

Episode 189-- The Bipartisan Gun Violence Bill What it Inclu...

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SPEAKERS

Christian Heyne, JJ Janflone, Kelly Sampson



JJ Janflone 00:08

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JJ Janflone 00:22

Hey everybody, welcome back to Red, Blue and Brady. I'm one of your hosts, JJ, still flying solo as Kelly is at a conference. I am happy to report that even though I'm alone, I do have some good news to share. And it feels like we so rarely get to do that on this podcast. So I'm quite pleased, as some of you may have heard on Sunday of this week. So when the 12 group of senators 10, Republicans 10, Democrats announced that they were creating a framework for a bipartisan gun violence prevention bill, this is huge, it will be the first one that we've seen in decades. So to unpack what that bill's framework is, what are some of the things that are said to possibly be included? What this means for gun violence prevention, and you know, what we need to do to make bills like this happen? I am joined by Christian Heyne, Brady's VP of Policy.



JJ Janflone 01:31

My name is Christian Heyne. And I'm the Vice President of Policy at Brady.



JJ Janflone 01:35

And frequent podcast guest and friend!



Christian Heyne 01:37

Frequent, less frequent than then he would like and I know I was slipped into the third person, but.



JJ Janflone 01:43

Could you just be less busy?



JJ Janflone 01:45

We are we are working pretty hard, I promise. Please tell the listeners that we are working hard.



JJ Janflone 01:50

I think that they know, I think they've picked up on those hits. And so Christian, and we're here today to kind of discuss, I think some really big gun violence prevention news that hit this past week, which is a bipartisan bill. And I'm wondering if you can break down, you know, can you Schoolhouse Rock this for our listeners? What the hell happened?



Christian Heyne 02:09

Yeah, no, it's the question. And I think what is important to know, is what has been introduced here is a framework. So you know, first and foremost, I just want to preface anything that we talk about here. With the reality that of course, we want to take time to be able to see what the language looks like, the details in each and every one of these, you know, policies, the details matter. And we're working hard to make sure that we are having thoughtful protections in place, that these things act and function, the way that we hope that they will, and know that the Senate leadership that is coming together is working to do just that. But I got a little ahead of myself. What has happened is in what I would call a really historic step for the gun violence prevention movement, in reaction to the horrific high profile shootings that have captured the nation's attention, as well as I think and violence, everyday gun violence that has just been raging on. A bipartisan group of senators, 10 Republicans and 10 Democrats, have unveiled and announced a framework that of meaningful policies that address different aspects of gun violence, that they hope to come together and vote and pass and put on the President's desk to be signed into law. And to be really clear, the framework is something that I think if you would have asked anybody in our building a month ago, could you get 60 votes on these things, any of these things, I think we would have given some healthy skepticism. So the fact that they are individual policies that will save lives, and collectively will be one of the most meaningful pieces of federal legislation we have had in nearly 30 years. It's a really an incredible moment, I can definitely dig in and talk more about it. But I am at least here to say on behalf of Brady and myself that while we wish it did more, of course, because gun violence is such a big problem. This is a big deal. And we're really excited to get to work because we know that this policy, this framework, will save lives if it's signed into law.



JJ Janflone 04:28

Well, and before we dig into some of the things that are proposed, because as you're saying, right, this is a framework, so it hasn't gone up yet, right? We don't have text necessarily to read and dig into. And when that happens, of course, we'll cover it on the podcast, but, you know, what do you think changed? You know what, you mentioned that the high profile shootings that happened but let's be frank, you know, high profile shootings have happened before in the US they are likely, unfortunately, at least in the short term to continue. We see gun violence happen every day in the US. What suddenly changed that got this to happen?



