

Episode 102-- What the Biden-Harris Administration Means for...

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SPEAKERS

Dr. Robert Spitzer, JJ Janflone, Kelly Sampson, Chelsea Parsons, Christian Heyne



JJ Janflone 00:09

Hey everybody, this is legal disclaimer where I tell you that the views, thoughts, and opinions shared on this podcast belong solely to our guests and hosts, and not necessarily Brady or Brady's affiliates. Please note, this podcast contains discussions of violence that some people may find disturbing. It's okay, we find it disturbing too. Hey everybody. Welcome back to Red, Blue, and Brady. Today, Kelly and I are speaking with three great experts, Dr. Robert Spitzer, author and distinguished political science professor at the State University of New York Cortland, Chelsea Parsons, the Vice President of Gun Violence Prevention at the Center for American Progress, and Christian Heyne, frequent podcast guest and VP of Policy at Brady. Together, all of us are talking about what a Biden-Harris administration means for the future of gun violence prevention in the United States. Then, in our "unbelievable but..." Kelly and I are discussing firearms in elevators. Finally, in the news wrap up, we discuss the Trans Day of Remembrance, and a new poll out of Ohio. I'm so excited to have this panel with us. I think we should all just, just jump into it. And so for our first question, I want to turn to Dr. Robert Spitzer. So we've heard from a lot of folks, particularly folks in GVP, that an incoming Joe Biden presidency marks a really historic moment where Americans can have an administration that's in true support of strong gun violence prevention policies. And I'm wondering if you agree with that statement? And if so, why? I know it's a big one to start with?



Dr. Robert Spitzer 01:46

Well, there's no doubt that Joe Biden has a long history of supporting stronger gun laws. If you look at his policy agenda of his campaign, as well as the Democratic Party's platform from this past summer, it's it's clear that Biden and the Democrats support a significant array of gun legislation, gun reform legislation, gun safety legislation. The composition of the Congress will be crucial to determining what will happen to many of those proposals, but at least some of them can be enacted by the president, through unilateral actions through executive order. So we'll see what he does.



JJ Janflone 02:23

And Chelsea, how about you?



Chelsea Parsons 02:25

Yeah, I would also just add, I think that this is a, an area that the issue of gun violence where, you know, President-Elect Biden's empathy, and kind of really pure human emotion and human connection, is really apparent, and I think will help put the issue of gun violence prevention at the top of the administration's agenda. This is something that he has spoken about before as being an issue that is, is very personally important to him. I know that he is connected with many, many survivors of different gun tragedies over the years. And so you know, I am really hopeful that we will see the issue of gun safety and gun violence prevention be, be a top priority of the incoming administration. And you know, even as there are so many competing priorities, and so many urgent needs that we're facing right now, but but I'm really hopeful that we will see this administration really hit the ground running in the first days to finally have a really serious, focused series of actions dedicated to this issue.



Kelly Sampson 03:29

So Christian, from a Brady perspective, we talked about how the conversation around gun violence has change. Can you unpack what we mean by that?



Christian Heyne 03:37

Right. Yeah. And and just to piggyback on there, I mean, I think it's worth noting how significant this kind of progress, you know, how significant it really is. It wasn't that long ago that even in as recently as 2011, when the House of Representatives had voted on a gun industry priority, to create concealed carry reciprocity, where a majority of your, not a

majority, but a significant number of Democrats were voting on behalf of that bill too. Our issue has come so far, in that time, right. It was around the same time that you know, it was hard to get any candidate running for public office to really run on guns. And we've seen that shift in such an enormous way. There was never any doubt that whoever got the Democratic nomination for president was going to be good on gun violence prevention that's significant, let alone to have someone like Joe Biden, who's coming in with just an enormous, comprehensive package to be focused on gun violence prevention policies. We have come such a long way and made a lot of progress in spite of, you know, a series of divided Congresses, in spite of a lot of, a large learning curve and people becoming more comfortable with the issue, and having somebody in the White House that can really use that station to talk about the importance of gun violence, how many people are just dying, every day, that we don't do something. To have someone in in that position who can really forcefully bring that home, in the way that Chelsea described, with such empathy and care, it's significant. And I think it shows yet another milestone of a journey, that we're just not quite at the finish line yet. But we're making progress. And that's, that's meaningful.

