

POLICY BRIEF
for the
Temple Beth Am
November 22, 2013

Background

In the wake of the seemingly endless string of heart-breaking shootings and deaths caused by gun violence, people of faith in Seattle and across America have come together to seek common-sense solutions to end the tragedy of gun violence in our communities and our nation. We have resolved that this time can be different, and that the time has come to raise our voices to demand action. It is within our power to create a safer, more just society, with fewer deaths from gun violence.

Overview

Initiative Measure No. 594 concerns background checks for firearm sales and transfers. This measure would require licensed dealers to apply the current rules regarding criminal and public safety background checks to *all* firearm sales and transfers, including gun show and online sales, with some specific exceptions: gifts between immediate family members, antiques and relics. temporary transfers for self-defense, and loans for lawful hunting or sporting activities.

The Initiative makes sure anyone buying a gun in Washington State passes the same background check, no matter where they buy the gun and no matter whom they buy it from.

It has been shown that criminal and public safety background checks dramatically reduce access to guns for criminals, domestic abusers and other dangerous people from buying firearms. Federal law only requires background checks for sales of guns by licensed dealers. In the U.S., an estimated 40% of gun transfers take place without going through a licensed dealer, including online and at gun shows. That means that in 2012, 6.6 million guns were sold with no background check whatsoever on the buyer.

Criminals and other prohibited gun buyers know how to exploit this loophole, and they do. A national survey of inmates found that nearly 80% of those who used a handgun in a crime had acquired it in a private transfer, thereby avoiding a background check.

The Criminal Background Checks Initiative closes this loophole in Washington State by requiring that private sales and transfers—including those at gun shows or on the internet—go through the same background check process as sales through a licensed gun dealer.

Simple and Accessible Process

- The Initiative is simple: it makes sure that anyone buying a gun in Washington State passes the same background check, no matter where they buy the gun and no matter whom they buy it from.
- When a private seller and buyer arrange to meet in person to conduct the transfer, they would meet at a licensed dealer, instead of in a parking lot or another public place.

- The buyer and the licensed dealer would proceed as if the buyer were trying to purchase from a dealer. The buyer would complete the proper forms, and the dealer would call in the background check—in exactly the same way as if the dealer were selling a firearm from its own inventory.
- This Initiative insures that private sales go through the same process people have been using successfully for years, when purchasing from a licensed dealer.
- This is an accessible process. 98% of Washingtonians live within 10 miles of a dealer. In fact, there are twice as many licensed gun dealers in Washington as there are US post offices.
- Private parties complying with the background check requirement are exempt from sales tax.

Jewish Values

In Judaism, safety is a religious concern. Deuteronomy 22:8 requires that a roof be properly gated, in order to prevent people from falling off of it. This commandment is understood by the Talmud as a general directive to remove any safety hazard (Bava Kamma 15b; Shulchan Aruch CM 427:8). Contemporary rabbinic authorities include in this commandment an employer's responsibility to ensure occupational safety (Piskei Uziel 47) and an injunction against reckless driving (Minchat Yitzchak 8:148). Someone who refuses to remove a safety hazard can be punished by excommunication (Yoreh Deah 334:7). In general, safety regulations are treated with far greater stringency than any other section of halacha (Yoreh Deah 116:7). Clearly, any Jewish view of gun responsibility would place high value on safety.

However, in the debate surrounding gun responsibility, both sides argue safety as a priority. Therefore, we look deeper. The discussion around gun responsibility and ownership in Jewish law resolves around two main topics – self-defense and the limits of possessing a violent weapon. Regarding self-defense, Exodus 22:1 states, “If, while breaking in, the thief is discovered, and he is struck and dies, [it as if] he has no blood.” Rashi, the Medieval commentator, explains this verse to mean that such an action is not considered murder under the law as it was an act of self-defense. Furthermore, there is an obligation for a private citizen to assist another in trouble: “You shall not stand by [the shedding of] your fellow’s blood. I am Adonai” (Leviticus 19:16). Rashi further explains that you may not watch your fellow’s death when you are able to save him.