Christian Heyne 05:01

Yeah, I mean, I think what has happened isn't any one thing. But it's a collection of things. We have witnessed in the last 10 years, a slow, but steady and really significant shift on the ground for how much people really prioritize and care and want to do something to end gun violence. And, and look, in large part, the modern gun violence prevention movement fundamentally shifted and changed when the shooting in Sandy Hook happened. Right. And in a lot of ways, the nation in that time was collectively learning about how bad our gun laws were. We knew gun violence existed in America, but I don't think we had had a national dialogue about what are the things we can do to improve, to prevent, and to really look upstream to stop these kinds of shootings from happening. We have spent the last 10 years unraveling that and states have been stepping up consistently to put in life saving policies, voters have turned out in record numbers, election after election to showcase and to elect candidates that are willing to run on gun violence prevention and when they're in office to vote on gun violence prevention policy. And we have really shifted in this country, just how important it is politically to do something on guns. Now, when the Parkland shooting happened, we saw that really come to life in the states and folks came out in huge numbers, a number of states passed a lot of policies, and we made more progress. The one place that we have had the biggest challenge and getting the federal meaningful change that so many Americans care about is the US Senate. And in a lot of ways that has happened because as we've discussed many times on this podcast, right? There are structural barriers that the GOP has enlisted to prevent even the majority of senators that agree on policies like universal background checks from being brought to the floor and being voted on; tools like the procedural filibuster. I think that particularly the shootings in Buffalo, where we saw a hate crime that was exponentially more lethal, because of our access to firearms, because of you know, and a high profile mass casualty shooting, you know, that no other country really has to experience regularly like we do, targeting grandmothers simply because of the color of their skin, in a community that is overwhelmingly black. And then to now have to distinguish between mass casualty shootings that have happened at elementary schools, you know, this, this the shooting in Uvalde, Texas, it is hard for anybody to look at the faces of these children, to hear their stories, to know what they've gone through. And to recognize that just 10 years ago, we were doing the same thing in Newtown, Connecticut. So I think all of these things collectively have built up to a moment where Democrats, Republicans, gun owners, non gun owners are coming together to say that it doesn't have to be this way. And let's start with things that we know we can do together, things that are that seem very simple, even though they haven't been for all this time. Let's get something done. Let's pass it. Let's try to save some lives. And I think if we're able to do that, it will usher in a new era of gun violence prevention in the long term.



JJ Janflone 08:29

Well, and then once this is written, and it goes to the Senate, right, we still need 60 votes. Is that correct?



Christian Heyne 08:36

We do we do. That's the magic number. And I think that's also why it's no secret why this group of senators has 10 Democrats, but it has 10 Republicans. And in order to pass this policy, we will need 60. That likely will require all 50 Democrats and and at least 10 Republicans. Now what has been interesting since this framework has been introduced is we have even heard folks who are not on this list. Republicans who are not on this list, come out and say that these are pretty common sense policies that they think they can support. You know, we've heard Murkowski come out and say that, right. And we've heard even Mitch McConnell, as recently as just a couple days ago, come out and say that he thinks that these are policies that they can support. Now, I like many listeners, probably. My eyebrow goes up a little bit. You know, what does that? What does that mean? Are we getting, are we getting swindled? But I can tell you, when I look at the things that are on this list, when I look at the funding, that is going to be in support of tools that we know work like like extreme risk protection orders, the protections that are going to be included here for victims of domestic violence, the resources that are going to be created for communities. The clarification on loopholes around federally licensed dealers really trying to tackle trafficking and stop purchasing, the flow of illegal guns that we see across the country. These are policies that we have been advocating for for decades. Now, clearly, there are a host of other policies we have been advocating for as well that we would love to see brought to the floor. But these, I just want to be clear, these are policies that will save lives. And the details will be important. But if we get it right, which I think we can do, which Chris Murphy keeps, keeps saying, right, every every time we hear him talking to public that that these negotiations are real, and they're not going to do anything that's going to harm folks. I take him at his word, he's been doing this, for so long. He's been such an incredible advocate and leader on this issue. And our senators understand where the pitfalls and problems may come. And still, they are all encouraged that they will get something through and something that will be meaningful and good. And that's meaningful.



JJ Janflone 10:45

Well, And then speaking of some of these policies that can can save lives, you know, so there's, there's a number of proposed ones, Chris Murphy had a great Twitter thread where he broke down sort of the top nine. And I wonder if we can sort of maybe quickly run through some of the ones that that are proposed that we're hoping will be in this bill, and maybe you can break down for listeners who might just now be coming in to gun violence prevention.