K

Kelly Sampson 05:23

You all have sort of alluded to President Elect Biden's unique potential around gun by intervention because of his empathy, and also because of his expertise in the issue. And one of the things that he said, that he intends to do, is to hold gun manufacturers accountable. Specifically, they have stated plans to repeal the Protection of Lawful Commerce in Arms Act, or what we know as PLCAA. So I'm just wondering, do you all think that this repeal is possible? And also, what does that mean, in terms of gun rights in the US? Does that have any implications for gun rights? Or does it sort of exist outside of that area?

D

Dr. Robert Spitzer 05:58

Well, it's not directly a matter of gun rights. Although supporters of that legislation argued that in effect, it was, that because that if the gun industry didn't have legal protections, they ran the risk of being driven out of business by litigation. But I don't think that really gets at the key concern about the legislation. That is certainly a law that a President Biden cannot dismantle through unilateral action, it can only be repealed by an act of Congress. And that takes us right back to the composition of the new Congress, we know that the Democrats will control the House of Representatives, but by a reduced number, and that in the control of the Senate, we don't yet know which way that's going to go. But in, what in any eventuality, the party margins in both houses will be extremely narrow, that makes it more difficult, even if the Democrats win control of both houses, the narrowness

of their margins, will put tremendous pressure on swing members, and really in both political parties. And I think it would be extremely difficult to repeal that bill outright, given very narrow margins of the House, partly because there's going to be so many priorities coming up in the upcoming year, all of the issues that we know about, and have been unfolding this past year. But also because the Lawful Commerce in Arms Act was the NRR's top priority, and they certainly would fight tooth-and-nail to preserve that legislation. And fighting in a defensive posture, I think kind of politically, is somewhat advantageous for them. I could see that law being repealed in the years to come. But it doesn't seem particularly likely to me that we'll probably see its repeal in the upcoming year, although it's not impossible.

C

Chelsea Parsons 07:42

Yeah, I think that we as GVP advocates have some more work to do when it comes to making the case for why we need to repeal PLCAA. And why, why that law really is a significant barrier, and holding the gun industry accountable, and relatedly, why it's necessary to hold the industry accountable in order to reduce gun violence. Like I think that there's, there's a lot of, kind of, public education that we still need to do. But I but I do think that we are starting to see more and more attention being focused on the gun industry, which is hugely significant. Because for years and years and years, the conversation around gun violence, and about solutions to reduce gun violence, has really focused on the demand side of the problem. And the industry has really, kind of, gotten away with escaping, frankly, any focus any attention in terms of their role in manufacturing and supplying the firearms that are the instrumentalities of so much death. And so I think PLCAA and a conversation about PLCAA is a huge piece of that. And I think, you know, I agree that, I don't think this is a 2021 victory. But I do think that as we continue to build the case for why PLCAA is such a damaging law, we are going to get there. And I mean, what when you explain it to people, you know, explain the fact that this law gives the gun industry a level of immunity, that no other consumer product industry enjoys, you know, that is deeply offensive. And so as we continue to do more work messaging and and persuading on this issue, I do think this is something that it will be something that we get, you know, in the next couple of years.

K

Kelly Sampson 09:32

So do you think that there might be restrictions imposed, like we saw with the sunset restriction, on the Assault Weapons Ban, which limited it to 10 years? Basically, do you see other provisions limiting gun violence prevention measures, passing?



Chelsea Parsons 09:45

I think, I'm gonna, I'm gonna jump in over Christian (as I often do) I think that we, the gun violence prevention movement and the and the politics around this issue have shifted substantially since the original Assault Weapons Ban was enacted. And, you know, I think that any kind of legislating, particularly in an environment where the margins are so close in, in the chambers, regardless of which way it goes, is going to require some compromising. And I, and I think that, you know, to be sure, if we were, if we're able to pass some kind of significant gun safety legislation in this next Congress, it will likely have to come with some kind of compromise. But I don't, at least for me, I do not anticipate a compromise to the extent of a sunset provision on a piece of legislation. You know, I'm thinking about, you know, how, how we draft a universal background checks bill, where we know background checks, has support of, you know, 95 plus percent of the population. And so perhaps there needs to be a little bit of tinkering with language to get to a bipartisan majority in the Senate, but not to the extent, in my mind, of of something as severe as a sunset provision.