Despite our Biblical command to protect ourselves and others, this does not approve unlimited access to violent weapons. Deuteronomy 4:9 teaches “Take utmost care and watch yourself scrupulously.” The Talmud speaks about the ownership of dangerous items in the context of cities of refuge and owning vicious dogs. As cities of refuge are not in practice in the United States, we will refrain from comment. However, the reference to dangerous dogs is a much more relevant analogy. Bava Kamma 79a contains a law against owning a dangerous dog. One who owns a dangerous dog must keep it tied in metal chains at all times (Choshen Mishpat 409:3). Even if the dog is defanged or trained not to harm people, it must be chained because it may frighten strangers, and as a result may cause stress related injuries such as miscarriage and heart attacks (Shabbat 63b). However, there were instances where allowances were made. In border communities, where there is a threat of marauders, owners of dangerous dogs may unchain them at night for protection. Some say that any dangerous city is similar to a border

community (Choshen Mishpat 409:3). These sources demonstrate that halacha would require any gun to be carefully locked at all times, with allowances made in cases where the gun is actively being used for security.

Specifically regarding background checks, Jewish law is concerned with who has access to dangerous weapons. The Talmud prohibits someone from selling offensive weapons to idol worshippers and suspected criminals (Avodah Zarah 15b; Yoreh Deah 151:5-6). The rule against selling to idol worshippers is based on an assumption that the idol worshippers will use them against Jews. It is likewise prohibited to sell such weapons to anyone suspected of reselling them to criminals. This halacha requires that the buyers of firearms be carefully screened. Choshen Mishpat 427:7 places the gun owner at fault as well. If a careless gun salesman unintentionally contributes to illicit violence, he is guilty of “placing a stumbling block before the blind” (Lev. 19:14).

In closing, Jewish law is aware of the necessity for individuals and societal groups to be able to protect themselves. In I Samuel 13:19, “the Hebrews would make swords or spears” for the sake of defending against the Philistines. However, weapons are considered to be dangerous within a community. Shabbat 63a in the Talmud teaches, “One must not go out [on Shabbat] with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin-offering. R. Eliezer says they are ornaments to him 'and thus permitted to be worn on Shabbat], but the sages say they are nothing but a stigma, for it is written (Isaiah 2:4): "They shall beat their swords into plowshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn war any more." Rabbi Joshua ben Levi, a third-century Jewish sage, once taught (Derech Retz Zuta): “Great is peace ... if the Holy One had not given peace to the world, sword and beast would devour up the whole world.” In an ideal world, swords will be beaten into plowshares and spears into pruning hooks and peace will prevail.

(Sources: “Gun Control and the Limits of Halakhah,” Rabbi Shlomo M. Brody, published January 9, 2013 by Jewish Ideas Daily (currently called Mosaic); “The Jewish View on Weapons,” Rabbi Marc Katz, published December 19, 2012 by Tablet Magazine; “Gun Control: A Jewish Look,” Rabbi Chaim Steinmetz, published by Jewish Law (jlaw.com); “What Does Judaism Say About Gun Control?: Of Weapons and Wickedness,” Rabbi Shlomo Yaffe, published by Chabad.org; “Some Judaic Sources on the Right to Bear Arms,” Rabbi Shlomo Yaffe, published by JPFO (Jews for the Preservation of Firearms Ownership))

Advocacy Proposal

TOC recognizes there is a diversity of opinion within our congregation and among people of faith throughout the country about specific policy proposals that would help limit gun violence. As congregational leaders, we recognize that issues-based advocacy position may appear to be consistent with a partisan position of a political party. However, we cannot legally and will not ethically support a specific political party. We believe that it essential for TBA to be a place of open dialogue and discussion, where people with differing opinions can talk openly and safely about the important issues affecting society. The TOC recommends specific issues-based advocacy positions that represent broadly held and deeply felt beliefs from within our community. Thus, we want TBA to support issues-based positions that uphold the Second

Amendment and the rights to protect oneself, while also advancing policies that will help to reduce gun violence.

We believe that the following positions are solidly within the mainstream of current Jewish thinking on the issue of gun violence, and that by advocating for legislation that includes them, we have a genuine opportunity to influence public policy in keeping with Jewish values:

- **Universal, meaningful background checks.** Every person who buys a gun should pass a criminal background check, whether the sale happens at registered dealers, online, at gun shows, or through private sales. Preventing dangerous people from having access to firearms will save lives, and we should advocate for universal background checks via the National Instant Criminal Background Check System (NICS) on every gun sale.
- **A ban on assault weapons and high-capacity magazines.** Military-style, high-capacity weapons and magazines are not needed for hunting or self-defense. Their combat features are appropriate to military, not civilian settings. We should advocate for our elected officials to reinstate and update the Federal Assault Weapons Ban.
- **Improved access to mental health services.** We recognize that many of the perpetrators of mass killings have suffered from mental illness. Even when it does not result in these highly-publicized tragedies, the combination of poor mental health and guns is a dangerous one. We should advocate for adequate funding to ensure that as a society, we provide access to quality mental health care for every person in need.

