

GUN VIOLENCE PREVENTION LAWS
SAVE LIVES
CONVERSING WITH YOUR CONGREGATION
ABOUT GUN VIOLENCE

Second Edition (December 2015)

This guide includes five sections:

1. Forward by the Very Rev. Gary Hall, Dean of the Washington National Cathedral
2. Theological basis for gun violence prevention
3. Evidence showing that background checks and handgun purchaser licensing are saving lives
4. Responses to common pro-gun arguments
5. Guidance on what you congregation can and cannot do under your IRS tax status

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Faiths United to Prevent Gun Violence
www.faithsagainstgunviolence.org

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WHY GUN VIOLENCE IS A RELIGIOUS PROBLEM

BY DEAN GARY HALL

WASHINGTON NATIONAL CATHEDRAL

Those of us who have taken on the gun issue in pulpits have received much response--most of it positive, some of it critical. We are lauded for taking a public stand on an important issue, taken to task for mixing politics and religion. From the beginning of my foray into this matter, I have consistently said that the church should address it because gun violence is primarily a religious issue. I'd like to use this opportunity to explain what I mean.

In the early days after the Newtown shootings, I was called upon in interviews to respond to a characterization of the event as an example of evil. It happens that, in the year before I came to the Cathedral, I had the opportunity to do some extended thinking about evil as a philosophical and religious problem: I taught a class to seniors at Cranbrook School, where I was serving as Chaplain, called "The Problem of Evil". It's not a class I would have thought up on my own. I took it over from a faculty colleague who had to leave school suddenly because of a family emergency.

One of the things I learned in preparing for that class is that our definition of evil has changed over time. Though we have always defined evil as having to do with the suffering of the innocent, we talk about evil differently in the post-twentieth century world than we did before. Before the modern/postmodern era, people tended to think of evil as something with cosmic causes: the innocent suffered because they were possessed by demons, say, or because the larger evil force personified as Satan created chaos. In the age of science, though, our definition of evil has shifted: we now increasingly define "evil" as something caused by human agency: genocide, oppression, sexual abuse.

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When the 2011 earthquake struck Washington National Cathedral, nobody characterized that event as an example of evil. When the 2012 shootings at Newtown happened, everyone did. Prior to the 20th century, clergy were routinely called on to explain the meaning of natural calamities. Nowadays we're asked instead to address the disasters made by human beings.

Whether we think of evil as caused by cosmic or human activity, the problem of innocent human suffering is still a core religious question. Every major religion attempts to explain (or at least respond to) suffering. In our own tradition, the Bible gives us the story of Job and, of course, the example of Jesus.

Job--the exemplary man whose children, possessions, and health are taken from him for no fault of his own--is an example of the premodern sufferer. Jesus--the exemplary man who dies at the hands of what the old Prayer Book called "sinful men"--could be said to be the first example of modern or postmodern suffering. Both are innocent. One suffers at the hand of God, one suffers at the hands of people. Neither deserve what they get. We are left to make sense of their suffering as best we can.

Christians (as well as Jews and Muslims) have long found the meaning of innocent suffering less in speculation about its cause and more in the response it elicits from us. Think of Jesus's parable of the Good Samaritan, where three people leave a man to die in the road and only one responds by giving him aid. Think of the crucifixion of Jesus himself, which arouses the compassionate response of the men and women who were his companions. Think of the Book of Acts, where the earliest Christian community is seen as a sort of underground social service network, bringing aid and comfort to those cast aside by the Roman Empire. The Bible may not speak with one voice about why suffering happens, but it is unanimous in its claim that human suffering demands the active response of faithful people. Jesus was probably more famous in his day as a healer than as a teacher. God's will is that people live whole, free, joyful lives. And God has gathered a community who will work to bring wholeness, freedom, and joy wherever there is sickness, oppression, and pain.

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So one way to understand the church's call to end (or at least greatly reduce) gun violence in America is to see this call as the natural consequence of our compassionate response to human suffering. We follow One who died at the hands of violence. That One has called us to be agents of love and healing in the world. The only way we can address large scale questions of love and justice is in the public arena. And when we enter the public arena, we have necessarily to do with politics.

When people complain that activism to eliminate gun violence is political and that preachers should get back to religion and leave politics to others, I have two responses. One is about the nature of public life. The other is about the nature of a public church.