Christian Heyne 11:05

Look, I mean, these these vote totals are always going to be tough, right? Because if you look at where, how we move, how the, we have gun violence prevention majority in the House, right, and what it took to get there. The hurdle and barriers are no joke in the Senate, and that it was going to look that way, regardless of how Montana or South Carolina dropped, you know, whether or not we would get somebody like Jamie Harrison, or have to continue on with with Lindsey Graham. Regardless, we're you know, that we're not looking for a simple majority in the Senate, right, we have, we have to get to 60 out of 100, not 50 out of 100 with the way that the procedural filibuster works, it will require compromise and work that Chelsea's discussing, but also with the knowledge that champions like Mark Kelly are now being elected to the Senate, because of their positions, that the politics overall are changing. You look at somebody like Brian Fitzpatrick, who is a Republican who has taken really strong stances on this issue for a long time. And that, how all of those pieces are connected, to show how our issue at-large is bipartisan, and gaining support across the board. And we'll have to continue to have this conversation. But I, you know, it's just important history to think about because even when people think about the strongest time in gun violence prevention, you think about those early '90s. Where we are today is just, it's wholesale difference, and I think that is really important to recognize.



Chelsea Parsons 12:30

Actually I, one more thing to note here, the NRA is as vulnerable as it's ever been. And so

that's another dynamic that I think is really important, when we're talking about both opportunities in Congress to advance legislation, as well as opportunities that the Biden-Harris Administration will have to act, using their executive authority. And the NRA over the last few years has, you know, been becoming more and more of a paper tiger anyway. But I think, you know, this last year looking at the different lawsuits they're facing, looking at their vulnerable financial position, you know, we're in a situation now where they are as weak as they've ever been. And so that is, that's just an important important piece of context, when we're thinking about what this next year or two is going to look like.



Christian Heyne 13:18

And rudderless to a certain degree, right Chelsea? Like, I mean, that's part of it as well, right is, is they're they're having an identity crisis, in that there are extreme factions that have taken over their overall message, and their leadership do not represent in large part, the responsible law-abiding gun owners that live across the country, that are reflected in support for universal background checks, and a lot of the changes that have been proposed as well. So yeah, I think that's a important historical note to make as well.



JJ Janflone 13:46

I'm wondering if any of you think that the NRA has an opportunity to bounce back here? If people, you know, sort of seeing it in decline? We'll take it, as you pointed out, a different position.



Dr. Robert Spitzer 13:56

Well, the NRA is certainly a wounded organization. And ironically, they've mostly got themselves to blame. From rampant corruption, I mean, unbelievably prolific, you know, graft, influence-peddling, sweetheart deals, led by Wayne LaPierre, of course, has been the de-facto head of the NRA since the early 1990s. And he's been the recipient of 10s of billions of dollars of just money from the NRA. And this was all spelled out in the New York Attorney General's legal document that was issued early this year, and why the New York Attorney General's Office moved to, in court, to dismantle the organization. That may not ultimately happen that way, but they made a pretty strong case. And in this past election cycle, the NRA spent about two-thirds as much money on President Trump's campaign as they did four years ago, and about a third as much money overall on the campaign as they did four years ago. They don't therefore have the financial resources. Now gun rights supporters around the country, they're still out there, and they still care about the issue. But as an organization focusing on Washington, D.C. politics, they've got a lot else on their

plate, like trying to remain an existing organization. But it would be a mistake to underestimate the sort of the appeal and the potency of the people who still care about the issue. But I think that Christian's point is the correct one, in that in this environment, especially if you look back two years ago in 2018, where the gun safety movement scored significant victories in elections, all around the country --where dozens and dozens of candidates campaigned expressly on the gun safety agenda -- and we're elected as a consequence. So the days of the previous decade of the first decade of this century, were the Democrats were running away from the issue that's gone. They're not running away from the issue anymore. The main problem right now is the closed party divide. And the fact that, you know, we're facing a pandemic. And in fact, the reason that we're no new state gun reform measures on state ballots around the country, is because people couldn't collect valid signatures in the usual way by ringing doorbell. It's not because interest in the issue is somehow flat. We've talked a little bit about the gun violence prevention movement itself, and how it has evolved over the past decades. And I'm wondering if we could talk a little bit about President-Elect Biden's particular history with the gun violence prevention movement, and how his opinions have seemed to change over time. I might say that, when he began his career in the Senate, in the 1970s and into the early 1980s, Joe Biden was friendly towards the cause of the NRA, they were fine with him. He did voice on the Senate, opposition to stronger gun measures. And I believe he also voted on behalf of the 1986, were in favor of the 1986 Firearms Owners Protection Act, which was a piece of legislation Congress passed, that was the NRA's bill, although some provisions were added to it before it passed, that the NRA didn't like. But from the late 1980s on, he's become a real champion for stronger gun laws, most notably his support for the Brady Law in 1993, but especially the Assault Weapons Ban in 1994. And he's held that position quite consistently, ever since then. And so you're talking about a 30-plus-year record of supporting stronger gun laws. And I think it's a record that is well understood.



