



### HOW PHILLY WORKS *The Gun-Control Debate: City vs. State*

Firearms enthusiasts will gather this weekend (Jan. 26-27) for the first of six Philadelphia Gun Shows scheduled for 2013 at the PA National Guard Armory in the Northeast.

Despite the controversy generated by December's Newtown, Conn., tragedy, it'll probably be business as usual, according to the show's promoter, with weapons similar to the Bushmaster rifle used at Sandy Hook Elementary School on display and for sale.

They're perfectly legal in Pennsylvania, and even if Philadelphia officials wanted to outlaw them in the city (and most do) they can't. This edition of [HOW PHILLY WORKS](#) looks at guns, gun laws and violent crime in Philadelphia.

- January 23, 2013

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#### **A gun used to mow down 27 people (20 of them young children) at a school is "perfectly legal" in PA? How come?**

Our state government says so. A national ban on "assault weapons" (defined as military-style semiautomatic rifles with detachable bullet chambers) was passed in 1994, but Congress allowed it to lapse 10 years later. There's no similar state law in Pennsylvania, and while there is such a law in Connecticut, the Bushmaster isn't quite powerful enough to qualify as an assault weapon under it.

#### **Philadelphia can't pass its own gun laws? Why's that?**

Because of a state law that prohibits any municipality from enacting gun laws that are more restrictive than the state's. For instance, the state has shot down two Philadelphia assault-weapons bans in the last 20 years. A 1993 ordinance was overturned by the state legislature (and when then-Gov. Robert Casey Sr. vetoed the overturn, the legislature overrode him). And a 2008 ban was struck down by Commonwealth Court because it violated the state law (lawyers call it "pre-emption"). So was a Philly law limiting gun purchases to one a month.

#### **But isn't most violent crime in Philadelphia committed with smaller weapons?**

Yes. Last week, Police Commissioner Charles Ramsey said that criminals use 9-mm handguns more frequently than anything else. Not surprisingly, most criminals don't own them legally, and in any event, current debate on gun control hasn't focused on handguns.

#### **Hasn't there been an uptick in the number of murders in Philly lately?**

Afraid so. There were 331 murders in the city in 2012, more than 80% of them committed with a gun. That's seven more than in 2011 and 25 more than in 2010, and according to FBI statistics, Philadelphia's murder rate is the highest of the 10 largest cities in the U.S.



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### **If Philly politicians can't change laws, what are they doing?**

For starters, they're speaking out. Mayor Nutter in particular has been quite vocal lately about the effects of gun violence on our city. As the current chairman of the U.S. Conference of Mayors, Nutter has a national megaphone and he wasn't shy about using it at the Conference's winter meeting in Washington last week.

### **I saw that Nutter also proposed the "Sandy Hook Principles." What are they?**

They're 20 measures named after the Connecticut tragedy aimed at curbing gun violence (Here's a link to them: <http://media.philly.com/documents/Sandy+Hook+Principles.pdf>). Companies that make or sell guns or ammunition would have to abide by them or the city would sell any stock its pension fund held in them. As of last week, the mayors of Los Angeles and Chicago had proposed similar actions for their cities. They're modeled on the Sullivan Principles, promulgated in 1977 by Rev. Leon Sullivan, a longtime Philadelphia civil-rights leader, to pressure South Africa to end apartheid.

### **You said earlier that Connecticut has an assault-weapons ban and Pennsylvania doesn't. So their gun laws are tougher than ours, right?**

They are. Many nearby states -- notably New Jersey and New York (which just beefed up its gun laws) -- have much more stringent restrictions on gun ownership than we do. The Brady Campaign to Prevent Gun Violence rates New Jersey at 72 (out of 100), New York at 62 (not taking the new laws into consideration) and Connecticut at 58. Pennsylvania's rating is 26. (Delaware's, by the way, is only 13.)

### **I read that there has been an upsurge in applications to buy guns since Sandy Hook. Just how easy is it to buy a gun in PA?**

Pretty easy. If you pass a state police background check, buying many firearms can be one-stop shopping at a registered gun store (and if the state police computer's working properly it might take only a few minutes). To pass the PA background check you must not have been convicted of one of a list of 37 crimes and you must never have been involuntarily committed to a mental institution. There are also restrictions on people convicted of driving under the influences of drugs or alcohol. Incidentally, the state's mental-health background checks are tougher than the federal government's -- and that kept PA from sharing its mental-health records with the Feds until just last week. Here's a link to a state manual on gun laws:

[http://www.northumberlandsheriff.com/assets/pdfs/firearm\\_brochure.pdf](http://www.northumberlandsheriff.com/assets/pdfs/firearm_brochure.pdf)

### **Isn't it true that not all gun purchases even require background checks?**

That's right. No check is required for rifles purchased at gun shows, like the one in Northeast Philly this weekend.

