. It's now solidly supported by most Americans.

Banning High-Capacity Magazines

As part of the call for a renewal of the assault weapons ban, the American people are calling on Congress to act on high-capacity magazines. Recent polls show that nearly 70 percent of Americans support banning high-capacity ammunition clips, which allow those intent on inflicting as much damage as possible, as quickly as possible, to carry upwards of 100 round clips. In all ten of the deadliest mass shootings in the last decade, high-capacity magazines have been used with horrific consequences.²⁵ We know that when gunmen are forced to reload, they can be stopped. When the shooter at Sandy Hook paused to reload his 30-round

clip, the lives of 11 children were saved.²⁶ Bans on high-capacity magazines save lives and the public support is behind a ban of these instruments of war.

Conclusion

Americans are looking for real answers on gun safety reform and will no longer stand for empty rhetoric. Democrats running in 2020 have the unique opportunity to run and win on a mandate to bring serious gun safety reform to Washington and the country. In order to win, candidates should focus their efforts on the robust selection of broadly supported, proven effective, and progressive gun safety reforms included in this memo. If candidates in races across the country follow this playbook, Democrats can take back the Senate, hold the House, and bring about the reforms our country desperately needs.

TOPICS

GUNS 112

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