Christian Heyne 17:26

And it has progressed, right? I mean, that's, I mean, when you really talk about that progression, right, where, you know, as his, as his career, and I think it speaks to President-Elect Biden overall, and what Chelsea was saying earlier, right, his compassion, his empathy for people, interacting with so many survivors of gun violence, it has moved him in a way that that he is, you know, entering as, I think probably the biggest gun violence prevention champion that that we've seen in the White House. His comprehensive plan that he ran on, I think, shows that but, you know. I'm just thinking of, in the wake of the horrific shooting in Sandy Hook, when President Obama was looking to, to really say, you know, we're gonna, we're gonna come out and we're going to do something, we're gonna have a massive taskforce where we really tackle a lot of questions, where we have people, we're going to meet with everybody. And ultimately, they unveiled a massive plan and a

slate of executive actions. But he had, he had Joe Biden oversee that, right? He trusted in the then Vice President, now President-Elect to take that job on, and you know, he did so in the way that, that Joe Biden always has, he brought together diverse stakeholders, he had the conversations and they and they gave really, I think, comprehensive and good strategies for for what they could do and should do. And and once again, we're stymied, in some regard, because of a Senate unwilling to to vote the way that the American people would hope that they would. But that progression even of, of where he was, and even this plan, this comprehensive plan that he ran on is so much further than the plan that the Obama administration put out too, so that progression is an important and meaningful one, I think. And part of it is because our evidence has gotten better. Our policy solutions have gotten better, we understand the issue better. And the timing is really good to, sort of, look those up in a strong way as well.



JJ Janflone 19:17

Well, and then I'd love to pivot, maybe then to talking a little bit about the plan that President-Elect Biden and Vice President-Elect Harris have put out, there's, it's a very detailed, and I think really comprehensive plan, actually, that I think made a lot of gun violence prevention people very happy. And speaking of solutions, Chelsea, I sort of want to pivot to you, because I've heard you do this before. And you've done it amazingly. I'm wondering if we can talk about some of the the loopholes that President-Elect Biden has said that he intends to close. And sort of the the 'big three' that I know, at least personally that concerned me a lot are the Charleston loophole, the hate crime loophole and the background check loophole. And so I hate to put all of that on you to start, but I'm wondering if you could maybe briefly move through our listeners, you know, what those are, how they could be closed, you know, why it matters?



Chelsea Parsons 20:03

Sure.



JJ Janflone 20:04

Small questions, I know.



Chelsea Parsons 20:06

This is where I start talking really fast to try to get through all of these things. So yeah, so I mean, the bottom line is that our federal gun laws are significantly flawed, and they have

not kept pace with modernization of the gun industry, or the significant numbers of gun deaths that we continue to experience in this country. So you know, among the most significant of the gaps in the current law is the one that we often refer to as the "private sale loophole." So under current federal law, if you are a licensed gun dealer, you are required to perform a background check prior to every gun sale. However, if you are not a licensed gun dealer, you are free to sell firearms to strangers, without being required to, you know, conduct any kind of background check or any kind of inquiry into whether or not that person is legally eligible to possess a firearm. That is a statutory gap that really needs to be fixed through legislation. And a number of states have already taken that step, to close the private sale loophole at the state level. But you really need to have that done at the federal level to make sure that we have a consistent law. We know there are ways that the Biden administration can help alleviate some of the issues that arise from the private sale loophole through executive authority, you know, by strengthening the background check system, the system through which these background background checks are conducted, which is called the NICS system. But really that, the private sale loophole needs to be closed through legislation. The second loophole you mentioned is the Charleston loophole. This is related, as part of the background check system. Under current federal law, while every gun dealer is required to conduct a background check prior to every gun sale, if that background check is not completed within three business days, the gun dealer has the discretion to go ahead and make that sale anyway. And there are some types of sales where a background check will take longer than the 90 seconds, that the vast majority of background checks will take. And so, there are situations where there may be something in a person's criminal history, that is not apparent immediately, whether or not a certain conviction, or a certain type of restraining order renders them ineligible to buy a gun under federal law. And so in those cases, the FBI needs to do a little more investigation to figure out whether or not that person is prohibited. But right now, if that investigation can't be completed within three business days, the gun dealer has the discretion to go ahead and make that sale anyway. This is obviously a huge problem, because it means that people who are in fact prohibited from buying and possessing guns, are able to buy them anyway, even after a background check has been initiated. And the reason we call this the Charleston loophole is because that is how the shooter who perpetrated the attack on parishioners in Charleston, was able to buy a gun, despite having something in his criminal history that should have prevented him from being able to do so. The Charleston loophole again is one it is a legislative gap that really needs to be fixed legislatively. This is an area where improving the background check system can actually make a pretty big impact on reducing the number of guns that are transferred, through the Charleston loophole, without a background check being completed. So if we can provide additional resources to the FBI, to better staff up the NICS system, then we can reduce the number of background checks that take quite so long to be completed. So, so there's there's definitely some, some steps that can be taken