JJ Janflone 11:07

Right. Yeah, let's dig in. I think that I think it's important to dig in on this stuff.





JJ Janflone 11:12

Yeah, let's let's do this is our this is our Cliff Notes version before people get angry in the comments.



JJ Janflone 11:20

And all we got, all we got is Cliff Notes, because we still don't have language. Right. So but, but certainly happy to dig in on why I think these aspects are important.



JJ Janflone 11:29

Okay, so let's start with the Extreme Risk Protection Order or Red Flag Law Section. You know, what, what's that?



Christian Heyne 11:37

Yeah, you got it, you got it. So I think folks are aware of these policies, they are some of the newest and most innovative upstream solutions. I mean, really, what we're talking about with Extreme Risk Protection Orders are tools that are modeled just like domestic violence orders, in that, you know, they are created with due process for petitioners to work with the court system. The only difference between these orders and other orders is, it is a civil process that is designed to temporarily remove firearms from individuals at risk of dangerous behavior. And the reason why this is meaningful is that in the states that have passed it right, including, by the way, after Parkland, five Republican governors have signed this into law, including then Governor Rick Scott, who now is in the US Senate. But these laws we have seen be incredibly effective at stopping mass shootings, we have a couple of studies out of UC Davis that show this directly. And also, maybe even more importantly, preventing firearm suicide on a really large scale. In Connecticut, for instance, Duke University did a study that found that for every 10 to 20 orders that were issued, at least one suicide was prevented. And we know, right that three out of five gun deaths in America are suicides, firearm suicides. So this has a huge, huge, huge potential impact of being able to impact gun violence in this country. The reason why this funding is critical, is because one of the challenges these tools have had as they are so new, is education, and implementation. You know, no, no law that is written is just going to be able to be implemented effectively without a robust plan to have an efficient and effective implementation. And these dollars can be used for that. And not only used to improve existing systems in the 19 states plus the District of Columbia that have these policies, but it also can incentivize other states that don't currently have these tools to step up and do it and not only incentivize because of the funding that's attached, but because of the bipartisan effort that will essentially give a stamp of approval on tools that folks on both sides of the aisle know, can prevent tragedies from occurring before they ever happen. And that is, I think, a really important aspect of this.



JJ Janflone 14:02

Well, and then since you brought up, you know, the place of like domestic violence orders or intimate partner violence, let's hop down to you know, closing the boyfriend loophole.



Christian Heyne 14:12

Absolutely. I mean, I think this is this is something that we were incredibly excited to see included in the package. Once again, the details, right will matter. I may say that, JJ every time we talk about it each and every one of these.



JJ Janflone 14:24

I like that we're drawing this point, though. Really firm it is that you know.



JJ Janflone 14:29

Yeah, I will say, I want to make sure everybody knows that. We are we are a framework, we can applaud but we definitely want to make sure that these details are are important. We just saw AOC tweet something similar, right? I mean, we are excited about the prospects here, but we do want to make sure everything is done thoughtfully and that there's not any disparate impacts and you know, things that could exacerbate gun violence but look, this is this element that is going to create protections for victims of domestic violence. It basically what we have been told is it tackles, what we call the dating partner loophole. And the dating partner loophole is basically this notion that convicted domestic violence abusers and individuals that are subject to DVROs, which are domestic violence restraining orders, they are included in NICs. Now, there are protections that are associated with that for victims of domestic violence, that are life saving, and critical. There is also a loophole that if you are married, you can receive these protections if you are married to your abuser. But if you are in a relationship, a dating relationship, a romantic relationship, something that you have not gotten the legal marriage or certificate or ceremony or whatever you want to say, then you don't get those protections. And we just know that defies logic. That's not what domestic violence looks like in America. That is a arbitrary distinction, especially for victims of domestic abuse. And there are too many people that are at risk and vulnerable to domestic violence, because this loophole exists. And I'm gonna say one more thing here, JJ, the recent push for the Violence Against Women Act, the reauthorization of Violence Against Women Act, that that was a long drawn out, big fight. And what finally was passed was a really incredible tool. It did have some really important gun violence prevention aspects to it. But one of the reasons why it dragged on for two years after the original VAWA had expired, was because of an in particular, you know, Joni Ernst, had made a lot of noise about this very provision, saying that they did not want to extend these protections to dating partners as a part of this legislation. It went on for two congresses, ultimately, the NRA in all of their awfulness threatened, Senators threatened scoring VAWA if, you know, they had the audacity to protect domestic violence victims in dating relationships, and ultimately, that provision was pulled out of the bill in order for VAWA to pass. Now, we are incredibly excited about the protections that that were included in VAWA. But think it is abhorrent that the NRA played those games with the dating partner loophole, which could stand to protect so many Americans. And what is really amazing, I think about these groups of Senators coming together, is they've included it, you know, they have in a month's time have have changed fundamentally their position on this policy. And I think that that speaks to the moment that we're in, and this provision will save lives.



