

AMERICAN BAR ASSOCIATION
ADOPTED BY THE HOUSE OF DELEGATES
AUGUST 10-11, 1993

RECOMMENDATION

Bar Association of San Francisco (Reports No. 101)

BE IT RESOLVED, That the American Bar Association supports federal, territorial and state legislation which would restrict the sale and possession of assault weapons to the military and law enforcement organizations.

BE IT FURTHER RESOLVED, That the American Bar Association urges state, territorial and local bar associations, and all of their respective members, to join with the ABA in the effort to pass such legislation.

REPORT

It should not have taken the mass murders of July 1, 1993 to have caused the Bar Association of San Francisco (BASF) to propose this resolution.

We should have acted upon the exhortation of our local minority clergy, who told us of young men dying by the score from guns wielded in the inner city. We should have been shocked into action by the statistic that homicide with a firearm has become the leading cause of death among black men between 15 and 34 years old, and the second leading cause of death among all 15 to 24 year olds nationwide!

We should have listened to our family law bar, who told us of the fear of guns which has become an occupational hazard in their field. We should not have complacently accepted the need for the ubiquitous metal detector in our courthouses and government offices -- -- an open acknowledgement of the ready availability of firearms.

But, after a gunman entered the 34th floor law offices of Pettit and Martin in San Francisco last month, and randomly killed eight people and wounded six others, we belatedly realize that more energetic action must be taken to stop these tragedies and the threat and fear of gun related violence.

There is no remedy short of federal gun control to reduce that threat, and ameliorate that fear. The victims at 101 California Street had no connection with their killer, and could have done nothing differently to avoid him. But without his automatic weapons -- -- strictly prohibited in California, but readily available in neighboring Nevada -- -- the same level of violence and death could not have been achieved.

Our commitment to the rule of law, and our understanding of the toll taken by gun related violence in our society, should be reason enough to support this resolution. But we now also ask that it be supported for the sake of the safety of our members.

The American Bar Association has been on record in favor of federal gun control legislation since 1965. Most recently in 1989, the House called for passage of legislation prohibiting the civilian possession of semi-automatic assault weapons. We now ask the ABA to extend an invitation to state and local bars to join in their effort to obtain the federal gun control legislation called for by prior House resolution.

On August 3, 1993, ABA President, J. Michael McWilliams spoke on behalf of the Association before the United States Senate Committee on the Judiciary regarding assault weapons legislation. Noting that "the time has come to enact legislation to limit the availability of assault weapons to those in law enforcement and in the military and the national guard," President McWilliams rejected the "misleading claims being made by the gun lobby to oppose enactment

of laws to regulate assault weapons." Through this resolution, we ask that the state and local bars be encouraged to join in President McWilliams' call for "strong, comprehensive legislation to limit the availability of assault weapons to law enforcement and the police, and to provide for a safer future on our streets and at our schools."

The ABA stands squarely with our nation's law enforcement organizations in this view. In recent years, as gun-related crime has permeated our streets, schools and the workplace, it has come to threaten the rule of law in our society. Lawyers cannot afford to regard this as someone else's problem and responsibility.

In the most recent leadership survey of legislative priorities conducted by the ABA's Office of Governmental Affairs, gun control received the second highest score. That finding is consistent with the national opinion surveys which show overwhelming public support for gun control legislation.

Nonetheless, the gun control lobby has been successful in thwarting that public will. Therefore, state and local bars should add the weight of their membership, and the force of their arguments and expertise, in support of the ABA's legislative efforts on gun control. That coordination is sorely needed.

At times, we are faced with a conflict between the interests of our members and the public good. Here, however, those two forces coincide in favor of this resolution; in memory of the victims of the 101 California Street massacre, and the 30,000 Americans killed annually by firearms, we ask for your vote, and for your subsequent action, in support of this resolution.

Respectfully submitted,

THE BAR ASSOCIATION OF SAN FRANCISCO

August 4, 1993.

Karen D. Kadushin

GENERAL INFORMATION FORM

To Be Appended to Reports with Recommendations
(Please refer to instructions for completing this form.)

Submitting Entity: **BAR ASSOCIATION OF SAN FRANCISCO**

Submitted By: **Tom Smegal & Phyllis James**

1. Summary of Recommendations(s):

Urges state and local bar associations to coordinate with the ABA in furtherance of ABA policy regarding gun control.

2. Approval by Submitting Entity:

This resolution was approved by the Board of Directors of the Bar Association of San Francisco at their July 27, 1993 meeting.

3. Has this or a similar recommendation been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to his recommendation and how would they be affected by its adoption?

This resolution furthers the June 16, 1989 policy of the ABA Board of Governors which "supports laws prohibiting the purchase, importation, domestic sale, transfer or possession of "assault weapon" firearms by private citizens," as well as other ABA policies.

5. What urgency exists which requires action at this meeting of the House?

The events of July 1, 1993, in which a downtown San Francisco law office was invaded by a gunman who murdered eight people and wounded six others, gives rise to the urgency for this resolution.

6. Status of Legislation(If applicable.)
Not applicable.

7. Cost to the Association. (Both direct and indirect costs.)

This would add no additional costs to the Association, over and above the costs of its existing efforts.

8. Disclosure of Interest. (If applicable.)

None.

9. Referrals.

The matter was referred to the Young Lawyers Division, Section of the Individual Rights and Responsibilities, and Tort and Insurance Practice Section, and Rules and Calendar Committee by letter dated July 30, 1993. It has since been referred to the Chair of the Section of Officers' Conference.

10. Contact Person. (Prior to meeting.)

Tom Smegal, Phyllis James, Ed Kallgren, Mark Schickman

11. (Who will present the report to the House.)

Tom Smegal, Phyllis James, (BASF Delegates) and Ed Kallgren, (Chair BASF Ad Hoc Committee on Gun Control)

12. Contact Person Regarding Amendments to This Recommendation. (Are there any known proposed amendments at this time? If so, please provide the name, address, telephone, fax and ABA/net number of the person to contact below.)

None known at this time.