### **Must I register my gun after I buy it?**

No. You don't need a license simply to own a gun and keep it in your home or business, either.



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### **There must be some restrictions.**

You do need a license to carry a concealed weapon on streets or most other public places in Pennsylvania, as well as in cars and trucks. And in Philadelphia you need one to carry a gun openly, in a holster. But in the rest of the state a license isn't necessary for "open carry." As for schools, the law's murkier than you might think, but the chances are you'll be stopped if you try to take a gun into a school.

### **Why are PA gun laws so lax?**

Despite big cities on both ends, Pennsylvania's more rural than our closest neighbors, with 48 of our 67 counties classified as such by the Census Bureau. These counties have plenty of clout in Harrisburg and hunting's practically a religion there, so the National Rifle Association has plenty of clout, too. Its endorsement is highly coveted, so most legislators from those areas vote with the NRA on gun issues. (Incidentally, the NRA considers Philadelphia to be such unfriendly territory that it doesn't even bother to register any lobbyists here.)

### **Don't they realize Philadelphia is not like the rest of the state?**

Perhaps, but they say that cities should enforce existing gun laws more effectively. And at the bottom of it all is a basic tenet held by supporters of gun rights: that guns don't kill people, people do, and that in any case the right to own a gun trumps public-safety efforts that involve regulating firearms.

### **But didn't Governor Corbett sign a gun-control bill recently?**

It wasn't exactly a gun-control bill. It was a measure toughening sentences for people arrested for selling legally purchased guns to those who can't buy them legally. (It's called "straw purchasing.") Corbett, who received an "A+" rating by the NRA in 2010, initially signed the bill quietly in Harrisburg when it passed in October. But that was before Sandy Hook, so he signed it again on Jan. 11 in Plymouth Meeting, home of Brad Fox, a Plymouth Twp. police officer killed with a gun bought that way.

### **And what's this I heard about a gun show that's won't allow exhibitors to sell or display assault weapons?**

It's the Eastern Sports and Outdoor Show, Pennsylvania's largest, scheduled for Feb. 2-10 in Harrisburg. The British promoter of the event says that "we have made the decision not to include certain products that in the current climate may attract negative attention."

### **I also read that President Obama's trying to reinstate the assault-weapon ban and limit high-capacity magazines. What else is he doing?**

His legislative proposals also include a measure that would tighten background checks. In addition, Obama signed executive orders for 23 actions that don't require congressional approval. Many toughen enforcement of existing laws, but one would allow the Centers for Disease Control to study gun violence as a health issue, which Congress cut funding for in 1996. Here's a link to the full plan: [http://www.whitehouse.gov/sites/default/files/docs/wh\\_now\\_is\\_the\\_time\\_full.pdf](http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf)



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### What are his chances in Congress?

It looks like he could get tougher background checks, but not the assault-weapons ban, with a number of Democrats joining most Republicans in opposition.

### Why's that? I thought I saw polls finding increased support for gun control measures?

You did, but the NRA has been more publicly active than usual in recent weeks. Besides, gun rights remain a powerful issue in much of the country, and there has been plenty of pushback. In Pennsylvania, for instance, gun-rights activists (including Eagles defensive end Trent Cole, an outdoors enthusiast who hosts the cable-TV hunting show *Blitz TV*) are planning to boycott the Eastern Sports and Outdoor Show. Cabela's, a national hunting and fishing retailer with a Pennsylvania outlet in Hamburg, Berks County, has also pulled out of the show, citing "the feelings of our customers."

### What can we expect Philly-area Senators and Representatives in Washington to do?

Sen. Robert Casey (D), a longtime supporter of gun rights, announced last month that he'll now support bans on assault weapons and high-capacity magazines. As for the GOP, few if any U.S. senators and representatives are expected to support the assault-weapons ban, but some, including Sen. Pat Toomey and representatives Mike Fitzpatrick (Bucks County), Patrick Meehan (Delaware County) and John Runyan (South Jersey) appear open to tougher background checks.

### This issue has me riled up. What can I do?

Make noise. Write a letter to the editor. Or get in touch with your elected officials, city, state and federal. You can find them in our Citizens Guide: <http://guide.seventy.org>.