administratively to help close the Charleston loophole. But again, that is one that does need to be fixed by Congress. The last gap you mentioned, is the hate crime loophole. So under current federal law, if you are convicted of any felony, including a felony level hate crime, you are prohibited from gun possession. However, if you have been convicted of a misdemeanor level hate crime, you remain free to buy, and possess, guns under federal law and under the law in most states. This is one that's particularly concerning, as we look at the rise in violent white supremacy in this country. And looking frankly, at what we saw in DC over the weekend, and and other places around the country this year. You know, it's really important that we, kind of, sever that connection between hate violence and gun violence. And so there is a piece of legislation called the Disarm Hate Act, that would update the law, so that if you've been convicted of a misdemeanor level hate crime, you're not eligible to buy a gun. And it's worth pointing out for a moment that just because a hate crime is a misdemeanor, doesn't mean that it's not a particularly serious offense. There are many, many states that have levels of assaults, harassment and threats that are all classified as misdemeanor hate crimes. But that conduct is still very significant and actually often portends an escalation in hate violence that, if unchecked, will lead to much more serious violence.

D

Dr. Robert Spitzer 25:21

Could I just ask a specific question about the three-day background check time period? Doesn't the law require the dealer to sell the gun to complete the sale, if the check is incomplete after 72 hours? That is not discretionary, doesn't the law require the sale to be completed, if there's no information back after 72 hours? You were saying it was discretionary on the part of the dealer, but isn't that required?

C

Chelsea Parsons 25:48

My understanding is that's discretionary. Because I believe that there are, there are many dealers, who as a matter of practice, will not complete sales if they don't get a green-light on a background check. I think, Christian, am I right, that Walmart has taken that position and maybe Dicks as well, that they will not do default proceed sales. So it is it is within the discretion of the of the dealer.

C

Christian Heyne 26:10

Yeah. And it's an important distinction, right. I mean, I think it speaks to why all of these oversight and accountability issues, that Chelsea has been referring to, right. And then our discussion around flaca don't get us on a rabbit hole about Tiaht and firearm trace data, because we'll, we'll get into it. But there's a lot of these sort of carve-outs and, but what

we are trying to address are a really small number of irresponsible dealers, that are allowing these diversions of firearms to go into their criminal market. That that is highlighted in the fact that, I think most responsible law abiding gun dealers, who if they have seen that a background check has not been completed, are not going to sell that weapon. And they're not the ones that we're writing laws for necessarily, right, we're writing laws for the people who would exploit the system, and right now they are able to, for profit. And they're basically they are, essentially, they're profiting off of gun deaths in America. So yeah, I think it's a it's a really important distinction too.

K

Kelly Sampson 27:06

Kind of continuing down this track, Chelsea, you have such a way with words. I love, I think you said something like, our gun law has not kept pace or has not kept up with the country that we're in now. And one of those areas that we've seen that, is the rise of ghost guns. And just for a refresher for our listeners, ghost guns are unregulated, untraceable guns that fall outside of the federal system, because they are sold, usually, in these kits, where they are, they're quote, unquote, "not complete," but they're very easy to render operable, and we've seen them rising in sales all over the country. And so, wanted to bring that back around to the fact that President-Elect Biden has stated that he intends to enact legislation to prohibit all online sales of firearms, ammunition kits and gun parts. And so I'm wondering if you all see that happening?

