

CONGRESS MUST ACT NOW

BAN AUTOMATIC WEAPONS

It is time for Congress to face up to the N.R.A. and pass legislation to do the following:

- 1. Totally outlaw possession of automatic guns and large ammunition clips by anyone (except law enforcement officers).***
- 2. Require a license to possess any fire-arm, with photo.***

You are required to have a license to drive a motor-vehicle. Why is there such opposition to requiring a license to own a fire-arm, which is even more dangerous than a car or motor-cycle?

The Supreme Court ruled in 2008 that such provisions are permitted by the Second Amendment of the Constitution.

It should be noted that the Supreme Court ruled in *District of Columbia v. Heller*, 554 U.S. 570 (2008), (see [page 83 of Senate Document 110-17](#)) that the *Second Amendment did not limit prohibitions on the possession of firearms by felons and the mentally ill, penalties for carrying firearms in schools and government buildings, or laws regulating the sales of guns.*

Specifically, Judge Scalia, in the majority opinion, stated that the District of Columbia gun licensing laws, after removal of the clause requiring guns to be disassembled when stored in the home, did not contradict the Second Amendment, provided they were not capriciously applied.

Based on this interpretation by the Supreme Court, it appears that there is no reason why persons owning firearms should not be required to obtain a license, which certifies that they are not a felon and are mentally capable. It would be reasonable to also require that in order to obtain the license, that the applicant pass a test that he understands the applicable law (for example that he/she may not carry the weapon into a school or government building and not use it while performing any unlawful act). It should be noted that most States require applicants to pass similar tests when applying for a vehicle operating licenses. Nobody objects to that.

Regarding a **prohibition against individuals owning automatic weapons**, note that the Supreme Court, in the same decision, noted that *there was a historical tradition of prohibiting the carrying of "dangerous and unusual weapons" and that would not be affected by this decision.* When the Bill of Rights was written

(1791), the only arms available to citizens were single shot long-barrel guns. It has been decided by other courts that machine guns are unusual weapons and are not protected under the Amendment. It is still questionable whether automatic handguns, with large capacity magazines are to be treated as handguns or machine guns. In all the recent attacks, automatic guns with large magazines were used, resulting in large numbers being killed and wounded. At the Newtown, Connecticut, school the children and the teachers that were killed suffered multiple wounds. The assailant fired over a hundred rounds in a couple of minutes.

Therefore, it is essential that Congress address this issue immediately and pass a law specifically banning automatic weapons and large capacity ammunition magazines.

Contact your Congressman and Senators now. Request that they support legislation to require licensing of handguns and prohibition of automatic weapons.

After every tragic shooting, starting with the attempted assassination of President Reagan and the severe wounding of James Brady, there has been an outcry for Congress to pass legislation to restrict the use of automatic weapons and prevent handguns from getting into wrong hands. Always the National Rifle Association and the wealthy gun lobby have used their funds and stranglehold on members of Congress to prevent any action. How much longer must America endure this? How many more children, parents, teachers have to be murdered by deranged individuals with collections of guns? When will the Representatives and Senators do the job for which they have been elected, to pass laws to help American citizens, not kowtow to the Gun Lobby?

Unfortunately, there are nearly 300 million guns, many of them automatic high powered rifles and so-called machine pistols, in circulation in the U.S. - more than in *all other developed countries combined*. Even if legislation were passed tomorrow and enforcement started immediately - an unrealistic expectation - it will take a couple of generations to get rid of all dangerous weapons. But let's start now!

No new bureaucracy, federal or state, is required. All states now issue driver licenses and automobile registrations, The same facilities and procedures can be used to issue gun-owners licenses and register the guns in their possession. The procedures used to handle sales and title transfers for automobiles may also be used to handle sales of guns by registered dealers or individuals to persons possessing a gun license. The cost of additional personnel or facilities can be covered by license and transfer fees.

Naysayers will be quick to point out that even in countries with strict gun controls, some illegal guns still exist and some killings do occur. But [statistics on gun related killings](#) show that the rate in USA (3.2 per 100,000 people) is 5 times worse than Turkey, and 10 times worse than most other countries. Only Chile, with lax gun controls, approaches the U.S. with 2.2 homicides per 100,000 people.

Hopefully, money now spent on tracking, arresting and incarcerating young people for possession of a few grams of marijuana, could be better spent on tracking illegal weapons. Guns kill, pot doesn't.

References:

1. <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2008/pdf/GPO-CONAN-2008.pdf> - U.S.Senate Document 110-17, see page 83.
2. <http://www.loc.gov/law/help/second-amendment.php> - The Law Library of Congress "Gun Ownership and the Supreme Court."
3. <http://www.washingtonpost.com/blogs/worldviews/wp/2012/12/14/chart-the-u-s-has-far-more-gun-related-killings-than-any-other-developed-country/>

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