Christians have no warrant to think magically. If we are to be postmodern (and not premodern) in our response to evil, then we will agree that, for us in the 21st century, the problem of evil is a human problem. Innocent people die because people do bad things. Societies deal with people who do bad things by acting corporately to prevent and punish bad behavior. They act corporately by means of legislative action. Because we live in a republican democracy, our laws are enacted not from above but by means of political organizing. If we want to deal with a public, human problem, then politics are necessarily going to be involved. "Politics" is not a dirty word. It's the way human beings organize their social lives.

For us Christians, the Bible is the source of our teaching on moral and ethical issues. And when we look at the Bible for guidance, we discover that often surprises people who are unfamiliar with the scriptures. Instead of being preoccupied with the individualistic moral problems that dominate our contemporary thought, the Bible is overwhelmingly concerned with public, not private morality. The big problems for the Bible's voices (the prophets and Jesus) are social issues: economic justice, relief for widows and orphans, fair treatment of those who live at life's margins. For every admonition about personal behavior, the Bible probably has five exhortations toward social compassion and justice.

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The pervasive individualism of American culture tends to read the Bible through the lens of its own preoccupations and so to cast morality as primarily a personal and private affair. But morality for the Bible is primarily a public business. For the scriptures, justice in Israel is a higher priority than personal moral decisions. It's not that the latter are not important; it's just that the former is exponentially more so.

All of which leads me to say that reducing gun violence and taking the necessary political steps to do so are, at their root, profoundly spiritual concerns. As people of faith, we are repeatedly asked to respond to and alleviate the suffering of the innocent. However you define evil--whether it's caused by the devil or by a madman--faithfulness to Jesus and the One he calls his Father demands that we respond in compassion. There is nothing we can do to prevent natural disasters, so when tsunamis and earthquakes happen, the best we can do is send aid. Human behavior is responsive to concerted action. When malevolence causes the deaths of children--in schoolrooms and on city streets--we can and must take action both to heal and to stop it. A church that did nothing in the face of innocent suffering wouldn't be worthy of the name.

Though I am the leader of Washington National Cathedral, I do not presume to speak for the Cathedral or its members. But I do try to articulate what I hear God calling us to do. I realize that everyone in our life does not agree with me. Anglicanism is a comprehensive tradition, and people of good will can differ about the best means to address questions of social and personal suffering. The goal, of course, is to eliminate gun violence. The exact mix of the ways we do that--gun legislation, mental health reform, a more critical look at the culture of violence--is open to conversation. I believe that the goal and the dialogue around it are holy, and that we are acting in the best, deepest traditions of the Gospel when we take up these questions and act on behalf of past, present, and future victims.

"All we like sheep have gone astray. We have turned everyone to his own way. And The Lord has laid on him the iniquity of us all."

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Isaiah's words are routinely applied to Jesus, and they could be said of the victims of Newtown, Aurora, Columbine, and Virginia Tech, too. I ask that you join me by studying, thinking, praying, and acting to stop gun violence in America. How we face into and address the iniquity laid on Jesus and those who die violently will prove the measure of what kind of a church we finally are.

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THEOLOGICAL BASIS FOR GUN VIOLENCE PREVENTION

THE CHRISTIAN CALL TO NON-VIOLENCE

Courtesy of the National Council of Churches

When thinking about the problem of violence, Christian faith is both "idealistic" and "realistic." On the one hand, there is a stream within the Christian tradition that counsels nonviolence in all circumstances. A seminal text is the Sermon on the Mount, found in Matthew's gospel, where Jesus instructs his followers to bear violence rather than inflict it.

"You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you ... "(Matt. 5: 38-39, 43-44).

It is difficult to imagine that the One whose own Passion models the redemptive power of non-violence would look favorably on the violence of contemporary U.S. society. Present-day violence is made far worse than it otherwise would be by the prevalence of weapons on our streets. This stream of the Christian tradition insists that it is idolatry to trust in guns to make us secure, since that usually leads to mutual escalation while distracting us from the One whose love alone gives us security.

On the other hand, Christians also know, from both experience and scripture, that all humans are sinful, capable of acting with hostile aggression toward their neighbors.

This "realistic" view of human nature also argues for restricting access to guns which, in the wrong hands or without adequate supervision, can make violence ever more deadly.

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Christians can certainly contend that it is necessary for public authorities to take up arms in order to protect citizens from violence; but to allow assault weapons in the hands of the general public can scarcely be justified on Christian grounds. The stark reality is that such weapons end up taking more lives than they defend, and the reckless sale or use of these weapons refutes the gospel's prohibition against violence.