JJ Janflone 17:50

Well, let's hop into some of the age restrictions. So one of the things that has been proposed. So an enhanced background check for under 21 for gun buyers and a short pause to, you know, to undergo that. So that would also, you know, I've also seen it referred to as an enhanced review process.



Christian Heyne 18:07

Right, right. Right. Well, I think in particular, right, that this one, we are interested to see language more than any right hedging again, right. But I think this is something that is unique to the moment. In concept, the idea is that individuals who are between the ages of 18 and 21, there, they may have records that had they been adults for the same convictions, they would have led to prohibitions. And by virtue of, you know, even if just one year prior, there was, for instance, some kind of aggravated assault or felony charge that, that they were convicted of as a minor, those records what they are hoping to accomplish is if those individuals are at a heightened risk of dangerous behavior, the same as you know, we know that prohibitions work for adults overall, they want to have the ability to be able to make sure that they are considered when purchasing a weapon, the same we do for everything else. So I think that there are a lot of important pitfalls that senators on both sides need to avoid here to make sure that everything is thoughtful in the way that it goes across. But I think, at the end of the day, what they are trying to do is make sure that there is additional time for this population of 18 to 21 year olds, who frankly are not a protected class when it comes to the guns that they should have access to. This is a demographic of individuals that are far more at risk of dangerous behavior and and is why so often they are both perpetrators and victims of gun violence. And so can there be a window in order to have a more thoughtful and investigative period to slow things down a little bit and to make sure that we have a full picture of how at risk these individuals may be.



JJ Janflone 20:09

Well, and then sort of kind of hitting those lines, one of the ones that I've been most interested in is sort of even looking at definitions of things. This is something I think people outside DC understandably, like, that's a wonky policy thing, but it actually matters. The definitions for a federally licensed firearm dealer or an FFL, you know, why why does that matter? Kind of clarifying even what it is to be a licensed dealer?



Christian Heyne 20:36

Right. I mean, this is this is really critical, and something that, especially as a Brady, have been talking about for a long time, and you will maybe even remember, JJ, we released, you know, right before the presidential election, in 2020, a list of 23 recommendations for executive actions. And one of our recommendations for executive actions was to clarify what it means to be, quote, unquote, engaged in the business of selling guns. The reason why we do that is because that is the background check loophole. That is the way in which private sellers have been able to abuse the loophole in our law, and to evade background checks, both utilizing background checks, if you're selling weapons and undergoing if you're trying to buy weapons.

And that's the background check loophole. What I think they are trying to do here is, and, you know, the best way to deal with this loophole is to pass universal background checks to be clear, right. And, and that's something that 90% of Americans support. I think it is directionally, where we are headed at some point and what we need to do in order to really solve this problem, but what these groups of senators are trying to do is to further clarify what it means to be a federally licensed firearms dealer so that there are people throughout the country that are making good business on selling weapons, they are selling weapons, they are going to multiple gun shows, they are using websites like Armslist. And they are functionally making a profit, a steady profit by selling weapons without background checks without utilizing background checks. And what we hope this clarification will do is to make it more clear that if you are engaged in the business of selling guns in that way, if you are utilizing this private sale loophole to regularly make a profit, and to sell weapons, that you have to get a federally licensed, you have to get a Federal Firearms License the same way that that every other gun dealer in America has to and and this is, I think, a really critical step. But to be clear, it is a step. And, and it's an important one, but it is attempting to essentially tackle that part of the problem with our gun law.



