



June 20, 2016

Vote Yes on 4750, the Murphy Amendment on Gun Background Checks

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we urge you to vote yes on the Amendment 4750 (Murphy Amendment) to S. 2837, the Commerce, Justice, Science, and Related Agencies Appropriations Act. The Murphy Amendment requires (1) every gun buyer to pass an instant background check, and; (2) states and the federal government to send all necessary records on “felons, drug abusers, the seriously mentally ill, and other dangerous people” to the National Instant Criminal Background Check System (NICS). While we believe this Amendment is a step towards improving public safety for all Americans, especially in light of the most recent mass shooting in Orlando, Florida, we are particularly troubled by two issues: the requirement related to the sharing of records to the National Instant Criminal Background Check System for “drug abusers, the seriously mentally ill, and other dangerous people;” and the failure of the Amendment to address the “Charleston Loophole.”

The Leadership Conference believes the Murphy Amendment will be of great benefit to the communities we represent, particularly for people of color, the LGBT community, youth, and women who are victims of domestic violence, as they experience some of the highest rates of gun violence. More than 13,000 Americans were killed by guns in the United States in 2015.¹ Widespread gun violence has had a devastating effect on African-American families and communities. African Americans die at an average rate twice that of whites,² and in urban areas, the divide is even more prominent: In Washington, DC, for example, the death rate associated with firearms is more than 13 ½ times for African Americans than it is for whites.³ Further, victims of intimate partner violence are at greater risk of death by firearm. Women suffering from domestic violence are eight times more likely to be killed if there are firearms in the home.⁴

Orlando, Charleston, San Bernardino, and Newtown provide further evidence that firearms are more popular than ever⁵ as the deadly weapons of choice for American extremists. We must end limitations on federal research on gun violence – and make it more difficult to

¹ <http://www.adl.org/combating-hate/domestic-extremism-terrorism/c/murder-and-extremism-in-2015.html#.V2LfCLsrJMz>

² <https://www.washingtonpost.com/news/wonk/wp/2014/09/19/the-racial-divide-in-americas-gun-deaths/>

³ *Id.*

⁴ https://www.futureswithoutviolence.org/userfiles/Gun%20Fact%20Sheet_FINAL%2003%2003%2013.pdf

⁵ <http://www.adl.org/combating-hate/domestic-extremism-terrorism/c/murder-and-extremism-in-2015.html#.V2LfCLsrJMz>

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obtain firearms through increased waiting periods, safety restrictions, and limitations on purchases – especially of assault-style weapons. None of these steps will prevent the next gun-toting mass murderer – but, as President Obama said, “to actively do nothing is a decision as well.”

These reasons, and in light of the hate violence that took the lives of 49 young people from diverse backgrounds last week in Orlando, Florida, have compelled us to support the Murphy Amendment. We owe it to the victims of the Orlando tragedy to commit ourselves to being a country that values humanity and the worth of every person. Sensible gun control is a step toward doing so.

Expanding and strengthening background checks is the most effective way to keep guns out of the hands of those who commit crimes. Since its inception, the National Background Check System has blocked more than 2.6 million gun purchases by prohibited buyers.⁶ In states that require background checks for private handgun sales, 46 percent fewer women are shot to death by their intimate partners,⁷ 48 percent fewer firearm suicides occur,⁸ and 64 percent fewer gun trafficking occurs.⁹ As the evidence suggests, requiring background checks for all commercial gun sales reduces crime and saves lives.

While we believe this Amendment is a step toward improving public safety for all Americans, especially in light of the most recent mass shooting in Orlando, Florida, the amendment is not perfect, and could be improved by narrowing the categories of individuals that states are required to submit information on, and by closing what is known as the “Charleston Loophole,” which allows gun sales to go through after three days, even if the background check is not affirmatively completed.

Further, the Amendment’s requirement to report “all necessary records” to NICS regarding “felons...and other dangerous people” is overly broad and fails to define these categories of people. The breadth of these categories poses a severe risk of disparate impact against communities of color, the formerly incarcerated (including non-violent offenders), and the people with mental disabilities. In addition, the description of the Amendment, in framing the target population to include “the seriously mentally ill and other dangerous people,” also conveys a clear message, whether intended or not, that all people with serious mental illness should be considered dangerous. It is hard to imagine a more destructive way to talk about people with mental illness at a time when we are trying to promote community integration, employment, and housing for these communities. Specifically, the provision that expands the definition of who is “adjudicated as a mental defective” beyond its current definition (people who have been found dangerous, unable to manage his/her own affairs, or was the subject of a finding of insanity or incompetence to stand trial in a criminal case), to include anyone who has been compelled to receive services including counseling, medication, or testing to determine compliance with prescribed medications, falsely suggests that people with psychiatric or intellectual/developmental disabilities are more likely to engage in gun violence than others, and should be a major target for gun violence prevention efforts. This is contrary to data showing that mental illness by itself does not make people any more likely to engage in gun violence.¹⁰ This provision simply perpetuates stereotyping and false linkage of mental disabilities with violence, and detracts from meaningful gun violence prevention efforts.

⁶ <http://www.bradycampaign.org/our-impact/campaigns/background-checks>

⁷ <http://everytown.org/documents/2014/10/background-checks-reduce-crimes-and-save-lives.pdf>

⁸ *Id.*

⁹ *Id.*

¹⁰ U.S. Department of Health and Human Services, MENTAL HEALTH: A REPORT OF THE SURGEON GENERAL at 7 (1999).



Finally, we are concerned about the Amendment's failure to close what is known as the "Charleston Loophole," which allows gun sales to go through after three days, even if the background check is not affirmatively completed. Despite passage of this Amendment, this loophole would still allow mass shooters such as Dylan Roof, who killed nine African Americans in the Charleston, South Carolina racially-motivated mass shooting, would still be able to legally purchase a gun.

Despite these two concerns, The Leadership Conference supports the Murphy Amendment to enhance public safety by expanding background checks. We believe this is a vital first step to respond to hate violence and protect the many communities plagued daily by gun violence. Passage of the Murphy is critical to stemming the tide of gun violence in our nation. For these reasons we urge you to vote yes on the Murphy Amendment to S.2837, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017.

Thank you for your consideration. If you have any questions, please contact either of us or Sakira Cook at (202)263-2894 or cook@civilrights.org.

Sincerely,



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