



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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ISSUE BRIEF

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TO: Concerned Parties
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NAACP URGES SWIFT PASSAGE OF SANE AND SENSIBLE GUN SAFETY LAWS TO PREVENT MASS KILLINGS AND OTHER GUN-RELATED HOMICIDES

THE ISSUE:

All-too easy access to guns and ammunition as well as the resulting gun violence are a major and deadly problem in the United States today. In 2017, every day, on average more than 42 Americans were killed by gun violence; there were more than 31,000 firearm-related injuries that year. That same year, almost 4,000 American children younger than age 17 were either killed or injured by a gun. From mass shootings to street shootings, gun homicides today are a common cause of death in the United States, killing about as many people as car crashes. “Survivors” of gun violence are often crippled, with many in constant pain; children are left as orphans; whole communities terrorized and scarred; and parents and families members are left broken and destroyed.

Gun violence disproportionately impacts communities of color in the United States. Gun violence is the number one killer of African Americans aged 15 to 34. Despite the fact that African Americans make up only 13% of the U.S. population, we represent nearly 50% of all gun homicide victims. Over 80% of gun deaths of African Americans are homicides. 49% of deaths of African-American males between ages 15 and 19 are homicides — more than the next nine leading causes of death combined. Their white counterparts die from homicides in less than 8% of deaths. Nearly 70% of all homicides in 2014 were “firearm homicides,” which means that roughly 34% of African-American males who die between the ages of 15 and 19 are killed by a gun.

Given the disproportionate damage gun violence is having on our communities, the NAACP has advocated for a number of sane, sensible laws which will help eliminate or decrease the damage and death caused by gun violence. We strongly support several sensible proposals which together will do a lot to help keep dangerous firearms off our streets and out of the hands of those who should not have access to them. These measures include:

- Requiring universal background checks on all gun sales and transfers;
- Ban military-style semi-automatic assault guns and military high capacity ammunition clips;
- Enact tough new criminal penalties for straw purchasers and gun traffickers;
- Ban suspects on the terror watch list from purchasing firearms;
- Allow the Center for Disease Control to research gun violence as a major public health issue;
- Incentivize and assist states in improving their overall reporting to the National Instant Criminal Background Check System (NICS);
- Maintain current law requiring background checks and permits for gun silencers;
- Ban “bump stocks” machine-gun type firing and other conversion kits, accessories and parts;
- Allow states to maintain and enforce their own “concealed carry” laws;
- Require microstamping or ballistic fingerprinting of all new firearms and ammunition sold in the U.S.;
- Repeal all state “stand your ground” laws, restoring the use of deadly force as a last resort;
- Encourage local jurisdictions to utilize their “buyer power” to create incentives for firearm manufacturers to employ “countermarketing” strategies to ensure that their retailers are using all available procedures to prevent illegal firearms diversion.

See the next three pages for a detailed discussion of each of these proposals.

The NAACP Washington Bureau is monitoring federal action on these and other proposals very closely and will alert our members and supporters when any bill or amendment is moved which might impact gun violence.

