

A Petition to the U. S. Congress to Adopt a Uniform National Gun Safety Law Applying Equally to All States.

Draft 1-5-2016

Whereas, the number of mass shootings and fatalities have increased commensurate with the increase in the number and lethality of weapons, and the failure of the Federal government to enact uniform national and comprehensive common sense gun safety laws. Acts of terrorism both domestic and foreign inspired have added to the total. Federal agencies have been developing information about potential terrorists. However, it appears that none of this information may be available within the FBI's National Instant Criminal Background Check System (NICS) used to determine if prospective firearms, ammunition, or explosives buyers are eligible to buy.

Whereas, without uniform national and comprehensive federal background check procedures and data within the NICS, linked to the national terrorist watch and no-fly lists, unqualified buyers including potential terrorists and the mentally ill can freely buy guns at gun shows, on the internet, and in retail stores in states with weak or non-existent gun safety laws. They are then trafficked to be used in states like Massachusetts, New York, Connecticut, Illinois, California and other states with stronger gun safety laws.

Whereas, the U. S. has the highest rate of gun ownership and the highest per capita rate of firearm related murders of all industrialized countries in the world. The known total of guns owned does not include the millions of guns not counted due to illegal and unrecorded sales by unlicensed dealers, corrupt licensed dealers, unlawful internet sales, theft, transfers from family or friends, or street criminal purchases. In 2014 there were approximately 112.6 reported guns per 100 residents in the U.S. meaning there are more guns than people.

Whereas, in 2007 the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Department of Justice, estimated the number of gun shows to range between 2,000 to 5,200 per year, each with 50-2,000 licensed and private sellers. At the largest gun shows, over 1,000 firearms are sold in one weekend. As of 2013, 33 states did not require background checks by private sellers and are major sources of guns illegally trafficked to other states, to Mexico, and sold to prohibited persons and criminals. The proposed Gun Show Loophole Closing Act of 2009 and the Gun Show Background Check Act of 2009 were never allowed to the floor of Congress for a vote.

Whereas, in 2013, there were 33,636 firearm deaths throughout the U.S. of which 11,208 were homicides and 21,175 were suicides. The rest were firearm deaths from unintentional discharges (505), legal intervention/war (467) and undetermined (281). That effectively means that approximately 90 people per day including children were killed at the point of a gun.

Whereas, over the years beginning in the late 1970s, special interest groups consisting of firearm user organizations, lobbyists, and manufacturers have continued to expand their influence and obstruct national common sense gun safety legislation and research in spite of majority public support and public health needs.

Whereas, claims that guns are used for self-defense millions of times every year have been exaggerated by special interests by over 98%. While the 2008 Supreme Court decision says that handguns may be kept in the home and presumably safely stored and trained in use, the data shows that guns kept in the home are more likely to be involved in a fatal or nonfatal unintentional shooting, criminal assault, or suicide attempt than to be used in self-defense.

Whereas, in 2008, the Supreme Court held for the first time that the Second Amendment protects the individual right of "law-abiding, responsible citizens" to possess an operable handgun in the home for self-defense.

However, the Supreme Court cautioned that this right is “not unlimited,” and provided examples of “presumptively lawful” regulations, including “longstanding prohibitions on the possession of firearms by felons and the mentally ill.” The Court further clarified that its list of presumptively valid regulations was “not exhaustive,” meaning that other gun regulations may also be valid.

Whereas, following the December 14, 2012 massacre of 27 children, teachers and staff at Sandy Hook Elementary School in Newtown, Connecticut, the states of Massachusetts, New York and Connecticut passed extensive revisions and additions to their already strong gun laws including the *New York Secure Ammunition and Firearms Enforcement Act of 2013* dated January 15, 2013, and the Connecticut Senate Bill 1160 *An Act Concerning Gun Violence Prevention and Children’s Safety* dated April 4, 2013.

Whereas, the Massachusetts House Bill 4376, *An Act Relative to the Reduction of Gun Violence* dated August 13, 2014 includes many similar provisions to the recent New York and Connecticut bills. Those similarities include bans on an expanded list of assault weapon types, requirement of mandatory NICS background checks for gun, ammunition and explosives purchases and transfers, bans on high capacity magazines limiting the number of bullets to 10 (7 in New York), creation of mental-health safeguards and reporting, creation of a gun offender registry (Connecticut, pending in Massachusetts), closing the gun show loophole, and requires reporting to police of gun and ammunition thefts and losses.

Whereas, on October 19, 2015, the United States Second Circuit Court of Appeals found that “core provisions” of the *New York Secure Ammunition and Firearms Enforcement Act of 2013* dated January 15, 2013, and the Connecticut Senate Bill *An Act Concerning Gun Violence Prevention and Children’s Safety* dated April 4, 2013 do not violate the Constitution.

Therefore, BE IT RESOLVED on March 19, 2016, Lincoln Town Meeting has voted to support this resolution urging the President of the United States and the U. S. Senate and House of Representatives to adopt national and uniform Federal gun safety legislation applying equally to all States, Territories, and the District of Columbia.

BE IT FURTHER RESOLVED to protect the American public from illegal gun use by criminals, terrorists and the mentally ill who take advantage of gun safety law differences from state to state, that national, uniform, comprehensive and common sense Federal gun safety legislation be developed and modeled generally after the Massachusetts House Bill 4376, *An Act Relative to the Reduction of Gun Violence* dated August 13, 2014; the *New York Secure Ammunition and Firearms Enforcement Act of 2013*; and Connecticut *An Act Concerning Gun Violence Prevention and Children’s Safety* dated April 4, 2013.

BE IT FURTHER RESOLVED, that the Federal government shall coordinate the efforts of all agencies currently collecting names and information of known or suspected terrorists, and make this information available to be included with the FBI’s National Instant Criminal Background Check System (NICS) used to determine if prospective buyers of firearms, ammunition, and/or explosives are eligible to buy. Further, this system shall include a method for persons who feel they have been aggrieved to seek review and correction of the record.

BE IT FURTHER RESOLVED, that Congress shall reinstate and support funding to conduct gun violence prevention research by the Centers for Disease Control and Prevention (CDC) and other qualified researchers.

BE IT FURTHER RESOLVED, that the Lincoln Board of Selectmen shall transmit copies of this Resolution and Town Meeting Warrant to our Federal elected officials including the President of the United States Barack Obama and Vice President Joseph Biden, Massachusetts Senators Elizabeth Warren and Edward Markey, and Congresswoman Katherine Clark.