

Oregonians Expect Action on Universal Criminal Background Checks

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It's time for Oregon leaders to take action on gun safety

By Robert Yuille and Jenna Passalacqua

This is the first Mother's Day without Cindy in our lives, as Saturday marks five months since she was murdered at the Clackamas Town Center. Like thousands of other families across Oregon, we are now faced with the loss of a loved one to gun violence.



As we remember Cindy on Mother's Day, we are asking our leaders in Salem to set aside the politics and take action to prevent future tragedies like the one we suffered.

From mass shootings to homicide and suicide, gun violence takes many forms in our society. While no single law or policy will end the pain caused by misuse of firearms, there are smart, common sense solutions that will make our communities safer without infringing on our rights as gun owners.

Right now, the most important step the Oregon Legislature can take toward gun safety is establishing universal criminal background checks so that every time a gun is purchased here in Oregon, we can be sure it stays out of the hands of both criminals and those with a dangerous mental illness.

Oregon already requires background checks for guns bought from dealers or at a gun show, but sales on the private market create a dangerous loophole. Background checks are quick, easy and they work. Conducted over the phone by the Oregon State Police, more than 96 percent of them are completed in less than five minutes.

Last week, Senate President Peter Courtney announced that he is bringing together lawmakers from both parties to craft a bipartisan plan to expand background checks. We applaud Courtney's leadership and thank members of the Legislature for being willing to put aside their differences and work together.

Even late in this legislative session, this gives us hope that here in Oregon we can move past the partisanship and the finger-pointing to do what is right.

Oregonians, like people across America, overwhelmingly support universal background checks -- with 81 percent endorsing the idea in a January poll by The Oregonian. Democrats, Republicans, independents and gun owners all support closing this loophole and keeping guns out of the wrong hands. It is time for our leaders to listen to the people of Oregon and find agreement on this important step to reduce gun violence and improve gun safety in our communities.

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In December, we will mark the one-year anniversary of losing Cindy to a senseless act of gun violence. The pain and loss we have experienced will not go away with this news cycle or with the end of this legislative session. But by taking concrete action now, our legislative leaders can help ensure that others do not have to experience what our family has gone through.

Next December, we will look back and we will ask: Are we succeeding in reducing gun violence in our communities? Are we taking the steps necessary toward making our communities safer? It starts with simple, common sense laws to improve gun safety.

Cindy always believed that things happen for a reason. As we mark our first Mother's Day without her, let's pledge to make 2013 the year we acted to reduce gun violence and improve gun safety in our state.

Robert Yuille and Jenna Passalacqua are the husband and daughter of Cindy Yuille, who died in the Clackamas Town Center shooting Dec. 11, 2012.

Allow vote on gun reforms

Despite the U.S. Senate's failure to enact even watered-down gun controls, many Americans have taken comfort in the efforts of individual states to strengthen gun safety in the wake of the massacre that left 20 children dead in Newtown, Conn.

For a time, it appeared that Oregon would follow the lead of states such as Connecticut, New York and Colorado that have approved impressive gun safety reforms.

Last month, the Oregon Senate's Judiciary Committee approved a package of bills that would have contributed to public safety. They included legislation to require background checks on most private gun sales, give school districts freedom to decide whether to allow concealed handgun license holders to bring their weapons onto school grounds, and

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require gun safety training before applicants can obtain a concealed handgun license.

The reforms were not as strong as many would have liked, and were toned down by amendments intended to win partisan support. But the bills were still substantive, and unlike their counterparts in Congress, remained largely intact and moving forward.

Then on Monday, Oregon Senate President Peter Courtney abruptly blocked all four major gun control bills from coming to the Senate floor, saying that supporters lacked the votes needed for passage. Rather than allow them to be voted down, Courtney said he planned to send them to the Senate Rules Committee, where he hopes that further negotiations might produce a more acceptable compromise.

Courtney's strategy upset two key Democrats who are championing gun reform in the Senate — Sen. Floyd Prozanski, the Eugene Democrat who heads the Judiciary Committee, and Sen. Ginny Burdick, a Portland Democrat and a longtime proponent of tougher gun control laws. They argued that Courtney should have allowed a vote on the gun control bills, forcing lawmakers to take a public stand on measures that polls show have strong support.

Burdick and Prozanski are right. A debate and floor vote would have put lawmakers in the queasy position of having to argue publicly against common sense reforms of the state's inadequate gun laws while embracing the propaganda of the gun lobby, which wants Oregonians to believe that the proposed modest reforms somehow would limit the right of law abiding citizens to own guns for hunting, or sport, or collection, or self-protection.

As Burdick noted, "The best outcome for the (National Rifle Association) and other extremists is for the bills not to go to the floor so that their supporters can continue to hide on this issue." Courtney should shift into reverse gear and send the proposed reforms to the full Senate, and Gov. John Kitzhaber, who has kept a discouragingly low profile on gun control, should use his bully pulpit to ensure their passage.

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What we need is one brave Republican

The Oregon Senate is attempting to accomplish what the U.S. Congress should have done — but didn't — in passage of expanded criminal background checks for firearm purchases.

