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A Call to Action: Policy Proposals to Ameliorate Gun Violence in the US

Adrian Rivera

Executive Summary

In the United States, gun violence has grown more pervasive with each passing year. This policy memo proposes legislation that will decrease gun mortality rates while also lowering the economic costs associated with the crisis. To appease proponents of the Second Amendment, a call for a ban on the import and sale of firearms will not be included as a proposal. Rather, proposed policies will call for gun control measures that are more likely to garner bipartisan support. These policies include the repeal of the Dickey Amendment to expand gun violence research funding, strict background check policies that mirror those found in Massachusetts, and the repeal of the Protection of Law Commerce in Arms Act to hold gun manufacturers liable for gun violence and incentivize them to produce smart gun technology. Though rhetoric used by the National Rifle Association promotes skepticism of these policies, framing them as protections necessary for the interest of public safety for all Americans is likely to quell many reservations among Second Amendment supporters. Enactment of all proposals must be considered at the federal level rather than a state-by-state basis in order to combat the crisis more effectively.

Background of Problem

Gun violence has become an undeniable public health epidemic in the United States (US). In 2016, the number of American lives lost to firearm violence rose for a third consecutive year, totalling an unfathomable 38,658 deaths (Nass 2018). Injuries resulting from gun violence have shown a continued increase as well, elevating from 23,010 instances in 2014 to 30,619 in 2016 (Nass 2018). Gun violence has plagued Americans of all races, geographic areas, and ages, including our nation's children, who have not been any exception to the devastation brought on by the epidemic. According to the Everytown for Gun Safety Support Fund, firearm homicide serves as the second leading cause of death among children and teenagers, with nearly 1,600 individuals within this demographic dying every year. Such data demonstrates that gun violence has weakened the capacity of the federal government to ensure safety for American citizens. In addition, the gun violence epidemic has imposed a tremendous burden on our nation's economy. According to *Mother Jones* magazine, firearm violence has cost the US as high as \$229 billion per year when accounting for its direct and indirect costs (Picchi 2017). Direct costs, which include criminal justice proceedings, contribute \$8.6 billion to the expenditure, while indirect costs, such as lost wages, medical bills, lower property values, and lost business ventures, add a staggering \$221 billion (Picchi 2017). As the morbidity and mortality resulting from gun violence evolves, the associated economic burden will continue to hamper our nation's business, criminal justice, and healthcare systems if comprehensive legislative changes are not made.

Issues

Firstly, it is imperative that gun control legislation is pursued at the national level. As it stands, the authority to regulate firearms in the US is largely relegated to states or localities instead of the federal government (Spitzer 2017). Therefore, while a number of states such as New York, Illinois, and Massachusetts have strengthened gun regulations in the form of stricter background check policies, gun violence within their boundaries has persisted. In New York, about 9 in 10 of the firearms used in crimes are purchased from outside states, namely Virginia, where there are more lenient background check systems (Spitzer 2017). A similar phenomenon

can be observed in the state of Illinois, where a fifth of the firearms used in crimes are obtained from Indiana, a neighboring low-regulation state (Bump 2017). The ease with which firearms are transported across state lines effectively nullifies regulatory efforts put forth by state legislatures. Thus, if laws are not identical in each state, gun violence will remain unabated nationwide. According to Giffords Law Center To Prevent Gun Violence, the ability to enact federal firearm regulations is indeed within the authority of Congress, as established by the Interstate Commerce Clause (Giffords Law Center). This clause allows Congress to broadly regulate commercial activities, such as gun flow, across state borders, making it the duty of the American government to enact federal gun control measures when considering solutions to this epidemic. Failure to do so will not allow the pervasiveness of the epidemic to be fully grappled with.

Once gun violence amelioration is established as a federal endeavor, other key issues driving the current policy stalemate can be addressed. Over the last few decades, the National Rifle Association (NRA) has maintained a stronghold on the narrative surrounding gun control. That is, the gun activist group has framed control efforts as constitutional impingements, fomenting deeper distrust between supporters of the Second Amendment right to bear arms and the government (Spitzer 2017). The NRA only engages the topic of gun violence as an issue of constitutional legality rather than of public health, as doing otherwise would diminish the credibility of their activism. This group has molded gun control into a political wedge issue, driving citizens to vote for politicians based on their support of the Second Amendment in a phenomenon known as single-issue voting (Spitzer 2017). This has effectively dissuaded many politicians from challenging gun accessibility through legislation, causing the societal and economic burdens imposed by gun violence to fester.

