

Assault Weapon Position Paper

Waukesha Citizens Against Gun Violence – August 8, 2018

A hot topic

Common sense gun legislation is supported by the vast majority of people, both gun owners and those who don't own guns¹. Yet we cannot move forward with sensible changes to our laws and gun ownership because of the newly-created gun culture based on a misunderstanding of the second amendment. On the surface, it appears we are divided into camps, pro-gun and anti-gun. This false dichotomy has worked into politics, causing legislators who are already polarized to become even more so on this topic, unable to find middle ground.

Swirling around the gridlock are core beliefs based on false claims and misunderstanding². But even these views can't get sorted out, because gun control becomes labeled as a 'political' topic by people not open to substantively discussing the issue.

Agendas

Part of what makes this a complex issue is the fact there are so many agendas at play. There are those who see guns as a hobby or business, those that feel the need for personal protection, and those who like to hunt or shoot for sport.

Others see guns as a symbol of their freedom and some may feel powerful weapons in the hands of citizenry necessary to guard against a tyrannical government.




Lastly, there are those like us who care about the needless loss of life and see gun regulations and firearm limitations as a necessary part of the solution.

What is an assault weapon?

Seven states and the District of Columbia have banned assault weapons. Although the definition varies, they are weapons specifically designed to kill a large number of people quickly and efficiently at close range. To do that they must be (1) capable of rapid fire, and (2) have a large capacity magazine that can be quickly exchanged.

Weapons used to kill children³

The following assault weapons were used to kill children.

<p>This is a picture pf the Bushmaster XM-15. It was one of the weapons used at Sandy Hook to kill 28 and injure 2. A very similar weapon, the Smith and Wesson, M&P 15 was used at Parkland where 17 were killed and 17 injured.</p>	<p>XM-15 STANDARD 16" HEAVY BARREL CARBINE - A2</p> 
<p>The Intra-tec, DC-9 was used at Columbine to kill 15 and injure 21. Since the expiration of the Federal Assault Weapons ban in 2004, these guns are legal to buy in Wisconsin.</p>	 <p><i>Intratec DC-9 pistol with screw-on barrel extension (fake silencer)</i></p>
<p>The Sig Sauer P225 is used by police. It was also used in the Sandy Hook massacre.</p>	

These weapons are similar to many others on the market. They all have two things in common - rapid fire capability and quick-change magazines.

The Second Amendment⁴

When the Framers wrote the second amendment and talked about “arms,” they were thinking about muskets and single-shot pistols. They could not have foreseen modern rifles or high-capacity magazines. They lived at a time when it was impossible to imagine one man barging into a crowded room and killing more than one or two people before having to reload and surely being subdued. Today it is not only imaginable but also tragically commonplace.

In 2008, the Supreme Court’s latest interpretation ruled that the second amendment guarantees the individual right of law-abiding, responsible citizens to possess and carry weapons for self-defense. The home is where the need for defense of self, family, and property is most acute. Later rulings extended the right to defend yourself outside of the home. The

court also made it clear, however, that this does not preclude reasonable gun control measures. Not all weapons must be considered suitable for private hands.

Laws forbidding firearms in places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms, are not against the second amendment. These are laws of our own choosing and created at the state level.

The banning of assault weapons by states is constitutional and has been upheld 4 times in the federal appellate courts.

The Assault Weapons Ban of 1994⁵

The Federal Assault Weapons Ban, which was passed by Congress in 1994, included a prohibition on the manufacture for civilian use of certain semi-automatic firearms that were defined as assault weapons well as certain ammunition magazines that were defined as "large capacity." The 10-year ban expired on September 13, 2004, without being renewed. Since then, 7 states and the District of Columbia have enacted assault weapon bans.

Firearm manufacturers will provide whatever they can legally sell and make money. But when required to modify their designs to be compliant with state law, such as in California⁵, they will. They know how to create a "modern-hunting rifle" without becoming an assault weapon.