C

Chelsea Parsons 28:00

Ghost guns are terrifying. I just want to pause for a moment, you know. And again, the moment that we're in right now, you know, The Trace did some really interesting reporting, finding that, you know, violence, anti-government, extremist groups are increasingly drawn to ghost guns, guns that you can make and complete at home that don't have a serial number on them. So it's a, it's a really scary problem that we have. On the ghost gun piece, I'm actually really hopeful that, this is an area where the Biden-Harris administration may be able to take meaningful action using their executive authority. So, there is, has been legislation introduced to ban ghost guns and to kind of close the gap in the statute, which is obviously always the preferred way to do these things. However, there is, there is a proposal that that has been out there and that a number of the of the GVP groups have endorsed, which would provide for a rulemaking process, that would reinterpret the definition of firearm, such that it would include these unfinished receivers that are being sold, currently, without any kind of serial number or regulation. And so, you know, one of the things that we are going to be urging the administration to to consider is going down this road of doing a rulemaking to try to quickly address this ghost gun problem, while we continue to work on it in Congress. I do think that the ghost gun issue is

one that I'm moderately optimistic we could get bipartisan support for. And unfortunately, the way this usually works is that there will be some kind of horrific tragedy that involves a particular kind of firearm, that will then kind of, give the the push that some recalcitrant lawmakers might need to take it seriously. But, you know, this is just the most recent example of how our laws like, you know, like you said, have really just failed to keep up. And we're always, you know, years behind where the industry is when it comes to trying to keep up with our policies to make our community safer. So I have, I'm fairly optimistic on the ghost gun piece, at least, that we can, that we'll see some progress, hopefully in the first year of a, of a Biden-Harris administration.

D

Dr. Robert Spitzer 30:15

There's, there's a prior point to make about that. Which is this, why would anybody want a gun with no serial numbers on them? I mean, why? If you're a hunter, if your target shooter, if you carry a gun for self protection, you want an enhancer. This is sort of self evident, because if the gun falls into the wrong hands is involved in some kind of criminality, if it's lost, if it's stolen, then it's not traceable. And there's nothing good about that. There's nothing, you know, that has nothing to do with the Second Amendment, or any view or version or interpretation of the Second Amendment, or of gun rights as far as I'm concerned. And in fact, ghost guns are increasingly turning up in large numbers when police have captured firearms of criminals -- from California to New York -- they've reported, in the last year or two, a disturbing increase in the number of ghost guns that are in the hands of criminals. And so it really, in many ways, it kind of parallels the the first, to me, the first national gun law, the National Firearms Act of 1934, that zeroed in on Tommy guns, sawed off shotguns, and other kinds of weapons that were uniquely appealing to criminals, and this really falls in that category. The existing federal law, as I recall, allows people to manufacture a gun in their home, from scratch, and not have to report you know, to machine the parts and, you know, so on. But that's not really what we're talking about here with respect to ghost guns, just as you've described them. You can get a kit, you can get the parts, and you just kind of assemble them. It's not very hard to do. So it poses a very specific kind of problem. And I think that the link to criminality is so strong, and is now on the rise, that it is in the government's interest to intercede before these things become even more prolific, and then defenders say, "Well, it's too late. They're everywhere. They're beyond regulation." Well, the time to intercede is sooner rather than later. If indeed, it is a problem.

C

Christian Heyne 32:18

Yeah, it's a it's a great point. I'm gonna and I'm I'm just gonna mark it up and make a note here, Chelsea has expressed "moderate optimism" here. So that's, that makes, that's

something we should all be very excited about.



Chelsea Parsons 32:31

Well, that is as much as I can give in 2020.