BUDDHIST PERSPECTIVE FROM THUBTEN CHODRON, SRAVASTI ABBEY

The Buddha expressed the essence of the path to awakening in the Pratimoksa Sutra:

To avoid all wrong; to bring all good to perfection; to fully discipline your mind; this is the Buddha's teaching.

In accordance with avoiding all wrong, the first precept the Buddha set forth is not to harm others physically, especially to take their lives. Harming others physically is neither an appropriate nor a satisfactory way of dealing with conflict or threat. Clearly guns are made to do this, so their proliferation makes it easier to transgress this precept when someone's mind is overwhelmed by fear, anger, or misery (in the case of suicide). Harming others also harms ourselves, since we are all interrelated. Compassion can be a powerful force to resolve conflict and prevent violence. Compassion is not wimpy or sentimental. A mind with compassion is strong and can deal with difficult situation effectively because it isn't clouded with fear and anger. Also from the Dhammapada:

All tremble when there is a weapon, Everyone fears death; Feeling for others as for oneself, One should neither kill nor cause to kill. According to the Buddha, all happiness and suffering originates in our minds.

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Thus the way to solve conflict is by each one of us taking the responsibility to subdue our own anger and animosity. In the Dhammapada (verse 3-5), the Buddha said:

"He abused me, he struck me, he overpowered me, he robbed me." Those who harbor such thoughts do not still their hatred.

"He abused me, he struck me, he overpowered me, he robbed me." Those who do not harbor such thoughts still their hatred.

Hatred is never appeased by hatred in this world. By non-hatred (compassion) alone is hatred appeased. This is a law eternal.

FROM JAMES E. ATWOOD, AUTHOR OF *AMERICA AND ITS GUNS: A THEOLOGICAL EXPOSE*

Preventing gun violence is a spiritual mandate from God.

1. Each of us is created in the image of God.
2. Each of us is a child of God
3. Each of us is a brother or sister in God's family.
4. Each of us is a neighbor whom we are commanded to love as we love ourselves
5. The New Testament declares that our very bodies are "The temples of the Living God."
6. We cannot love our neighbor, brother/sister, without caring deeply about that which hurts or kills them.

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FROM THE DOMINICAN SISTERS OF PEACE

Jesus consistently challenged his followers to choose a non-violent path. Instead of becoming a revolutionary, organizing an army to overthrow the Roman occupiers, he urged his followers to change their hearts and stand with the outcast, poor, and marginalized people. His non-violent message is one for all seasons. Security does not come with weapons, but with trust in God and by building safe communities not governed by fear.

“All who live by the sword will die by the sword.” Luke 22:51

“Love your enemies, and pray for those who persecute you.” Matthew 5:44

“Do not repay evil with evil.” 1 Peter 3:9

FROM THE ISLAMIC SOCIETY OF NORTH AMERICA

The Quran (5:23) says that the killing of one innocent person is tantamount to killing the whole human race. This is exactly what we experience when scenes of massacres in Newtown, Boston, Aurora and other cities in America are shown on television. The deadening numbness that these horrific scenes have on all of us—individually and collectively—represents what this verse of the Quran tells us.

The Quran (4:5) warns us to not put our resources in the hands of people who may use them to endanger themselves and others. It is our religious duty to conduct proper background checks with the goal of ensuring that these weapons of destruction do not fall into the hands of those who are prone to acts of reckless violence.

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FROM THE RELIGIOUS ACTION CENTER FOR REFORM JUDAISM

The Talmud teaches us that “he who takes one life it is as though he has destroyed the universe and he who saves one life it is as though he has saved the universe” (Mishnah Sanhedrin 4:5). The carelessness with which human life is taken by guns stands in direct violation of these affirmations of our tradition.

Jewish tradition emphasizes the sanctity and value of human life. The Torah commands us “Thou shalt not murder” (Exodus 20:13).

Scripture encourages peaceful pursuit of our mutual welfare. Isaiah exhorts the people of the earth to “beat their swords into plowshares, and their spears into pruning hooks” (Isaiah 2:4). We are commanded to turn weapons of destruction into tools for the greater good of society.

“We believe that we can create a better world, and that we are an integral part of that act of *tikkun olam*, of creating a better world. Our tradition tells us that when God created the universe, one part of creation was left undone. That part was social justice. God then gave to us that which was given to nothing else in creation – wisdom – the ability to understand the difference between right and wrong, good and evil, blessing and curse.”

