

Love Your Gun; Like the Bill

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In national polls, voters overwhelmingly support proposed legislation to require criminal background checks for virtually all private firearm sales. When polls are taken in rural states or regions, the support is practically the same. Even three-quarters of self-described NRA members think background checks should be required for nearly all gun sales.

But for elected officials in these rural regions, it certainly doesn't feel like there's overwhelming support for background checks. The phone rings off the hook with complaints. Constituents raise the background check proposal in public venues and trash it. And of course, the National Rifle Association has mobilized its ample resources to oppose and distort the elements likely to be in the proposed law.

This memo describes how to talk about the proposed background check law to people who love guns. In this memo, we readily acknowledge that in many parts of the country, there is no such thing as an easy gun vote. But it is not only possible, but fairly straightforward to speak to gun owners and those who cherish the Second Amendment about the coming debate on expanded criminal background checks.

In a phrase, our advice is to own the Second Amendment. We counsel embracing the Second Amendment tightly and couching all support for the bill around the desire to protect gun rights for the many while denying them for the few who have—through their actions—forfeited this right.

This message advice accurately portrays the proposed legislation in its current form and, in all likelihood, future drafts. As noted above, expanded checks are overwhelmingly supported by Second Amendment-loving NRA members. The bill is well within the bounds of the Second Amendment as described in the *Heller* decision. It contains no whiff of federal

licensing or registration (which is likely constitutional, but still rubs some gun owners the wrong way). And it asks of those who buy guns from private sellers the same thing that current law has asked 170 million gun buyers to do over the past 20 years—submit to an instant background check and exercise their right to purchase a firearm.

Owning the Second Amendment.

- Establish Second Amendment credentials: *I take a backseat to no one in support of Second Amendment rights.*
- Elevate the right: *But those rights don't extend to terrorists, criminals, and the dangerously mentally ill.*
- Connect with local gun values: *I am bringing our state's gun values to Washington, by requiring instant background checks for gun sales at gun shows, on the internet, and elsewhere so that gun sales at stores and gun sales in other commercial places have the same rules.*
- Make the law familiar: *Criminal background checks are easy and instant. 170 million people have exercised their Second Amendment rights by going through an instant check and buying a gun. In our state, # million have done it. If it's good enough for us and millions of others, it's good enough for everyone.*
- Connect with family values: *This law guarantees that people can still pass along their firearms to children, grandchildren, brothers, and sisters, just as they do now. And hunters will still be able to lend or borrow a gun to hunt with friends, family, and acquaintances just as they can today.*
- Dismiss the bogeyman of licensing and registration: *This bill reaffirms my long held view that there should be no federal licensing or registration of firearms of any sort.*
- Use the NRA: *The NRA once asked Congress to pass a law just like this. They changed; not me.*

- Appeal to common sense: *The only people afraid of this law are criminals, terrorists, the severely mentally ill, and those who have been misinformed by interest groups who have their own agenda.*

Conclusion

This language may not be right for every legislator, but it is the right kind of language to appeal to gun owners who care deeply about their right to possess firearms. It is also completely accurate. An expanded background check law does protect Second Amendment rights, because the only time those rights are under debate is when a criminal, terrorist, or mentally ill person does something terrible with a gun that by law they should not have been able to acquire.

An expanded background check law will reduce crime without infringing on the rights of anyone who by law has the right to own firearms today. If explained in the right way, reasonable gun owners will accept it.

Appendix: Some Additional Useful Facts

- Background checks used to take 7 days; now they take about 7 minutes. In 2011, 92% of instant checks were completed within minutes. The 8% that take longer often require a more in-depth search to track down a potentially disqualifying record. ¹
- Most people purchase firearms at one of 59,000 licensed firearms dealers. ² There are five times as many licensed firearms dealers in America as McDonald's. ³ According to a report by Mayors Against Illegal Guns, 98% of America lives within 10 minutes of a licensed dealer. ⁴

- Federal law prohibits any national registry of firearms or firearm sales.⁵ Thus, under current law, all background checks records are destroyed within 24 hours of completion.⁶ And only licensed firearms dealers are required to keep any paper record of firearm sales.⁷ The records of roughly 170 million firearms sales are mostly housed in the offices of the approximately 59,000 gun dealers in operation.⁸
- Background checks will help reduce crime.
 - In 9 of ten gun crimes, the person using the firearm in the crime is not the original purchaser of the firearm from a store.⁹
 - In 1 of 3 gun crimes, the firearm crossed state lines.¹⁰
 - The most common age of person arrested for a gun crime is 19, followed by 20, and 18.¹¹ The legal age to purchase a handgun is 21.¹²

These three facts indicate that nearly all crime guns are trafficked to criminals in some way. The lubricant that allows guns to flow from the legal market to the illegal market is the unregulated private sale.

- We know that background checks work. States that have applied the instant check process to private sales have seen a decrease in crime, including 38% fewer women killed with a gun by a domestic abuser and a 48% reduction in gun trafficking.¹³
- In April, there will be 110 arena-sized gun shows held in 35 states. In 83 of these gun shows, no background check is required.¹⁴

- Armslist.com is one of the websites that serves as an eHarmony for gun buyers and sellers. The following is the number of pages of listings on Armslist.com on March 13, 2013 from selected states that do not require background checks: Oklahoma (468 pages), Tennessee (401 pages), Georgia (180 pages), Arkansas (139 pages), South Carolina (338 pages), Virginia (184 pages), Indiana (447 pages), and Ohio (701 pages).¹⁵

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END NOTES

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