Christian Heyne 32:32

We will take it, we will take it in 2020. Yeah. And and Dr. Spitzer, I think I think the point that you make is a great one. And like just to take it a step further, the places where we are seeing the most terrific numbers about ghost guns, are the states with the strongest gun laws, right? That is intentional, these ghost guns are being marketed as the very same thing that we are describing, which is a gun that undermines all existing gun laws. So maybe you don't, you know, if you're making these things, you don't even have to go through the same sort of oversight that the gun industry or gun manufacturers would have to do, right, to go through. If you're selling them, you don't have to have the same licenses that you do as a federal licensed dealer. And what we are talking about is, is the equivalent of, if you have ever put together furniture from IKEA, you can put one of these guns together, right. And and so it's no secret why they're being so effective. I'm going to take Chelsea's moderate optimism and double down, and hope that this administration does take it as seriously as they possibly can. I hope states take it as seriously as they possibly can. Because it's terrifying. You know, I have a little cousin who when she was six years old, hopped on to Amazon, her mom's Amazon, and bought herself a bunch of presents to complete out a bunch of outfits that she wanted, right? Imagine if they hop onto a gun site, and your information stored, and they're able to and you know, your 16-year-old, your 15-year-old or whatever age, is able to hop on, without any kind of screening, without any kind of ability to check who you are, if you should own those weapons. And imagine what can happen as a result, the tragedies that we see day in and day out. We just had the one year anniversary of the Saugus shooting, which I think is probably, that high school shooting is the most high profile shooting where two innocent schoolchildren were killed, because of the availability of a ghost weapon that was brought into that school. So we need to take it as seriously as we should, which is that these things are life and death. I mean, how did we start with, it was gonna be moderately-optimistic Christian, and then we ended with the phrase "life and death." Why are you gonna do that to me? As Chelsea already stated, it's 2020 and we'll take it, we'll take it.



JJ Janflone 34:43

Well, I think I mean, I think this is a really good place to end this conversation. Although

obviously, I could talk to all of you for forever. We didn't even get to talk about Dr. Spitzer's books, plural, that I love. But I think to maybe close out, what I would love to do is, because I think it's this conversation isn't going away, right? This is a conversation that I think we're going to see again-and-again, as more and more legislation slowly starts to get pushed through, if we see President-Elect Biden, you know, commit really to using executive action to push other changes through, like to push an assault weapons ban through, we're gonna be talking about this stuff again, I think and I would love to have you all back. So before before we say goodbye, I'm wondering if all of you could let folks know where they could find out more about you, or more about your work. So Chelsea, where can people, if they want to stalk you after this, where can they find out more about you, where they can find out more about that.



Chelsea Parsons 35:35

Well let's not use the word stalk. So you can find more of our work at our website, which is American Progress.org or on Twitter, our team is @CAPActionGVP.



JJ Janflone 35:49

And Dr. Spitzer, how about you? You're right, you're right, Chelsea, so not "stalk," but how can people find more of your research and work, in a way that is appropriate and acceptable?



Dr. Robert Spitzer 35:59

Let me mention a couple things. I do have an author page on Amazon. So go to Robert J. Spitzer. There's actually another Robert J. Spitzer, who writes in a completely different area, so there's more than one of us floating around. But I have an author page on Amazon. I do have a Google personal web page that lists not just, you know, books and articles, but also op-eds, because I write quite a few of those. And for the more academically inclined, there's a source called SSRN, Social Science Research Network SSRN.com, and research papers and articles are available through that as well. And even though, even if you're not a member, you can get access to publications. So there are various ways.



JJ Janflone 36:40

And Christian, where can people find out more about Brady?



Christian Heyne 36:43

Well, first off, keep listening to this wonderful podcast. And then definitely I should be plugging all of the episodes with the Vice President of Policy, go really well and swimmingly, like this one. So definitely listen in when Christian Heyne is a guest -- self plug -- and BradyUnited.org where you can see all of the reports, policies and campaigns that we are launching around these issues, and our Twitter feed @BradyBuzz



JJ Janflone 37:09

Thank you guys so much for coming on. It means a lot, and hopefully maybe we can have you on again to talk about things when they get passed!



Christian Heyne 37:15

Yes. Thank you for the moderate optimism. I'm feeling it.



Kelly Sampson 37:20

Well, thank you all for coming. Really appreciate it. This was great.



JJ Janflone 37:27

So Kelly, this week's "Unbelievable but..." comes with the title of Armored Car Guard is Fired After His Gun Goes Off In Elevator.



Kelly Sampson 37:36

What?



JJ Janflone 37:37

And we, you and I have just been talking about how we find elevators creepy. So I felt like this is an appropriate one for this week.



Kelly Sampson 37:43

Yeah, it iss.



JJ Janflone 37:45

So in this case, and it's not again -- people out there -- it is not that we find these funny, it's just that guns have become such a regular part of American life, we like to point out the absurdity, of their danger.



Kelly Sampson 37:55

Yes, because it's easy to get used to the water that we're swimming in, and then take a step back and realize that it is boiling, or for lack of a better term.