Analysis and Evaluation

In order for gun regulations to be realistically supported, proposed policies must appeal to Americans who advocate for both gun control and the Second Amendment. A ban on the import and sale of any kind of firearm might be supported by gun control activists in the US, but would be perceived as too draconian of a legal measure to proponents of the Second Amendment. Proposals that are more likely to satisfy both sides of this wedge issue, such as increased research on gun violence, stricter background check policies, and enhanced gun safety technology, must instead be put forth. These proposals, though challenged by the NRA, can be framed as protections in the interest of public health rather than regulations, which speaks to the importance of language in public policy discourse. Preserving the legality of the import and sale of firearms will make Second Amendment supporters more comfortable with accepting these protections, especially when the payoff is lower rates of mortality for vulnerable demographics such as children. In turn, Congress will be able to address the economic and societal burdens associated with gun violence with less fear of civilian backlash.

Solutions

To alleviate the public health burden brought on by gun violence, Congress must first repeal the Dickey Amendment. This legislation, enacted in 1996, imposes a federal funding blockade for gun violence research, which would be mainly conducted by the Centers for Disease Control and Prevention (CDC) (Metzi 2018). Firearm activist groups such as the NRA have spearheaded the blockade, contending that this kind of research would yield a “public health bias” that inevitably leads to more repressive gun control measures (Metzi 2018). As a result, researchers have been left without the means to engage in qualitative and quantitative research on the causes and effects of gun violence. Research conducted by the CDC has historically gleaned the full range of issues stemming from public health crises such as the opioid

overdose epidemic, enhancing the development of amelioration methods immensely. For example, CDC research on opioid overdose allowed for take-home naloxone programs to be distributed to 16 counties in West Virginia, where 25 overdose reversals were reported in the first nine months of operation (“Success Stories” 2017). Gun violence, which costs more Americans their lives every year, should be researched in the same way.

As previously mentioned, firearms flow freely across state borders in the US. Increasing funding for research would allow the CDC to gain a better understanding of where the firearms used in crimes are being purchased and call for changes to be made to gun policies in those specific states. In addition, repealing the Dickey Amendment and expanding research can help to dispel any misconceptions surrounding gun violence in the US. For example, gun activists often argue that increased gun regulations prevent “good guys” with guns from being able to fend off shooters with ill intent. Increased federal surveillance of gun violence can determine if this scenario is indeed observed at the level it is said to be occurring, giving legislators a more evidence-based understanding of the issue (Mitzi 2018). Moreover, qualitative research done by the CDC can further capture the breadth of the gun violence epidemic by detecting its root causes. Focus group studies, interviews, surveys, and case-by-case analyses can help to glean the characteristics of those more likely to engage in acts of gun violence. Researchers can examine violent firearm use in relation to age, race, location, socioeconomic status, and other prevailing characteristics in order to develop targeted prevention methods rather than one-size-fits all methods (Brown 2011).

Certain barriers may exist in the attempt to repeal the Dickey Amendment. Because the NRA continues to argue that expanded federal gun research will lead to more extreme regulatory policies, many believe that if the government has record of where guns come from, they will be able to take them away from American citizens (Raphelson 2018). If gun advocates hold the mindset that “bad guys” with guns must be combated by armed civilians, it must be emphasized that only “bad guys” will be tracked for the purpose of keeping Americans, including law-abiding gun owners, safe and secure. In this sense, repealing the Dickey Amendment will be framed in a way that aligns with the rhetoric typically put forth by gun advocates themselves, making it more difficult for the NRA to generate backlash towards the policy. An evidence-based legislative process is likely to enhance the credibility of the state as well, as it will indicate that a stronger attempt is being made to protect American citizens. Tackling the key causes and effects of this epidemic through research is the only way to ensure that less gun violence fatalities are observed in the future, and that other associated societal and economic costs are minimized.

Once gun violence research expands, enacting stricter background check policies that mirror those found in the state of Massachusetts will ensure that firearms remain out of the hands of those with ill-intent. Massachusetts boasts one of the most rigorous gun purchase systems in the entire nation. To buy a firearm in the state, one must first obtain a permit from his or her local police department, which requires paperwork, an interview, and a background check conducted by law enforcement agents (Lopez 2018). Once one is granted a permit, he or she will need to pass another series of background checks and provide a valid license at the store in which the gun is being purchased. The gun, even if sold privately, is then recorded in the Massachusetts Gun Transaction Portal, the state’s firearm database. This rigorous system has allowed Massachusetts to maintain the lowest rates of gun mortality in the entire nation, with only 3.6 deaths per 100,000 persons being recorded in 2016 (Lopez 2018). This rate is substantially lower than states with more lenient background check systems, such as New

Hampshire, where the gun death rate stood at 9.9 per 100,000 persons the same year (Lopez 2018). The low gun death rates observed in Massachusetts prove that gun violence is a solvable issue, making employment of the state's policies necessary at the national level. These regulatory schemes prevent those with mental health illnesses or anger issues from obtaining firearms, thus decreasing the prevalence of deadly gun violence. This legislation will supplement the CDC's research elucidating the characteristics of those more likely to commit gun violence, expanding on the evidence-based approach the government will take to address the epidemic.