PROPOSALS TO STOP THE RAVAGES OF GUN VIOLENCE

- **REQUIRE UNIVERSAL BACKGROUND CHECKS ON ALL GUN SALES AND TRANSFERS:** to date, the National Instant Criminal Background Check System has prevented nearly 1.8 million criminals and other prohibited purchasers from buying guns; yet currently as many as 40% of all guns are sold to individuals without the benefit of a thorough background check, including those with mental health conditions, due to loopholes in the law. The NAACP supports extending a background check to all purchases or transfers of firearms. On December 7, 2017, the U.S. House passed the NAACP-opposed legislation, H.R. 38, the “Concealed Carry Reciprocity Act.” This legislation contained an NAACP-supported provision, the text of the *Fix NICS Act of 2017*, which ensures that federal and state authorities comply with existing law and accurately report relevant criminal history records to the National Instant Criminal Background Check System (NICS). The bill incentivizes and assists states in improving their overall reporting and penalizes federal agencies which fail to properly report relevant records.
- **BAN MILITARY-STYLE SEMI-AUTOMATIC ASSAULT GUNS AND MILITARY HIGH CAPACITY AMMUNITION CLIPS:** assault weapons are military-style weapons of war, made for offensive military battlefields. They are weapons of choice for gangs, drug dealers, police murderers and mass murderers and have no place in civilized society. Furthermore, high capacity ammunition clips allow shooters to shoot as many as 100 bullets before stopping to reload. In the cases of numerous mass shootings, killers were stopped only when they were forced to pause to reload their weapons;
- **ENACT TOUGH NEW CRIMINAL PENALTIES FOR STRAW PURCHASERS AND GUTRAFFICKERS:** Some straw purchases are small: A person buys one or more guns for a convicted criminal, or someone with a history of mental illness or domestic abuse, who would never get through a background check. Other purchases are larger: Gun traffickers recruit buyers with clean records to assemble arsenals to sell on the black market or transfer to drug cartels. Under current law, there is no specific statute that makes it illegal to act as a straw purchaser of any size of firearms;
- **BAN SUSPECTS ON THE TERROR WATCH LIST FROM PURCHASING FIREARMS:** If an individual exhibits behavior which warrants placement on the “terror watch list,” he or she should be prohibited from owning a gun, until such time as he or she is no longer a suspect;
- **REPEAL THE CURRENT BAN AND ALLOW THE CENTER FOR DISEASE CONTROL TO RESEARCH GUN VIOLENCE AS A MAJOR PUBLIC HEALTH ISSUE:** For 20 years Congress has voted to deny funding and effectively ban the CDC from doing critical research to prevent gun violence. A central part of preventing future tragedies as a result of gun violence is through conducting rigorous scientific research as this has been a proven successful approach in reducing deaths due to other injuries, including automobile injuries. The NAACP supports repealing the ban and allowing the science to move forward.

- **INCENTIVIZE AND ASSIST STATES IN IMPROVING THEIR OVERALL REPORTING TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS):** By strengthening the background check system, we will be saving lives. Federal and state authorities should be incentivized and assisted in complying with existing law and accurately report relevant criminal history records to the National Instant Criminal Background Check System (NICS). Furthermore, federal agencies which fail to properly report relevant records should be penalized.
- **MAINTAIN CURRENT LAW REGARDING SILENCERS:** Currently, Americans are able to obtain silencers legally after undergoing a thorough background check process and registering the silencer with law enforcement. As a result of this effective regulation, silencers are rarely used in crime. Some Members of Congress would remove these regulations, making it easy for individuals who are unable to pass a background check - felons, domestic abusers, and people suffering a mental health crisis - to obtain these dangerous weapon enhancements through unregulated private sales, on the internet, and at gun shows—and then use them in violent crime. The NAACP supports current law: silencers make firearms all the more dangerous. The sound of a gunshot alerts people, including law enforcement officials, to what is going on, therefore giving them the opportunity to take cover or take action to prevent more tragedy.
- **Ban “bump stocks” machine-gun type firing and other conversion kits, accessories and parts:** In firearms, bump fire is the act of using the recoil of a semi-automatic firearm to fire shots in rapid succession, which simulates the ability of a fully automatic firearm. “Bump fire stocks,” or “bump stocks” allow guns to fire at nearly the rate of a machine gun without technically converting it to a fully automatic firearm. Using a bump stock, or other similar conversion tool allows a shooter to increase the speed at which shots are fired but can reduce accuracy. A bump stock was used in the October, 2017 Las Vegas massacre in which a single shooter, firing from a hotel window, randomly killed 58 people and injured 422 others.
- **REQUIRE MICROSTAMPING OR BALLISTIC FINGERPRINTING OF ALL NEW FIREARMS SOLD IN THE U.S.:** Ballistic identification is the science of using a ballistic fingerprint to identify the specific firearm used in a shooting. A comprehensive ballistic identification system would connect a bullet or cartridge case recovered at a crime scene directly to the make, model and serial number of the gun from which it was fired. A technology called “microstamping” has made comprehensive ballistic identification a reality. Microstamping technology utilizes lasers to make microscopic engravings on the breech face and firing pin of a gun. As the gun is fired, a code identifying the weapon’s serial number is stamped onto the cartridge. This enables police to trace a gun without ever physically recovering it. A traced firearm is a valuable lead in a criminal investigation, because investigators can then connect that weapon to its first purchaser, who may become either a suspect or a source of information helpful to the investigation. On October 13, 2007, California Governor Arnold Schwarzenegger made history by signing a first-of-its-kind microstamping bill into law. The District of Columbia enacted a similar microstamping law in January 2009. Several other states, and the U.S. Congress, are now considering microstamping legislation. The technology promises to revolutionize the way law enforcement officials investigate homicides and other gun crimes.