“It is as if God said, ‘Here’s the blueprint: the Torah. Here is the world that should be built, but now you must build it.’ ... As the bearers of a tradition that affirms the ideals of freedom, equality, and social responsibility as universal values, our role as Jews is to insist that government policies be tested by whether they further or impede these values of social justice.” – *Rabbi David Saperstein, Religious Action Center*

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FROM THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

Promoting moral responsibility and effective responses to violent crime, curbing violence in media, supporting reasonable restrictions on access to assault weapons and handguns, and opposing the use of the death penalty are particularly important in light of a growing “culture of violence.” An ethic of responsibility, rehabilitation, and restoration should be a foundation for the reform of our broken criminal justice system. A remedial, rather than a strictly punitive, approach to offenders should be developed.

EXCERPTS FROM “A CATHOLIC CASE FOR GUN CONTROL,” BY RACHAEL TRAVIS & SISTER MARGE CLARK, BVM

In Matthew’s gospel Jesus tells us to love the Lord our God and our neighbor as ourselves, and to do unto others as we would have others do unto us. These words portray a reality that is starkly different from what we witness in our society. Violent language and actions are now always present in the media—movies, television shows, and video games are filled with them. Just count the number of guns you see any evening on TV.

Opponents of gun control argue that “guns don’t kill people; people kill people.” That is true. However, guns do increase the capacity for killing. And frequently in cases of gun deaths, there would not have been a death had there not been a gun. A heated argument, an incident of stalking, a domestic dispute, a suicide attempt, a crime—each of these situations becomes more lethal with the presence of a gun.

Our nation has become mired in a culture of violence as a way of solving problems nationally as well as internationally. Much of this violence comes from fear: fear of uncertainty, fear of not being in control.

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Trust in neighbors and trust in government has been eroded. When people want to protect themselves, their families, and their fortunes, too many turn to guns.

There is no policy to prevent fear. But we can take it upon ourselves to love our neighbors with a newfound intention. If we as a society were to live every day exhibiting the universal love and concern we now show only for victims of catastrophes, the culture of fear that has become accepted as normal might start to erode, transforming us into a culture of people who love our neighbors. This is the time when we must live the gospel.

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EVIDENCE SHOWING THAT

Background checks **are** saving lives

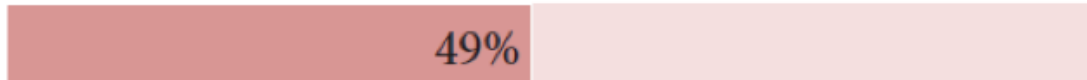
In 16 states* and the District of Columbia
where a background check is required
for all handgun sales, there are:

(when compared with states that do not require background checks for all handgun sales)

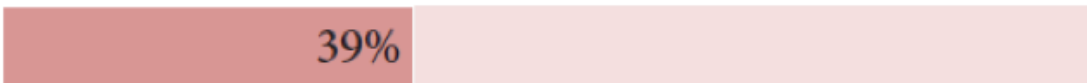
Fewer women killed with a gun by an intimate partner



Fewer suicides with a gun



Fewer police officers murdered with a handgun that was not their own



Fewer "crime guns" exported to other states



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WHAT HAPPENED IN MISSOURI PROVIDES FURTHER PROOF THAT BACKGROUND CHECKS SAVE LIVES

Missouri's 2007 repeal of its permit-to-purchase (PTP) handgun law, which required all handgun purchasers to obtain a license verifying that they have passed a background check, contributed to a fourteen percent increase in Missouri's murder rate, according to a 2014 study from researchers with the Johns Hopkins Center for Gun Policy and Research.

The study finds that the law's repeal was associated with an additional 49 to 68 murders per year in Missouri between 2008 and 2012.

The increase in murders with firearms in Missouri began in the first full year after the PTP handgun law was repealed when data from crime gun traces revealed simultaneous large increases in the number of guns diverted to criminals and in guns purchased in Missouri that were subsequently recovered by police in border states that retained their PTP laws.

"This study provides compelling confirmation that weaknesses in firearm laws lead to deaths from gun violence," said Daniel Webster, ScD, MPH, director of the Johns Hopkins Center for Gun Policy and Research and the study's lead author. "There is strong evidence to support the idea that the repeal of Missouri's handgun purchaser licensing law contributed to dozens of additional murders in Missouri each year since the law was changed."