Last week, the U.S. Senate took the wind from the sails of federal gun control measures. While not a perfect package, it did contain some provisions that almost certainly would have kept fewer firearms from getting into the hands of the wrong people.

Partisan politics in the nation's capital led to that disappointing outcome. Had a commitment to the safety of the American people been at play, the gun-control debate would have ended differently.

Not all gun-control measures hold equal promise for ending the type of violence that unfolded at Sandy Hook Elementary School in Newtown, Conn., or at Clackamas Town Center in Oregon. In fact, some gun-control measures will likely do little, if anything, to stop gun violence.

But there really are no good arguments for opposition to the expansion of background checks.

Almost as quickly as Congress fumbled on this provision, the Oregon Senate Judiciary Committee was moving four gun bills on to the full Senate, including the provision of expanded background checks.

Mirroring the political divisions in Washington, D.C., Oregon's package of gun-control revisions also is divided along party line.

The bill faces a 15-15 split in the full Senate. Those who are likely voting against the bill include all 14 Republicans and Sen. Betsy Johnson, a Democrat from Scappoose.

What Oregon needs at this moment is for one Republican senator to make a common-sense choice, and switch his or her vote in favor of expanded background checks.

This bill is not about taking away the rights of law-abiding citizens to purchase legal firearms. This is simply about keeping firearms out of the hands of people who have been convicted of a felony, and who already are banned from possessing a firearm.

There really are no good arguments for opposition to the expansion of background checks.

This bill strengthens the requirements for firearm sales by requiring background checks for all private sales and transfers, except for those between family members.

Under current law, anyone can purchase a firearm without a background check when that transaction takes place outside of gun shows or licensed firearm retail outlets. That means all of the firearms listed for private sale on Craigslist, for example, could easily be purchased by a convicted felon. This law would close that door, making it more difficult for convicted felons to put their hands on weapons.

Here's how it would work. You could still sell rifles, shotguns or handguns on Craigslist, but the responsibility would be on the seller to call the Oregon State Police and seek authorization to complete that transaction. It costs \$10, and is a fee you'll pay via credit card over the phone. Within about five minutes, you'll be told if the sale is authorized. The cost of the background check can be passed along to the buyer.

The bill also would require that the seller keep the results of the background check on record for five years as proof of a legal sale. That record is sort of like a "get out of jail free card."

On the other side of that equation, you've got the buyers. And if they have nothing to hide — as law-abiding citizens — then the requirement of a background check shouldn't make any difference. It's nothing different than they already face at gun shows or the counter of retail sporting good stores.

We understand the political quagmire Republicans envision at the thought of breaking ranks and voting favorably on this bill. But this is not about limiting freedom to the right to buy and sell firearms. This bill is only about keeping firearms out of the hands of convicted criminals.

What is really needed is a brave Republican to do the right thing: see through the political haze and focus on the end result — fewer guns in the hands of felons.

How could that be wrong?

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Universal background checks would help keep guns out of the hands of criminals

By U.S. Attorney for Oregon Amanda Marshall



Last July, Prineville police responding to a call found Willard Wilhelm with a loaded gun. Wilhelm had previously been convicted of misdemeanor domestic violence assault. There were two women and four children in the home when Wilhelm was arrested.

In December, Portland police responded to reports of two boys, 11 and 7 years old, who tried to carjack a woman with a loaded handgun. The 11-year-old had taken the gun from his home, where his father, a convicted felon, had left it in easy reach.

In January, Timothy Gaines was sentenced to prison for being a felon in possession of a firearm. The conviction stemmed from an incident where the 20-year-old Gaines was seen throwing a gun as he fled the scene of a shooting. Gaines, a gang member, committed this new crime just a month after his release from prison for an unlawful use of a weapon conviction. And in March, two men were arrested in Clatsop County after deputies served a warrant and found 21 firearms, body armor, methamphetamine, stolen IDs, brass knuckles and hundreds of rounds of ammunition. Both had felony records.

Unusual cases? I'm afraid not. One in every five cases prosecuted federally in Oregon last year involved illegal use or possession of a firearm. Most of Oregon homicides and suicides involve a firearm.

The atrocities in Connecticut, Colorado and Clackamas demonstrate that no community is immune to the threat of gun violence. Why? In part, because it is so easy for violent criminals, drug dealers, batterers and those whom a judge has deemed to be mentally ill to get guns.

Requiring all gun purchasers to undergo a criminal background check is a rational way to fill the gaping hole in our current system that allows crooks to bypass the process most gun owners willingly go through. The procedure takes about five minutes and every year prevents about 80,000 prohibited people nationwide from getting a gun.

Up to 40 percent of guns are bought from private parties without a background check.

Those seeking to avoid scrutiny can easily do so. Recent polls show that 94 percent of police chiefs, 74 percent of NRA members and 87 percent of all Americans support universal background checks. Still, the Senate failed to pass legislation that would have fixed the loophole.

Would expanding background checks end gun violence? Certainly not. We need proactive, multidisciplinary strategies that address youth and gang violence, an overhaul of our mental health system, and a cultural shift toward compassion and community and away from cynicism and isolation.