- ALLOW STATES TO MAINTAIN AND ENFORCE THEIR OWN “CONCEALED CARRY” LAWS:**
 Currently, the concealed carry permit for each state varies, and each state determines whether it will recognize the permits of other states. Some states have strong laws regarding who can obtain a concealed carry permit and require training and a thorough evaluation. Other states issue concealed carry permits using recklessly lower standards, even to non-residents. The 12 states with the loosest laws do not require a permit at all. In these unregulated carry states a resident of that state may carry a concealed firearm automatically. Sadly, on December 7, 2017, the US House of Representatives passed H.R. 38, the *Concealed Carry Reciprocity Act of 2017*. This bill would permit any individual authorized by their home state to carry a concealed handgun to also carry that concealed weapon in any other state that permits the carrying of concealed weapons.
- REPEAL ALL STATE “STAND YOUR GROUND” LAWS, RESTORING THE USE OF DEADLY FORCE AS A LAST RESORT:** The traditional presumption in the law—from the advent of the Hebrew Bible through the creation of Roman law, English common law, and American law—has been that if you could spare human life, it was incumbent upon you to do so. With “Stand Your Ground” (aka “Shoot First”) laws, 3,000 years of jurisprudence has been turned on its head. Now you can provoke a fight, and if losing that fight, under the “Stand Your Ground” laws you can legally kill the person you attacked. This represents a dangerous and unprecedented escalation in the use of force in the public space, allowing individuals to kill when they merely *fear* “great bodily harm” (i.e., a fistfight, shoving match, etc.). The concept of responding with *proportional* force has been obliterated. Additionally, “Stand Your Ground” laws remove the duty to retreat from a conflict in public, allowing individuals to shoot and kill even when they could otherwise walk away safely from an altercation. The message to would-be killers is now clear. You need not fear carrying your gun in public, or using it. If you do, just make sure you are the only one remaining to testify about the nature of the confrontation in question.
- ENCOURAGE LOCAL JURISDICTIONS TO UTILIZE THEIR “BUYER POWER” TO CREATE INCENTIVES FOR FIREARM MANUFACTURERS TO EMPLOY “COUNTERMARKETING” STRATEGIES TO ENSURE THAT THEIR RETAILERS ARE USING ALL AVAILABLE PROCEDURES TO PREVENT ILLEGAL FIREARMS DIVERSION:** Cities and other local jurisdictions wield important power over the gun industry. In the aggregate, municipal governments are some of the largest purchasers of guns nationally due to their need to outfit local law enforcement departments. Firearms manufacturers and distributors understand the importance of this critical market segment and give it substantial attention. This gives cities considerable buyer power in their dealings with the gun industry. Cities have a unique opportunity to curb the violence caused by gun trafficking. A city purchasing firearms for its law enforcement department can use its “buyer power” to create incentives for firearm manufacturers to employ “countermarketing” strategies to ensure that their retailers are using all available procedures to prevent illegal firearms diversion. Manufacturers would be obliged to listen and change their policies to compete for this valuable market share. In this way, gun manufacturers and cities could begin to work together in a collaborative, positive fashion.