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A TALE OF TWO STATES


HANDGUN PURCHASER LICENSING SAVES
LIVES & THE PUBLIC SUPPORTS IT



25%
increase in
homicides
with a firearm

In 2007, Missouri repealed its licensing and background check requirement, resulting in a 25% increase in firearm homicides and an overall 14% increase in murders over the subsequent five years.

The rise in gun deaths is directly attributable to the repeal of the licensing and background check requirement as the firearm homicide rate during the same period did not increase in adjoining states nor did the national average rise.



40%
decrease in homicides
with a firearm

In 1994, Connecticut began requiring anyone purchasing a gun to be licensed as part of the background check process. Over the next 10 years, Connecticut's firearm homicide rate dropped 40%, a reduction not seen in comparable states or nationally. Over those same years, non-firearm homicides remained virtually unchanged.

LEARN MORE AT

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RESPONSES TO COMMON PRO-GUN CRITIQUES OF GUN VIOLENCE PREVENTION LAWS

Gun laws are an attack on law-abiding citizens.

You could make that argument against any law. Why not claim we shouldn't have driver's licenses because it might lead to bicycling licenses, walking licenses, and the confiscation of cars? All you're doing is suggesting you can't find a good argument against the actual proposal. Can we get back to the issue: why do you think we should be selling these guns and magazines to any adult without a background check?

Response provided by Progressive Majority at http://www.progressivemajorityaction.org/how_to_rebut_common_pro_gun_arguments

Criminals don't follow the law.

One survey asked prison inmates who did not use a gun to carry out their crime why they chose not to: 79 percent chose "get a stiffer sentence" and 59 percent chose "Against the Law."

Dozens of empirical studies show that stricter gun control laws in the United States lower the rate of gun deaths. International evidence also confirms this point: Gun buy-back programs in Australia, Firearm Certificates in the United Kingdom, and rigorous background checks and licensing procedures in Japan, have all been shown to decrease gun violence.

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Contrary to the gun lobby's claim that "when guns are outlawed, only the outlaws have guns," the experience in both Great Britain and Japan has instead been "When guns are outlawed, very few outlaws will have guns." Indeed, gun crime in Japan and England is virtually nonexistent compared to American standards. In fact, 60% of the time when a "firearm" is used in England, the firearm is a dummy replica or a bluff.

Adapted from <http://www.armedwithreason.com/debunking-the-five-most-important-myths-about-gun-control/>

Guns don't kill people. People kill people.

Guns may not kill people, but people with guns do, and they do so more frequently and more efficiently than people without guns. In fact, 90 percent of all murders are committed by people with four or more adult felonies, which is exactly why we are trying to keep these people from getting guns.

The United States has a firearm homicide rate that is 6.9 times higher than other high-income countries, a firearm suicide rate that is 5.8 times higher than other high-income countries, and an unintentional firearm death rate that is 5.2 times higher than other countries. In fact, 80% of all firearm deaths in the developed world occur in the United States.

Adapted from <http://www.armedwithreason.com/debunking-the-five-most-important-myths-about-gun-control/>

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Video games are to blame, not guns.

This is not an either-or debate. While there is some research that violent video games can hinder moral development in some teens, there is alternative research that finds no correlation. And correlation is not causation. We should discourage the playing of violent video games while being careful not to get distracted from proven policy measures that we know will reduce gun violence, such as permit-to-purchase and fingerprint-based background checks.

The Second Amendment is absolute. Our rights cannot be infringed.

The Supreme Court ruled, just five years ago, that reasonable gun laws are constitutional... that you do not have an “unfettered” right to guns. We could debate for days, months, years what the forefathers’ intent was, but there is no question or room for debate that the Second Amendment states this right to bear arms should be “well regulated”. Furthermore, guns have changed. So should our regulations.

This video makes the case quite powerfully: <https://www.youtube.com/watch?v=LORVfnFtcH0>

Response provided by Progressive Majority at http://www.progressivemajorityaction.org/how_to_rebut_common_pro_gun_arguments

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This is a mental health problem. More gun laws will not make a difference.

While people with severe mental illness can be very dangerous, people with mental illnesses as a whole aren't any more prone to violence than the general population.

The media and entertainment industries typically depict the mentally ill as violent criminals — but people living with mental health issues are actually more likely to be the victims of crimes than the perpetrators of them. There is, however, a lack of mental health services and that needs to be addressed.

If gun controls work, Chicago ought to be safe.