But while we are working on that, we should note that states requiring background checks for all gun sales have seen gun trafficking reduced by half and a significant decrease in domestic violence homicides where guns were used.

I am not "anti-gun." I enjoy shooting. My 12-year-old is looking forward to his hunter's safety course and then heading out this fall to hunt with his father and uncle.

Requiring a background check of every gun buyer will not erode the Second Amendment any more than it does currently for those who purchase from a gun dealer.

Lawbreakers will continue to commit crimes. But as crime fighters, we need tools that make it harder for criminals to obtain guns and hold those who help them accountable.

Don't we owe it to our children and families to do whatever we can?

Closing the last loophole

The Senate Judiciary Committee will hear testimony this morning on several gun-control measures, including one that would make Oregon's already comprehensive background check law even more so. The bill should be approved.

Gun-control legislation has been the subject of exhaustive debate nationally and in the states since the massacre of children and staff at Sandy Hook Elementary School in Connecticut last December. The public and legislators are deeply divided over the most restrictive proposals, such as bans on semiautomatic assault weapons and high-capacity ammunition magazines. Those proposals essentially have been dropped in Congress, and Oregon lawmakers say they are unlikely to gain much traction here either.

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A Quinnipiac University poll released Thursday reported 91 percent of registered voters favor universal background checks. Among households with guns, 88 percent of respondents were in favor. Other polls have consistently reported similar numbers, including a January poll that found 84 percent of gun owners and 74 percent of National Rifle Association members also support universal background checks.

Oregon law is already stronger in this regard than those of some states. Federally licensed gun dealers are required to perform background checks on purchasers, but laws in many states exempt sales at gun shows.

Oregon law does not contain the so-called "gun show exemption." But it does not apply to gun transactions between private individuals.

Senate Bill 700 would close that loophole by requiring private sellers to obtain a background check before selling a gun. They could perform the check themselves, or pay a gun dealer a fee to conduct it.

Those who oppose background checks scoff that criminals will simply ignore the law, so it will have no effect. In fact, the private-sale exemption allows criminals to get around the law now.

SB 700 does contain a narrow exemption allowing family members to transfer guns to one another without a background check, unless the family member transferring the gun knows or should have known the recipient was legally prohibited from possessing a gun.

Law-abiding gun owners should have no objection to this bill, because it should have no effect on their ability to purchase a gun.

Critics will argue that background checks don't work. Several studies indicate that checks are effective — but they cannot be expected to work if they are riddled with loopholes.

Tabling of gun bills only sharpens the call for bipartisanship

Peter Courtney's decision to block four gun control bills from the Senate floor hardly spells doom for efforts to address the widespread fear guns can end up in the wrong hands. The Senate president was clear in saying there was room for bipartisanship before any measure came back for a vote.

That seems wise. Though Democratic Sen. Ginny Burdick of Portland told *The Oregonian's* Jeff Mapes that she fears the tabling helps opponents of the measures, it is equally possible that more "cure" time will allow some bipartisanship to rise for the best of them: Burdick's bill that would expand background checks on everyone who tries to buy a gun.

Oregon already requires background checks on buyers at gun shows and in transactions with federally licensed gun dealers. And people who shouldn't possess guns are commonly flagged: Of the nearly 260,000 background checks conducted by state police in 2012, about 3,500 revealed criminal or mental illness histories sufficient to block the sale.

But Burdick's waylaid Senate Bill 700 would tighten things up by extending background checks to all potential gun-buyers in all private sales and gun transfers except for those taking place within families. Under her bill, a private gun-seller would need only to call a state police line with the buyer's identifying information, and an answer would in most cases come back in fewer than 30 minutes. An incentive to gun-sellers who might otherwise feel encumbered is that the seller receiving clearance would be immune from civil liability should the gun ever be used illegally.

The other bills sent by Courtney to the Senate Rules Committee are, by contrast, problematic.

One would allow school districts to prohibit people with concealed handgun licenses from carrying guns on school grounds -- a well-intended but narrow prohibition that could, for the parent picking up a child and needing to offload a weapon, create risk. Another would require that firearms legally carried by individuals be concealed from public view in public buildings, unnecessary insofar as the occurrence is rare and seems always to be an act of political protest. And another would require that applicants for concealed-carry permits first be taught by a live instructor -- a condition that might ensure better gun-handling and marksmanship but that creates unnecessary burden for the applicant.

Oregon and the nation were traumatized during the past five months by mall and school shootings. Gun control measures quickly and appropriately spurred heated debates at the legislative and congressional levels, with the U.S. Senate only last month rejecting wider background checks. A citizen's basic right to arms, recognized on all sides of the debate, has complicated just how far regulation can go.

But the effort to keep guns out of the hands of ex-cons and the mentally unstable seems a rational next best step without trammeling everyone's rights.

Oregon State Police have been unable to estimate how many private gun transactions occur in Oregon, and the administration of President Barack Obama has cited research suggesting as many as 40 percent of all gun transactions are not covered by background checks already in place.

Oregon's legislative session isn't over. It's not too late to get it right.