Despite strong opposition from the NRA, public support of background checks for gun purchases remains high, especially among gun owners themselves. According to a 2013 study conducted by the Pew Research Center, 85% of gun owners favor making all gun sales subject to background checks, while 60% favor the creation of a national firearm database similar to the one in Massachusetts. Passing background check legislation that models that of Massachusetts can thus achieve the goal of lowering firearm morbidity and mortality without engendering grievances from supporters of the Second Amendment. Support of such policies will increase even more if they are strategically framed as public safety measures that only affect "bad guys" with guns. Massachusetts has proved that rigorous background check systems significantly lower death rates resulting from gun violence, making it the duty of the government to provide all of its citizens with the same security.

To further improve the issue of gun violence in the US, Congress must additionally repeal the Protection of Lawful Commerce in Arms Act (PLCAA). This 2005 law provides gun manufacturing industries immunity from civil justice lawsuits, a legal protection that is not granted to any other industry in the country according to the Brady Campaign to Prevent Gun Violence. As a result, victims are unable to pursue justice or compensation for the devastation they have experienced because of gun violence. If the PLCAA was repealed, gun-manufacturing industries would be held liable for the atrocities committed with their weapons, incentivizing them to produce guns with smart technology for the purpose of consumer safety.

In many cases, "smart" guns refer to firearms that are activated by fingerprint-access or radio-frequency identification, which is used for car alarms. Guns with smart technology can only be fired by authorized users, which, the Smart Tech Challenges Foundation argues, will lessen the rate of gun injuries and deaths that fall under the category of unintentional or suicide. According to the Gun Violence Archive, there were 2,204 unintentional shootings in 2016, which is almost 300 more than there were in 2015 (Nass 2018). Suicide by firearm rates are even more disturbing, with a report from the CDC revealing that from 2006 to 2016, about 218,000 individuals killed themselves using a gun, revealing the importance of enacting this policy (Mann 2018). Smart technology decreases the likelihood that a gun is accidentally fired, or that an individual demonstrating suicidality is able to activate a gun.

Since repealing the PLCAA directly regulates corporations rather than the American people, civilian grievances resulting from the legislation are likely to be less severe. Second Amendment proponents may argue that technological malfunctions can occur and impede the ability to use firearms during emergency situations, but framing smart guns as highly capable pieces of technology that will keep guns from being used by the mentally unstable will quell such concerns. This is, again, an example of framing within the mindset of gun activists, who often cite poor mental health as the primary cause of gun violence in the US. Congress must emphasize that repealing the PLCAA is an act in favor of consumer protections and the safety of American citizens in order to ensure support for the policy. This policy does not take guns away; it simply makes them safer. In combating this crisis, the government's spending deficit continues

to deepen, while billion dollar arms corporations reap profits from firearms that cause nationwide devastation. The federal government cannot morally allow this to persist.

Conclusion

The US is experiencing a gun violence epidemic that claims more American lives every year. Comprehensive policy measures must be taken to ensure safety for all citizens at the national level, as state-by-state policies fail to contend the scope of the crisis due to gun flow across borders. The NRA and other gun activist groups continue to drive supporters of the Second Amendment against gun control regulations, but these policies, which appeal to both sides of the political aisle, are likely to garner bipartisan support. Repealing the Dickey Amendment will allow federal research on gun violence to be conducted, facilitating an evidence-based legislative process to address the epidemic. Mirroring background check policies after those proven to decrease mortality rates in Massachusetts will additionally enhance the capacity of the government to keep citizens safe from firearm violence nationwide. Finally, repealing the PLCAA will hold gun manufacturers accountable for acts of violence committed with their firearms, prompting them to begin manufacturing smart guns that lower instances of unintentional and suicidal gun violence. These policies maintain a citizen's Second Amendment rights while also strengthening our understanding of the gun epidemic, limiting gun exposure, and promoting safer gun use. The United States has the opportunity to be on the right side of history and keep its citizens from dying more every single year. Failure to enact these policies, which also alleviate the economic burden imposed by this crisis, would be morally reprehensible, and an act against core American values.

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