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7-12-2022

POV: As a Nation, Where Are We Now on Gun Policy?

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Recommended Citation

Michael Ulrich, *POV: As a Nation, Where Are We Now on Gun Policy?*, in BU Today (2022).

Available at: https://scholarship.law.bu.edu/faculty_scholarship/3045

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VOICES & OPINION

POV: As a Nation, Where Are We Now on Gun Policy?

New federal gun safety legislation may be undermined by recent SCOTUS decision expanding gun rights

July 12, 2022

By [Michael R. Ulrich](#)

Last month, the federal government passed the first gun safety legislation in decades, the [Bipartisan Safer Communities Act](#), while at the same time, the Supreme Court [declared](#) a constitutional right to carry guns in public. It is important then to assess where this country finds itself with regard to gun policy after these two seemingly contrasting and momentous events. Their impact, or lack thereof, is made even more pressing to consider in light of another [police shooting of an unarmed Black man](#), Jayland Walker—shot more than 60 times no less—in Ohio on June 27 and a bloody Fourth of July holiday weekend that included [another mass shooting](#), in Highland Park, Ill., which left at least 7 dead and at least 46 others injured.

The Safer Communities Act is rightfully cheered as a break in Congressional gridlock, making progress that could produce much needed benefits. For example, the law narrows the so-called “boyfriend loophole” by including some dating and intimate relationships in the ban on accessing firearms for those convicted of domestic violence misdemeanors. It also seeks to narrow the “gun-show loophole” by broadening the definition of sellers that are required to conduct background checks before completing firearm sales. For those aged 18 to 21, those

background checks could include more information than before, now using juvenile and mental health records from the age of 16. And, perhaps most notably, the law directs a significant amount of funding into programs, services, and resources that could help to improve the health and lives of many.

But this last point is a useful illustration of both the positive and negative aspects of the law. The law creates numerous avenues to improve mental health training and resources, including school-based services and programs to address trauma. But while funding for mental health is desperately needed, the continued willingness to link mental health and gun violence creates an unsupported scapegoat that places the blame on an illness as opposed to the guns and the gun culture prevalent throughout the country. Evidence demonstrates that those with mental illnesses are no more likely to be violent than the average individual, and in fact, are [more likely](#) to be victims of violence. Where the statute may be most effective in addressing the connection between mental health and gun violence is the funding toward suicide prevention services. Indeed, evidence suggests that the funding for states implementing extreme risk protection orders—laws that enable removing firearms from those thought to be [a danger to themselves or others](#)—is more likely [to reduce firearm suicides](#), which do account for approximately [60 percent of gun deaths](#) each year.

Thus, while the additional resources are a boon to addressing the dearth of mental health services—and providing financial support for community-based violence prevention programs and school safety strategies are useful as well—they are unlikely to have a significant impact on the types of mass shootings that garner much of the media and public attention. Our ability to predict if and when someone will act out violently is incredibly small. Moreover, mass shootings account for just around one

percent of gun deaths per year—though the anxiety, PTSD [post-traumatic stress disorder], fear, and stress they generate are much broader—so a narrow focus on these events alone may be misguided. Instead, what we need are policies that will limit access and exposure to firearms in any way possible. Laws that make it more difficult to purchase firearms, limit the lethality of publicly available weaponry such as semiautomatic rifles and large-capacity magazines, and minimize guns in public spaces would help to address mass shootings and gun violence more generally. But the Supreme Court just made these types of laws constitutionally vulnerable.

On June 23, in [*New York State Rifle & Pistol Association v. Bruen*](#), the Supreme Court struck down a 1911 New York law—which exists in Massachusetts, four other states, and the District of Columbia and covers approximately 80 million people—that requires those seeking a license to carry a concealed firearm in public show a specific reason they need to do so. The Court ruled that the state’s attempt to limit (not eliminate) the number of guns in public interfered with the fundamental right to carry guns in public for self-defense, extending the Court’s prior ruling in *District of Columbia v. Heller* declaring an individual right to have a handgun in the home for self-defense. Just as important, the Court held that firearm restrictions are only valid if they have a historical analog the government can point to from the late 18th century to the mid-19th century. This makes it much more difficult for state and local authorities to minimize guns in public. And with more guns in public and an increasing fear due to rising rates of gun violence, this decision could bring about new levels of vigilantism already seen in the [*Kyle Rittenhouse trial*](#). [Rittenhouse is the 18-year-old white man acquitted on all charges over the shootings of three white men following a night of racial unrest in Kenosha, Wisc., in August 2020.]

This creates a threat for any people exposed to a high presence of

guns, but it is particularly troubling for people of color, and Black men specifically. Research shows that Black faces and bodies trigger thoughts of crime, just as thinking of crime [can trigger thoughts of Black people](#). We also know that Black males are often seen as [larger and stronger than they are](#), and young Black males are often presumed to be older and [more physically threatening](#). We have seen a devastating number of Black men—and boys—gunned down by police despite having a gun legally ([Philando Castile](#)), holding a toy gun ([Tamir Rice](#)), or holding an air gun that was *for sale* inside a store ([John Crawford III](#)). As the Supreme Court opens the floodgates to guns in public, stereotypes and biases will inevitably be used to determine who falls into the Court’s favorite rhetorical group, the “law-abiding citizen.”

The Safer Communities Act may have a tangible impact on gun violence and at the very least, puts significant resources into areas of need. But passing a law puts policy on paper. Implementation and enforcement put policy into action. Ultimately, the Supreme Court’s decision, and their history- and tradition-based test for the validity of any future gun-related law, may be what prevents this legislation and any other firearm policy from remaining intact and mitigating the gun harm we are becoming all too accustomed to witnessing.

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