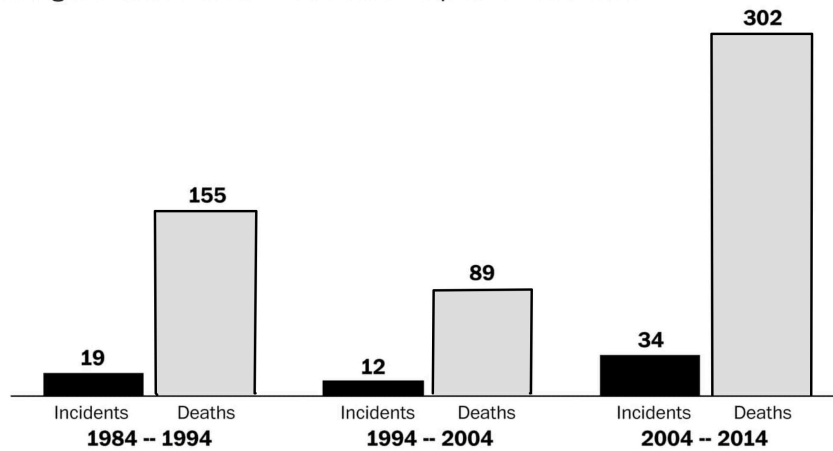
Removing easy access to assault weapons will save lives

Although it may be argued that the assault weapons ban did little to curb typical criminal activity, it had a dramatic effect on stopping gun massacres involving 6 or more deaths.

Passing the Federal Assault Weapons ban reduced the number of massacres from the previous 10 years. After the expiration ban in 2004, however, there was a dramatic increase⁶.

Gun massacres fell during the assault weapons ban

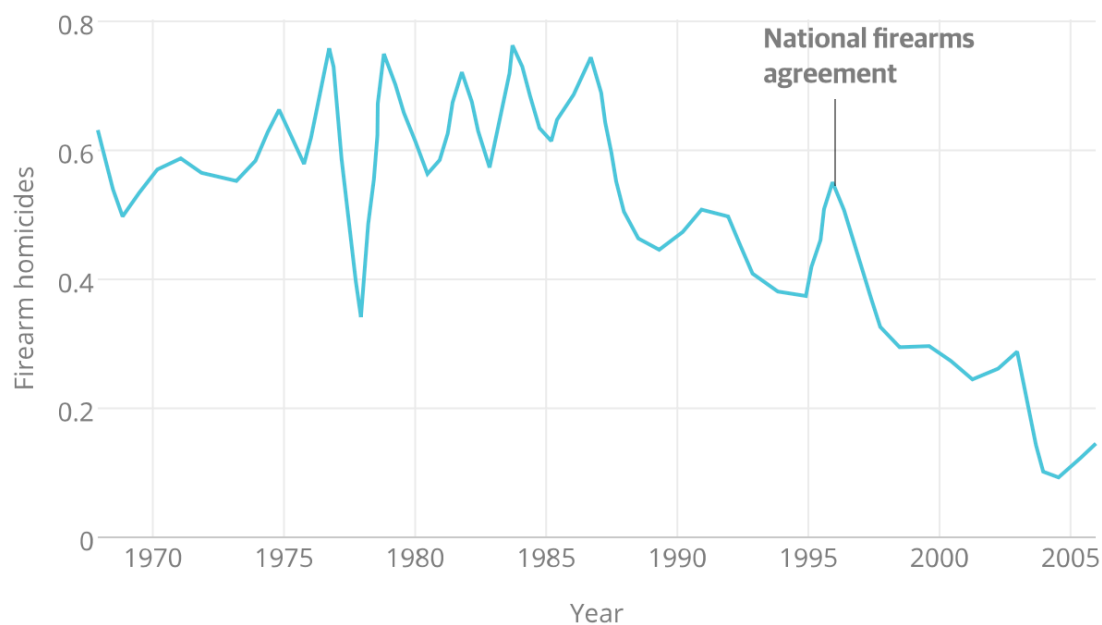
Gun massacre (6+ deaths) incidents and fatalities in the decades before, during and after the federal assault weapons ban of 1994



Source: Louis Klarevas
WAPO.ST/WONKBLOG

Following the Port Arthur shooting in 1996 that killed 35 people in a half hour, Australia enacted legislation that banned automatic and semiautomatic firearms. It also created strict firearm licensing and a registration system which has reduced the number of mass shootings to zero, and gun related homicides and suicides by over 50%⁷.

