

## February 1994

BE IT RESOLVED, That the American Bar Association, which has for almost 30 years supported policies regulating the use and sale of guns, reminds the public of the Association's long standing opposition to uncontrolled use and sale of guns and its commitment to public safety; issues the warning that guns have now become the most visible instrument of violence in what has become a culture of violence of which children and youth have become victims; and reaffirms the following Association policies respecting regulation of firearms:

1965: Support legislation amending the Federal Firearms Act of 1934 to, inter alia, require licensing of dealers in interstate commerce of firearms; prohibit sales to felons, fugitives, persons under indictment, adjudicated mental incompetents and minors; restrict sale of handguns to residents of the state where purchased; and control commerce and importation of larger caliber weapons and firearms in general.

1973: Support legislation to limit sale and possession of cheap foreign-made handguns.

1975: Support amending the Gun Control Act of 1968 to, inter alia: prohibit interstate sales by unlicensed persons of ammunition and firearms components; define the term "firearms for sporting purposes"; upgrade standards of eligibility for licensing of dealers, requiring background checks of applicants and making conferral of such licenses discretionary rather than mandatory; require dealers, manufacturers, transporters and importers of firearms and ammunition to provide adequate and secure storage facilities in order to reduce theft of firearms and ammunition; mandate a waiting period prior to firearms purchases for a criminal background check by the Bureau of Alcohol, Tobacco and Firearms; encourage severe, but not mandatory, penalties for offenses involving firearms; and require periodic review of eligibility of handgun possessors consistent with due process of law.

1983: Oppose efforts to repeal provisions of the Gun Control Act of 1968; endorse effective and proven measures to control the "possession" of handguns; support enactment of appropriate penalties to deter firearms-related crime.

1991: Support the enactment of legislation encouraging gun safety education programs and providing for penalties for adults' failure to properly safeguard firearms.

1993: Support legislation to limit availability of assault weapons to the military and law enforcement organizations .

BE IT FURTHER RESOLVED, That the American Bar Association urges legislative bodies to vigorously pursue solutions to the problem of gun violence consistent with existing ABA policy.

BE IT FURTHER RESOLVED, That the American Bar Association instructs the Task Force on Gun Violence to report to the House of Delegates at the August 1994 Meeting as to policy recommendations further addressing the problem of gun violence.

### **August 1994**

BE IT RESOLVED, That the House of Delegates calls on the American Bar Association and all other concerned institutions to address the myriad of problems which contribute to the culture of violence in society, and develop a national agenda to address these problems.

BE IT FURTHER RESOLVED, That leaders of the legal profession join and work with our counterparts in the medical, teaching, religious, civic, law enforcement and other professions, to prevent and reduce gun violence, including efforts to:

1. Educate the public regarding the causes, risks and costs of gun violence;
2. Educate the public and lawmakers regarding the meaning of the Second Amendment to the United States Constitution, to make widely known the fact that the United States Supreme Court and lower federal courts have consistently, uniformly held that the Second Amendment to the United States Constitution right to bear arms is related to "a well-regulated militia" and that there are no federal constitutional decisions which preclude regulation of firearms in private hands; and
3. Promote the provision of volunteer legal research for and assist governmental entities seeking to enact or enforce laws aimed at reducing gun violence.

BE IT FURTHER RESOLVED, That the American Bar Association supports a national approach and a strengthened federal role to reduce gun violence, through the regulation of the sale, transfer and possession of firearms, and supports legislation to amend the Gun Control Act of 1968, to:

1. Expand the list of persons prohibited from receiving or possessing firearms under the Act to include persons convicted of violent misdemeanors; persons convicted of spousal abuse or child abuse; and persons subject to a protective order;

2. Require a special federal license for any person to possess a "personal arsenal" of firearms or ammunition;

3. Provide that Federal Firearms Licenses (FFL) be limited to bona fide firearms dealers and require: compliance with state and local laws; adequate business liability insurance; an annual fee sufficient to cover the costs of investigating license applications; an increased number of permitted yearly inspections; thorough background checks of employees; cooperation with criminal investigations and reporting of all gun thefts to ATF and local police; permitted gun sales to be limited to the location of the licensed premises; ammunition sales and sales of component parts of handguns to meet FFL requirements; and

4. Provide authority to ATF, or other appropriate federal agency, to regulate firearms as consumer products, to set minimum mandatory safety standards such as requiring child-safe locking devices, to issue recalls of defective products and prohibit sales of firearms failing to meet minimum safety standards, and to disseminate safety information to the public.

BE IT FURTHER RESOLVED, That the American Bar Association, recognizing the singular role of handguns in the epidemic of gun violence in our society, supports enactment of legislation to:

1. Require persons to obtain and maintain a current handgun license, with background check, age, residency, safety training and insurance requirements, in order to buy or otherwise receive transfer of any handgun or handgun ammunition;

2. Require that all handguns be registered and all newly manufactured handguns be equipped with safety features in order to reduce accidental injuries; and

3. Increase the federal tax on handguns and the tax on handgun ammunition, with the proceeds dedicated to a fund to treat the victims of gun violence and to finance educational programs to reduce gun violence.