JJ Janflone 22:59

It seems like then that would help with another one of their listed proposals, which is the first ever federal law against gun trafficking and straw purchasing, because it seems like more sort of regulation or awareness of who's selling would then help with where they're going.



Christian Heyne 23:16

Right. Right. And what's my refrain, right, the details of this matter.



JJ Janflone 23:22

So I feel a little bit like we're the meme from always sunny. Yeah. With Pepe Silva?



Christian Heyne 23:27

Oh, yeah. Oh, yeah. All right.



JJ Janflone 23:29

So the Pepe Silva were like the details.



Christian Heyne 23:31

The details, the details? Well, they do matter. They do matter. But in theory, this is really critical. I mean, we part of the problem that we have is and I think this is a part of our we've had a lot of discussions on this podcast, right about the supply side of addressing gun violence,

the idea being how do we stem the flow of illegal guns, there are too many communities overflowed, over overflowing with weapons. And we take that for, you know, for granted we are we're apathetic to it, right? Where we just accept that as the reality and we move on when, when we think about it, these firearms are manufactured by licensed manufacturers, they are sold by licensed dealers and somewhere they are they are diverted to the criminal market. How does that happen? Well, it happens through theft, and through straw purchasing. And straw purchasing is when somebody who could not otherwise purchase a weapon is able to acquire one because somebody who can, buys it and then sells it to that individual. We, our whole approach to law enforcement on gun violence has been to ask who pulled the trigger. We don't ever ask who sold the gun? Where did it come from? And this right here is something that we have been pushing for for years to make sure that we can really get at who is responsible for trafficking these weapons, and how do we shut down that flow and make the supply really start to crack down on the supply of these guns. And if we can do that, I think we can have a huge impact. Now what we need to make sure that they do when putting this policy together is also have protections for individuals who are coerced, or who are forced into purchasing weapons for individuals who are otherwise prohibited. What we don't want is a policy that's going to crack down on those individuals who have been coerced, but rather is something that cracks down on the individual that's doing the coercing. And we will, you know, we have crafted a lot of policies that do just that we have spent a lot of time thinking about trafficking. But I'm going to leave you with one last sort of talking point, right, is that we don't really have a policy in place or a law in place for the illegal trafficking of weapons, people just assume that is what what ends up happening is we piece together, law enforcement pieces together a number of different parts of our legal code, and it carries something like a five year penalty, it's pretty low. And I would say it's the equivalent of you know, and this is true of illegally trafficking chickens and livestock, we don't treat the trafficking of firearms severely enough. And as such, it makes it really hard to actually prevent those straw purchasers or traffickers from profiting the way that they do and from doing the things that they do.



JJ Janflone 26:20

So, you know, to wrap up on this, this, we're hopeful, but we don't know what's coming. They're the part of sort of the framework that seems the vaguest to me, or that could go in so many different directions. It are the sort of points around school security investment, mental health investment, things of that nature. And so I'm wondering if you have any thoughts about, you know, where ideally that that would go, you know, sort of best case scenario.



Christian Heyne 26:46

Right. And this is, and this is something that I think the messaging is almost as important as the policy right? What we are hearing is that there are going to be significant investments in mental health and behavioral health services, right, and, and for school safety resources, what those are, once again, matter. I think mental health, in particular, we want to be really careful here. We know that addressing mental health, creating access to mental health care, you know, really working to better improve both is particularly in communities that are most impacted by gun violence services to deal with the trauma that exists from gun violence. All of these things are interwoven and important, but also that mental illness is not a way to be able to predict gun violence, right mental illness. If you are living with a mental illness in this country, you are far more likely to be a victim of gun violence than a perpetrator. And if we want to address gun

