

# Why Lawyers Should Work To Reduce Gun Violence

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## **Background**

The American Bar Association has been committed to addressing the problem of gun violence in our society since shortly after the assassination of President John F. Kennedy in 1963. A special Association task force recommended in 1965 the establishment of a national system of licensure of gun dealers and the passage of federal laws to prohibit sale to and possession of guns by convicted felons, minors, fugitives from justice and certain others persons whose behavior or legal status was inconsistent with responsibilities of firearms ownership and public safety. The ABA recommendations were a forerunner of the 1968 Gun Control Act, which today remains the primary federal statute regulating firearms sale and possession in the United States. Since 1965, the ABA House of Delegates has adopted numerous recommendations to strengthen the 1968 Act and to support more comprehensive societal policies to reduce gun violence.

## **ABA Policy Positions**

The ABA supports effective control of the importation, sale, transportation and possession of handguns, federal safety regulation of the firearms industry, licensing with safety training for handgun owners, criminal background checks prior to purchase of firearms, imposition of severe penalties for use of firearms in commission of crime, strict regulation of possession of firearms by minors, and restriction of civilian access to military assault weapons. Support for passage of federal legislation to reduce gun violence is among ten legislative priorities of the Association.

## **Key Points**

The rate of firearms homicide, suicide, and accidental death is dramatically higher in the United States than in any other industrialized society, despite six straight years of declining crime rates. Worldwide statistics show that the epidemic of violence that has hit younger children in recent years is confined almost exclusively to the U.S.. According to recent United Nations reports, nine out of ten killings of young people in the industrialized world happen in the U.S.. The overall firearm-related death rate among U.S. children aged less than 15 is nearly 12 times higher than among children in the other 25 industrialized countries combined.

While the ABA supports strict limitations on possession of firearms by minors and the imposition of severe, but not mandatory, criminal penalties for crimes involving firearms, we recognize that the response to gun violence must be more far-reaching and comprehensive than current law provides. Criminal penalties at best only address a portion of gun violence. Our society's failure to date to impose appropriate individual and business responsibility and accountability for ordinary manufacture, sale and possession of firearms makes any scheme of prevention, control or deterrence unworkable. Every year thousand of persons and families suffer injury and loss due to often-preventable misuse of firearms.

The ABA believes that the problem of gun violence in America is best addressed in the context of creating a society governed by laws and not by individuals. The gun lobby promotes a vision of a future American society in which gun violence is to be addressed primarily by more guns, a society in which individuals in all walks of life would be armed with concealed handguns. They maintain that gun crime would be deterred by the widespread possession of guns by individuals acting on their own to confront or respond as individuals. As national spokespersons for the legal profession and for a system of laws dedicated to the goal of justice, we seek a different future. Our goal is the establishment of sound laws and an orderly society in which the rule of law makes violence less prevalent and in which individuals are safer and more secure from threats of violence. We believe that lawyers share a special responsibility to help create a just and secure society in which firearms are well-regulated toward that end.