While Chicago continues to suffer from “unacceptably high” violent crime, in 2013 the city had lowest murder rate it's had since 1966 and the lowest overall crime rate it's had since 1972. In fact, Chicago's murder rate in 2013 was less than half that of New Orleans and Detroit

Chicago is not an island. Interstate gun trafficking (primarily from neighboring Indiana) is a major issue in Chicago. As is the issue of guns being purchased within Illinois but outside of the City of Chicago where those purchases are not subject to the same laws. Between 2009 and 2013, 60% of guns recovered in crimes in Chicago were originally purchased in other states – suggesting that interstate gun trafficking is a major source of street guns in Chicago.

In fact, this level of crime guns originally purchased in other states is double the nationwide average for portion of interstate crime guns (30% according to a 2010 report from Mayors Against Illegal Guns).

Adapted from Think Progress at <http://thinkprogress.org/justice/2014/05/28/3442210/chicago-cesspool-of-gun-crime-or-victim-of-lax-gun-laws-in-neighboring-states/>

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Cars kill more people than guns.

Cars are used regularly by more than 210 million Americans, whereas, approximately 82 million Americans own a gun (and most don't regularly use one.)

But simply comparing the number of citizens who use cars vs. guns isn't enough. The average American spends roughly 600 hours each year in a car; can the same be said of Americans' gun usage? Cars are our primary mode of transportation; our economy and our way of life require efficient transportation. Comparing the use of guns to the use of cars is nothing more than a distraction.

Furthermore, we regulate cars, we require seat belts, restrict speed, and require a license and insurance in order to drive. These actions have [cut down on fatalities](#). Similar measures for gun purchasers, such as fingerprint-based licensing, would similarly cut down on fatalities

Legal gun owners don't commit crimes.

Most guns are initially purchased legally. They become illegal guns once they fall into the hands of someone who should not have them, often being bought in an area with weak (or no) laws and sold on the black market in an area with strong(er) laws.

Our weak national gun laws allow this type of gun trafficking, which is conducted by (a small fraction of) legal gun owners. We deal with this by closing the loophole used by these gun peddlers to move guns from states with few or no laws to states who are proactively conducting licensing and background checks.

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We don't need more gun laws. We just need to enforce the ones we have.

There are only 16 states (and the District of Columbia) where strong gun laws exist and those laws are weakened by the lack of gun laws in the remaining 34 states.

First, we have to have strong gun violence prevention laws to enforce – the majority of the nation doesn't – and then we need to make sure our neighboring states do as well or their guns will find their way into the wrong hands and then cross the border into our state.

The only way to stop a bad guy with a gun is a good guy with a gun.

Follow this line of thought through to conclusion and we're all living in a war zone where nobody knows peace and everyone lives in constant fear. The evidence tells a different story: we have more guns than we do citizens and it has not made us safer.

Columbine High School had an armed deputy sheriff. Virginia Tech had an entire police force, including a SWAT team. At the Tucson shooting, not only was there an armed civilian who failed to stop the shooter, but he almost shot one of the brave unarmed people who tackled and disarmed the shooter. The Fort Hood massacre happened at a military base filled with soldiers, as did the Navy Yard shootings.

From http://www.progressivemajorityaction.org/how_to_rebut_common_pro_gun_arguments

<http://www.washingtonpost.com/blogs/plum-line/wp/2013/04/03/why-expanding-background-checks-would-in-fact-reduce-gun-crime/>

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GUIDANCE ON WHAT YOUR CONGREGATION CAN AND CANNOT DO UNDER YOUR IRS TAX STATUS

PREPARED AUGUST 2014 BY MIKE PRETL FOR FAITHS UNITED TO PREVENT GUN VIOLENCE

Advocacy in the public interest is – or should be – a major part of the mission of any nonprofit, tax-exempt organization. However, the leaders of many groups are reluctant to engage in express advocacy out of fear of jeopardizing their exempt status. This is a misunderstanding; all nonprofits may properly and vigorously advocate for the persons and causes they serve. IRS not only sanctions but in fact encourages advocacy by tax-exempt groups – both by public charities and other nonprofits -- so long as certain well-defined rules and restrictions on lobbying and election activity are followed, applicable to each type of entity.

Q1. To begin with, what are public charities and what are their restrictions?

Public charities constitute the highest class of tax-exempt organizations, those recognized under Section 501(c)(3) of the Internal Revenue Code as charitable and educational organizations. Churches and religious organizations qualify automatically as C-3 entities without the necessity of applying to IRS for recognition of that status. These entities not only pay no taxes, but contributions to them are tax-deductible to the donors.