violence, we need to address our gun laws. That being said, my hope is, is that this funding is going to be used to really strengthen communities and to be able to ensure that access to this care goes beyond sort of just mental health diagnosis. But you know, they are talking about supportive services here, right, they are talking about intervention programs is something that has been specifically mentioned, wraparound services. Now, we do know that if there are investments that are going to be included in here, for community based violence initiatives, that will have a huge impact on generational gun violence in breaking cycles of violence, right that we have been talking about this and groups like Community Justice Action Fund, but more in particular, the frontline organizations that have been doing that kind of community work for decades, like life camp in New York and Ready Chicago and so many others, that, that if we can address root causes of gun violence through investments, we can have a tangible impact on generational violence. So our hope is is that all of this will be included, and that they are going to be talking about this as wraparound services, and and and ultimately making some of the most significant investments in in creating avenues for access to mental health care, and behavioral health care that we have ever seen in this country. And that would be a remarkable and important and significant thing as well.



JJ Janflone 29:08

So am I done? Do I get to do I get to do I have to find new job?



Christian Heyne 29:12

I I regret to inform you, JJ, there's still lots of work to do. I regret to inform you. I think that this is, as I said at the outset, I'll take one step back. For me, this is a really exciting time, not because these policies are going to end gun violence, but because my hope is it can usher in a new era of what's possible with gun violence prevention. I've been doing this work, you know, as you know, for around 17 years, I just had the the 17 year anniversary of when my parents were shot, and my mom was killed. And you know, when I got into it, the refrain that I kept thinking is anything I can do to put forward to prevent one family, one person, one community from undergoing the pain and tragedy that and trauma that not only did we experienced then but we continue to experience today, that it will all be worth it. And what we have here is a set of policies that can do just that, I am so excited to be able to work as hard as I possibly can to do that, and to do it in a way where Republicans can come forward, they can vote for these things, and the sky won't fall. In fact, they can vote on these things and they can see that they can save lives, if they do it, and that their constituents are not going to head to the hills, they're going to reward them for it. We we feel strongly that's what's going to happen here. And what that means for the future is is important. And the reason why it's important to get to your question, JJ, is because we have a lot more to do, we have got to pass universal background checks, we have got to have a serious conversation about banning extended magazines bending and banning weapons of war that civilians just simply should not have access to. We have got to have conversations about how do we more broadly tackle firearm suicide, have conversations about breaking down the stigma so that we can do it, but also talk about the role of the firearms and firearm suicide? How do we really get at what community violence looks like the daily violence that we don't see on the TV every day, but is occurring on alarming levels? Right? How do we take an overall public health approach to this public health epidemic so that we can have a real a real impact this is a start, this is a really meaningful and historic start, if we can get it done. But there's a lot of work to be done and gun violence every

day we wait, more families are are going through what my family went through. Every day, there are families going through what too many of the families that we see on TV, that are activists in this movement are the people who you've interviewed on on this podcast, it's just we don't have time to wait. So. So we're really encouraged to be able to be actively working on something to get something done. And I feel more resolved, not less resolved to work and to do more. So unfortunately, JJ, you're still gonna have a job after this. I apologize. But we're going to keep at it here at Brady.



JJ Janflone 32:22

I had my LinkedIn all ready to go on everything, how dare you.



JJ Janflone 32:28

Well, what I'm taking away from my time with Christian is just that, you know, this bill is just one of the many steps on a much larger journey to trying to end gun violence. But I think I'd be really remiss if I didn't stress the importance of you know, the pressure that we have to put on our senators to push for this bill and other bills on gun violence prevention more broadly. So I'm going to share two ways that all of our listeners can do that. First, you can text 877877, the word "loud", you can also of course go to bradyunited.org/act, and that's going to hook you up with all of the information you need about this bill and other gun violence prevention bills and ways to get in contact with the elected officials that are supposed to be serving you.



JJ Janflone 33:15

Want to share with the podcast? Listeners can now get in touch with us here at Red, Blue and Brady via phone or text message simply call our text at 480-744-3452 with your thoughts, questions, concerns, ideas, whatever, Kelly and I are standing by.



Kelly Sampson 33:30

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