Previous Temple Beth Am Policies/Actions on Gun Responsibility

March 2000: TBA voted to support the UAHC recommendation on gun violence and form an ad-hoc committee to develop a plan under the Social Action Committee.

January 2013: “The Board of Trustees of Temple Beth Am grants the Senior Rabbis, in consultation with Temple President, the authority and permission to act and sign documentation as agents on behalf of Temple Beth Am in advocating for Sensible Gun Control.”

TBA Coalition Partner Positions and Activities on Gun Responsibility

FAN

FAN is officially working with the WA Alliance for Gun Responsibility, one of the major proponents for I-594, as their primary partner around this issue. In addition, FAN is focusing on three main tactics. First, gun responsibility is one of the top two priorities for FAN’s legislative agenda. Second, FAN is holding legislative meetings with as many members of the Washington Legislature as they can, around issues of gun responsibility. This is in contrast with the WA Alliance which is focusing on a select group of lawmakers. Third, FAN will be hosting a fundraiser that is focused around gun responsibility, the WA Alliance, as well as the larger topic of dismantling gun violence. Lastly, FAN has opened their offices to the WA Alliance to use as a phone bank.

RAC

While there is no legislation currently on the floor of either the House or the Senate, the RAC is currently supporting gun responsibility legislation in an array of other means. The RAC has released a document with a brief legislative summary of gun violence prevention measures. It also has sent out an action alert associated with proposed gun violence prevention legislation, which is intended for individuals and congregations to easily contact their senators and representatives. The Reform Movement has put together a Resource Guide on Gun Violence Prevention including statistics, Jewish text, programs, and helpful hints. The RAC is also a member of the Interfaith Disability Advocacy Coalition (IDAC), which has realized a multi-faith guide of resources surrounding gun responsibility.

Seattle Jewish Community

Fifteen Jewish organizations, including six synagogues, have openly expressed their support for increased gun responsibility within Washington. These organizations include: Anti-Defamation League, Bet Alef Meditative Synagogue, Congregation Beth Shalom, Jewish Coalition for Justice, Jewish Family Service of Seattle, Kavanna Cooperative, Kol HaNeshamah, National Council of Jewish Women, Seattle Jewish Federation, Stroum Jewish Community Center, Temple Beth Hatfiloh, Temple Beth Or, Temple De Hirsch Sinai, and Washington State Holocaust Education Resource Center. Shortly before she left, Rabbi Beth Singer also expressed support for the Seattle Jewish Federation's gun responsibility efforts while serving as TBA's Senior Rabbi. (It is not clear whether she did this in her personal rabbinic capacity or on behalf of TBA, based on the Board's previous motion.)

TBA Board of Trustees Motion on Gun Responsibility

In keeping with the three-part advocacy proposal described above and TBA's established relationships with the URJ, the RAC, SJF, and FAN, TBA's Board of Trustees authorizes TBA's engagement in the following actions and activities:

- Its regular Senior, Associate, and Assistant Rabbis and the Board President can act and sign documentation as agents of Temple Beth Am in advocating on behalf of gun responsibility.
- All Rabbis employed by TBA, and the TOC, TBA members and staff working in coordination with an appropriate Rabbi, may provide educational opportunities for congregants on relevant issues related to reducing gun violence (e.g., availability of mental health services, treatment of violence in media, local advocacy and legislation, etc.) through a range of means, such as sermons, Religious School curricula, adult education programs, etc..
- TOC, in consultation with an appropriate Rabbi employed by TBA, may communicate advocacy opportunities through TBA communication outlets (e.g., Bulletin, website, Facebook, use of TBA phones etc.).
- TBA's Senior, Associate, and Assistant Rabbis, and TOC, in collaboration with an appropriate TBA rabbi, may build coalitions with other organizations, especially interfaith partners, other like-minded Jewish congregations, and other Jewish organizations.
- TBA's Senior, Associate, and Assistant Rabbis, and TOC, in collaboration with an appropriate TBA rabbi, may circulate petitions inside and outside of the TBA community

and may also notify congregants of opportunities to sign other organizations' petitions (e.g. RAC and JCPA).

- TOC, in collaboration with an appropriate TBA Rabbi, may organize in-person, social media, email or phone drives to support specific legislation or advocacy opportunities.
- When an issue related to gun responsibility is urgent enough, in the Executive Committee's discretion, the Executive Committee may decide upon a course of quick action to provide an immediate response based on our moral imperatives to speak out as a congregation.