However, the favorable tax status conferred on all C-3 organizations carries with it limits on their activities, in two pertinent respects -- they are limited in the amount of express lobbying advocacy they may engage in, and they are prohibited from engaging in electioneering or participating in political campaigns.

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Q2. What is the definition of “lobbying,” and how does it apply to public charities? There are several definitions of lobbying. Fortunately, a narrow definition is applied by the IRS when it imposes limits on C-3 exempt charities.

Each state has its own definition of lobbying for purposes of state registration and regulation. However, IRS regards activities by C-3s as lobbying only when a specific bill has been introduced in a federal, state or local legislative body, or an initiative or referendum submitted to the voters, and a person or organization advocates for or against its passage. Advocacy up to the time of introduction of legislation, or approaches to executive or administrative personnel, is not considered lobbying under IRS rules.

Only support for legislation or ballot measures is regarded by IRS as lobbying by C-3s. However, the Tax Code states that “no substantial part” of activities of a public charity can be devoted to such advocacy.

Q3. How does IRS define or compute a “substantial part”?

More than 20 years ago, IRS devised a rather simple set of rules – known as the Section 501(h) election – to guide or limit lobbying activity by public charities. An entity can elect to be governed by those well-defined rules by filing a simple one-page IRS form (Form 5768) -- available on its website (www.irs.gov).

Thereafter in any year, the charity may spend no more than 20% of its total expenditures on express advocacy efforts (i.e., lobbying) and no more than 5% on what is termed “grassroots lobbying.” The entity is engaged in grassroots lobbying if it spends funds encouraging its members or other citizens to work to support or defeat specific legislation. There is no downside to electing under Section 501(h); all advocacy charities should be urged to do so.

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Q4. What constitutes prohibited “electioneering” or participation in campaign activities? Quite simply, C-3 entities cannot support a candidate for public office, a slate of candidates or a political party. Statement of the prohibition is simple, but manifestations of “support” or varied definitions of “participation” can be complex and often problematic.

Under our federal tax law, an organization exempt under Section 501(c)(3) may

“... not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”

To begin with the most simple, the C-3 entity cannot contribute its own funds to a candidate or party, cannot collect funds from its members or others for support, cannot provide volunteers or other manpower, and cannot endorse or lend its name to a candidate or his campaign in any way.

Q5. Can the public charity sponsor a nonpartisan forum or present divergent views of opposing candidates as a public service? Yes – but within limitations which may present risks. IRS recognizes and permits the C-3 to educate the public by staging a forum or other vehicle for contesting views, or by publishing questionnaire responses or similar information describing candidates’ diverse positions. It can also bring in public officials to meet with its members or citizens regarding issues of current concern.

However, IRS looks at “facts and circumstances” to determine whether the organization may have the intent, or may – even without specific intent -- achieve a likely result of influencing the voters’ decision. Some of these circumstances are, for instance, temporal proximity of a meeting with officials to the election cycle, or inviting some but not all of the competing candidates to state their views.

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IRS has also taken the position that when a C-3 questionnaire is limited to issues where the organization's position is known or obvious, and it becomes clear that certain candidates will align their views to that position, then any semblance of neutrality is lost, and publication of that data is prohibited. Likewise, a forum staged by an issue-oriented organization may be calculated or likely to favor some candidates and disfavor others – and IRS may regard these circumstances to cross the line into political advocacy.

Certainly there will be many situations where candidates will declare their support for an advocacy entity or its mission – and that may include C-3 entities.

There is no problem with the candidate endorsing your position; but you may not endorse the candidate, or help directly or indirectly to publicize his embrace or endorsement of your position.

Q6. May the C-3 entity make general statements of support for unnamed candidates who are aligned with the organization's views and goals?

Certainly the organization or its leaders may encourage its members and others within its ambit to get out and vote, and urge them to support candidates who are aligned with its principles and goals. Even where it may be obvious to the voters who those candidates are, there is no prohibition against the C-3 entity commenting forcefully on the opportunity for its constituents to use the electoral process to advance its goals. Only when the organization or its leaders again cross the line and support a specific candidate or party by name, is the IRS prohibition invoked.

Q7. Consistent with these general principles, may a faith leader or other C-3 leader support a candidate on his own time, without using the exempt organization's resources?