Firearm homicides per 100,000 people in Australia



Guardian graphic

Source: ABS, Leigh & Neill 2010

Tradeoffs

What's the value of a human life?

We make decisions that take this into consideration all the time. We take away the freedom to act by requiring baby car seats to be used. We take away the freedom of passengers by requiring them to pass through an excruciating inspection process at airports and we ban the right to carry a handgun on the plane.

In the case of assault weapons, we know that their availability will increase the carnage. It is a proven fact that if you remove or at least severely limit assault weapons, lives will be saved.

So, what about selling and owning assault weapons justifies the lives that will be lost? How important is it that hobbyists and dealers be allowed to sell and trade assault weapons? How important is it that hunters be allowed to use a firearm that is much more powerful than needed? How important is it that persons be allowed to prepare for armed insurrection in case it becomes necessary?

We are on the pathway to transforming our schools into fortresses

Over the past 10 years, school communities have had to adapt to accommodate America's gun culture, and it's not over yet.

Instead of doing the right thing by banning dangerous firearms and improving gun legislation, we are willing to spend enormous amounts of money to turn our schools into virtual fortresses.

Although it may give you some feeling of safety and control, the attention, the drills, the locked doors will have a psychological effect on our children. We are teaching them that our world is unsafe, they are in constant danger, and strangers cannot be trusted.

All this is being done because adults can't enact common sense gun control.

What is needed

Merely banning the sale of assault weapons is not enough. It must also include ownership. If we only ban the sale, it allows the thousands of assault weapons already out there to continue to be used, traded, or stolen. In fact, opponents to a ban on the sale of assault weapons, use this same argument to convince you that a ban on the sale of assault weapons is futile.

Any changes to current laws will take time to implement. Assault weapons, once they become illegal, will either be turned in, hidden, or eventually confiscated. In either case the availability of these weapons will diminish in time.

A ban assault weapons can be done. Other countries have done it successfully and there is no reason it cannot be done here in a manner compliant with the second amendment.

For those guns that remain legal, we need to improve our background check system by eliminating all loopholes, restoring the waiting period, and requiring national registration.

We will never completely eradicate killing, but we can greatly reduce the carnage if we choose to take all the effective steps to protect our schools.

What a ban and comprehensive gun legislation will not do.

Provided you are a law-abiding, responsible citizen:

You will not be prevented from owning a firearm for protection.

You will not be prevented from hunting with a firearm.

You will not be prevented from passing down legal firearms to your descendants.

A call to action

It is the responsibility of School Board members to advocate for the children under their care. In that capacity, board members must speak out about all the things they feel contribute to unsafe conditions in our schools, whether or not school boards are directly responsible for making the needed changes.

A resolution is not legislation. It is not necessary to figure out all the details or who should write it. You are simply acknowledging those things that should be addressed to protect our schools and the children in our community.

We ask that you put aside politics, and just think of the kids. How many lives are we willing to sacrifice by not doing the right thing?

Therefore, we call upon the Waukesha School Board school to include in their Safety Resolution the following statement.

NOW, THEREFORE BE IT RESOLVED that the Board of Education of the School District of Waukesha supports the following measures as part of a comprehensive effort to reduce the likelihood of mass shootings in schools and other places: (1) except for military and law enforcement personnel, a ban on the sale, transfer, possession and ownership of military-style semi-automatic assault weapons and high capacity magazines, (2) the diligent enforcement of laws and regulations on background checks and waiting periods as they apply to the sale and purchase of firearms, and (3) closing loopholes in existing laws that allow sellers and buyers of firearms to circumvent regulations through transfers accomplished privately or at trade shows.

Citations

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