JJ Janflone 38:06

Yeah, exactly. And so what happened here is that a 25-year-old armored car guard has lost his job after he admitted that he accidentally fired his handgun in an elevator of a West Omaha office building. So he was in the corporate offices of business. He is in the elevator, and employee hears what he thought was a loud noise, that sounded like a gunshot coming from an elevator. Turns out it was a gunshot coming from the elevator. So an officer, who was working for this money collection agency. When he got into the elevator, he felt that his holster was too far back on his belt. It was it was digging into a side it was pulling his pants on it was uncomfortable. So he tried to remove the gun from the holster in the elevator to sort of adjust his belt. And when he pulled the gun out, he put his finger on the trigger by accident. And in this case, the guard was really apologetic. He said he usually doesn't keep a round chambered. But in this case he had, he was surprised it went off. And an investigation later found that a bullet had gone inside the elevator, gone through the inside door and partially through the outside door. The guard initially panicked, and he left and didn't tell anyone what had happened. Mm hmm. But about 10 minutes later, he realized he should have told somebody so he, he came back, he fessed up to it unfortunately now he's lost his job.



Kelly Sampson 39:24

Yeah, I feel like this story is so interesting, because, you know, it sounds like based on what you're saying, that this man really did have the best of intentions, and had a just unfortunate accident happen. And I do feel, I feel for him. You know that's, it's a terrible thing to lose your job and I think it just goes to show how serious weapons are, and how important it is to follow like the proper procedures and protocols and things like that, because they are so serious.



JJ Janflone 39:58

This week includes the Transgender Day of Remembrance, an annual observance on November 20, that honors the memory of the transgender people whose lives were lost in acts of anti-transgender violence. As we've talked about on the podcast before, the Transgender Day of Remembrance was started in 1999 by transgender advocate, Gwendolyn Ann Smith. It was a vigil to honor the memory of Rita Hester, a transgender woman who was killed in 1998. The vigil, then and now, commemorated all the transgender people lost to violence since Rita Hester's death. This day is really important, especially as it takes time to draw attention to hate crimes against transgender people, while also serving as a way to publicly mourn, recognize and honor the lives of all those who have been killed. Gun violence has, and continues to take, an enormous toll on the LGBTQ community, and in particular, the trans community. Since 2013, nearly two-thirds of fatal violence towards transgender and gender non-conforming people involved a gun. Moreover, the overwhelming majority of those victims were Black women, under the age of 30. Additionally, the CDC has reported that nearly two-thirds of firearm deaths in the US are suicides. And this is tragic, especially if you look at the 2015 US Transgender Survey that 40% of transgender individuals reporting, said that they had an attempted suicide in their lifetime. Meanwhile, in Ohio, the #StandWithOhio coalition, highlighted statewide support for common sense gun safety reforms. New polling -- commissioned by the gun violence prevention organizations Giffords, the Ohio Coalition Against Gun Violence and, you know, Brady -- shows that an overwhelming majority of Ohio voters support life-saving policies like Extreme Risk Protection Orders, ERPOs, we've talked about them on here and required carry permits. The poll found that more than 60% of Ohio voters oppose a change in Ohio law, that would allow Ohioans to carry a concealed loaded gun in public places without a license. And that 74% of Ohio voters support an Extreme Risk Law, that would allow family members and/or law enforcement to petition a court to temporarily remove guns from individuals who are at risk of harming themselves or others. Finally, and this is a big one. The poll found that Extreme Risk Protection Orders are supported by 69% of Ohio Republicans, and 61% of Ohioans who voted for President Trump in 2016. Hey, 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 or text us at 480-744-3452 with your thoughts, questions, concerns, ideas, whatever! And you know what else is fun? Chocolate. Come join me in eating your 2020 feelings by shopping HU's Kitchen, which is chocolate free of dairy, gluten, refined sugar, palm oil and cane sugar. My personal favorites are called the dark gems. It's a bag bursting with 70% dark chocolate. They're paleo friendly, they're great snacks. Click on the link in the description of our episode to help support the show, and to buy yourself some tasty treats. Thanks for listening. As always, Brady's life saving work in Congress, the courts and communities across the country is made possible thanks to you. For more information on Brady, or how

to get involved in the fight against gun violence, please like and subscribe to the podcast, get in touch with us at BradyUnited.org or on social @Bradybuzz. Be brave and remember, take action not sides.