Yes, he or she does not forfeit any rights or responsibilities of a private citizen because of one's leadership of that entity. That may include direct involvement with – even speaking for or endorsing – a candidate.

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However, especially when the leader is a public figure in the community whose affiliation with the entity is widely known, prudence would dictate to make it clear to listeners that he or she is acting solely in a personal capacity, and not speaking for the entity. Although IRS does not prohibit the individual's participation in the campaign, there may be instances in your own community where a visible role may be unwise or counter-productive.

Q8. Can the C-3 entity invite candidates to address a specific issue (such as prevention of gun violence) or provide information describing the candidates' divergent views on such an issue?

The use of issue-oriented forums or voter guides presents the most knotty "advocacy" question facing public charities as they approach an election. As indicated above (Q6), IRS looks askance at any effort by the entity to convey a partisan message, or tilt the election in favor of candidates sharing their views. An IRS guidance document has stated, in summary:

"... [E]ven if a statement does not expressly tell an audience to vote for or against a specific candidate, an organization delivering the statement is at risk of violating the political campaign intervention prohibition if there is any message favoring or opposing a candidate."

More recently, IRS has sought to clarify its position with respect to a candidates' forum sponsored by an advocacy-oriented C-3 entity:

"Sometimes a public charity invites several candidates to speak at a public forum. A public forum involving several candidates may qualify as an exempt educational activity. However, if the forum is operated to show a bias for or against any candidate, then the forum would be prohibited campaign activity, as it would be considered intervention or participation in a political campaign.

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When an organization invites several candidates to speak at a forum, it should consider the following factors:

- Whether questions for the candidate are prepared and presented by an independent nonpartisan panel
- Whether the topics covered by the candidates cover a broad range of issues that the candidates would address if elected to the office sought and are of interest to the public
- Whether each candidate is given an equal opportunity to present his or her views on the issues discussed
- Whether the candidates are asked to agree or disagree with positions, agendas, platforms or statements of the organization, and whether a moderator comments on the questions or otherwise implies approval or disapproval of the candidates.”

When discussing issues, either in a publication or at a forum, the organization must avoid comparing its own views with those of candidates, or mentioning where candidates stand on the issues most important to them.

IRS has insisted that the C-3 entity always have a “bona fide non-electoral purpose for its activity,” although it seems clear often that the “educational” purposes of the forum blends into advocacy for its goals and mission. Where any forum or advocacy communication could be interpreted as electorally biased, it should -- at the least -- include an express disclaimer of any candidate endorsement or favoritism.

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Q9. Do not some churches and other religious entities explicitly favor candidates whose views they find consonant with their own moral precepts?

Under the Internal Revenue Code and regulations, religious groups are held to the same rigid standards of conduct as are other public charities. In practice, however, churches often are permitted by local enforcement officials to engage in political activities clearly prohibited to other C-3 entities. Ethically, we cannot counsel religious leaders to violate the law.

Nevertheless it must be conceded that the risk of IRS sanction seems minimal where matters of principle are concerned – even if they involve rather blatant favoritism in the electoral context.

Q10. Are other nonprofit organizations held to the same standards as public charities? In a word: no. IRS recognizes more than a dozen other classes of nonprofits under Sections 501(a) and (c), which are exempt from payment of income (and some other) taxes, but their donations are not deductible to the donor.

In particular, advocacy “civic” organizations under Section 501(c)(4) can lobby without limitation, and can also engage in electioneering and other political efforts, so long as this is not their “primary activity.” (The precise limits of these C-4 activities have become controversial in Congress during the last year.)

Of possible interest to C-3 groups whose advocacy efforts are frustrated or constrained by IRS regulations as described above, some public charities have established parallel C-4 entities – with approval or even encouragement of IRS. By this mechanism, they are able to enjoy the best of both nonprofit worlds.

Donors can support their non-political activities, and secure tax deductibility under the C-3 umbrella, while other donors are found to support their political efforts by contributing to their C-4 “twin.”

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This synopsis of IRS requirements is not intended to afford legal advice. For nonprofit leaders who seek to explore the issues discussed above in greater detail, we recommend the excellent, reader-friendly guides published by the Alliance for Justice – accessed at www.afj.com.

A SPECIAL THANK YOU TO THE MORE THAN 50
NATIONAL ENDORSING DENOMINATIONS AND
FAITH GROUPS THAT FORM
FAITHS UNITED TO PREVENT GUN VIOLENCE

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