+shammai0809+

The Torah demands action against gun violence

Shammai Engelmayer

“Do not stand idly by the blood of your neighbor.”

So says Leviticus 19:16. That verse, according to the Babylonian Talmud tractate Sanhedrin 73a, teaches us “that if one sees another [whose life is in danger, that person] is obligated to save him [or her].” It adds that if a person cannot effect a rescue on his or her own, he or she is obligated to call on others to do so.

Keep that in mind as we go forward.

ITEM: El Paso, Texas, according to police statistics, has averaged fewer than 16 murders a year since 2003. Last Saturday, August 3, a gunman opened fire at an El Paso shopping mall located about five miles from the Mexican border, beginning his spree in a Walmart, killing 20 people and wounding 26 others. The killer had only moments before posted a white supremacist manifesto on a website filled with anti-immigrant rhetoric.

ITEM: Less than 13 hours later, early on Sunday, August 4, a heavily armed gunman in Dayton, Ohio opened fire in a popular nightspot, killing nine people (his own sister among them) and wounding 27. This killer also espoused white supremacist views. The death toll would have been much greater had police not already been in the area, enabling officers to subdue the shooter within minutes.

ITEM: On Sunday, July 28, a man opened fire at a public event in Gilroy, Calif., killing a 6-year-old boy, a 13-year-old girl, and a 25-year-old man, and wounding 12 others. His motive remains unknown.

ITEM: On January 23, five people were killed when a gunman opened fire in a SunTrust Bank branch in Sebring, Fla. The next day, January 24, three people were shot (two fatally) in Rockmart, Ga. Two days after that shooting, on January 26, a man went on a killing spree that began in Livingston Parish, La. It ended with five people dead.

ITEM: On February 3, four people were killed in a Palm Springs, Calif., shooting spree. On February 11, a 15-month-old girl, her parents and maternal grandparents were shot dead  in Polk County, Texas. Four days later, on February 15, five people were killed and five police officers were wounded in an Aurora, Ill., industrial park. The very next day, in Clinton, Miss., four people were shot dead.

ITEM: On April 28, four people were murdered in a West Chester, Ohio, apartment. On May 13, five people were shot (four died) in a St. Louis, Mo., home. On May 31, 12 people were shot dead in an office in a Virginia Beach, Va., municipal office.

ITEM: On June 8, an apparent robbery on the Native American Yakama Indian Reservation in central Washington State, led to the shooting deaths of five people. On June 23, four people were shot dead in San Jose, Calif.

ITEM: Five people were shot dead in a St. Louis, Mo., apartment building on July 6. Four people were killed in a day-long shooting spree in Los Angeles on July 25. On July 28, the same day as the Gilroy shooting, four people were killed in two separate locations in Chippewa County, Wisc.

These are all considered mass shootings. Most frightening of all, however, is this item:

“Since 2009,” according to a CNN investigation, “at least 177 of America’s schools experienced a shooting….Over the past decade, there were at least 180 shootings at K-12 schools across the U.S. They happened in big cities and in small towns, at homecoming games and during art classes, as students are leaving campus in the afternoon and during late-night arguments in school parking lots….[T]he frequency shows no sign of relenting.”

To repeat: The Torah requires us to be proactive in saving the lives of others. Our Sages of Blessed Memory interpreted this to mean that if a person cannot save others on his or her own, he or she is obligated to actively round up others to help. This includes, the Sages said, hiring rescuers if necessary. Failure to do so violates Torah law.

There is no way most everyone reading this column can personally prevent any of these mass shootings, especially school shootings. There is a way for us to “hire” rescuers, however: “Fire” the legislators who block any effort to impose stricter gun regulations at any government level, but especially the federal level.

High on my list is Senate Majority Leader Mitch McConnell, who believes, among other things, that nominees to the Supreme Court must have the approval of the National Rifle Association. He said just that after Judge Merrick Garland was nominated to the court in 2016. McConnell, the NRA’s 2008 “Defender of the Constitution” awardee, told Fox News host Chris Wallace, “I can’t imagine that a Republican majority in the United States Senate would want to confirm…a nominee opposed by the National Rifle Association….”

The Second Amendment was never intended to make rapid-fire assault weapons so readily available. So said the late conservative Republican chief justice of the United States, Warren E. Burger. In 1991, Burger told a PBS NewsHour interviewer: “If I were writing the Bill of Rights now, there wouldn't be any such thing as the Second Amendment….This has been the subject of one of the greatest pieces of fraud—I repeat the word 'fraud'—on the American public by special interest groups that I have ever seen in my lifetime.”

Six former attorneys general—Nicholas Katzenbach, Ramsey Clark, Elliot Richardson, Edward Levi, Griffin Bell and Benjamin R. Civiletti—had this to say in a Washington Post opinion piece they co-authored: “For more than 200 years, the federal courts have unanimously determined that the Second Amendment…does not guarantee immediate access to guns for private purposes.”

Burger and the former attorneys general notwithstanding, it is unlikely any Supreme Court would support so radical a law as one that would remove all guns. There are things that can be done to make guns safer, but that is not on the agenda of the Mitch McConnells of either party who live in fear of the NRA or who depend on its financial support.

For example, Congress could require all guns to be equipped with a Radio-Frequency Identification Device, essentially a locking mechanism controlled by an authorization tag worn by the gun owner, or even from far away by an app on the owner’s smartphone.

Then there are biometric smart guns, such as those that require a fingerprint to unlock the trigger. To quote President Barack Obama following the mass shooting at Sandy Hook Elementary School in Newton, Conn., in January 2013, “If we can set it up so you can’t unlock your phone unless you’ve got the right fingerprint, why can’t we do the same thing for our guns?”

According to a  study published some years ago in the journal Pediatrics, “Firearm-related deaths are the third leading cause of death overall among U.S. children aged 1 to 17 years…[and] the second leading cause of injury-related death in this age group….” Nearly 1,300 children die annually in the United States from gun-related injuries, the study found, while just under 5,800 children are treated for gunshot wounds. That averages out to 3.6 children dying from gun violence every day, and nearly 16 children injured. Imagine how those statistics would change for the much better if guns were required to be safer.

Regarding safety, Congress can authorize the Consumer Product Safety Commission to regulate gun safety, and it can fund a continuing study of other efforts at making guns safe (such as improving biometric systems). It can also reverse a 1996 law that bars the Centers for Disease Control from using funds for any project or study that is likely to “be used to advocate or promote gun control.”

Congress can also require a universal background check on anyone trying to buy a gun, require all gun owners to be licensed, reimpose the ban on the rapid-fire assault weapons so common in mass shootings, limit the number of rounds allowed in magazines, pass a “red flag” law that allows judges to remove guns from people who pose a risk to public safety, among other measures.

Finally, Congress can rescind the Protection of Lawful Commerce in Arms Act, passed in 2005, that prohibits victims of gun violence from bringing civil suits against gun manufacturers and sellers. The NRA’s embattled chief executive officer Wayne LaPierre thanked President George W. Bush for signing the bill into law, calling it “the most significant piece of pro-gun legislation in 20 years.”

All of these things are in Congress’ power to do. Congress, however, will not do any of these things unless pressured to do so. As individuals, we may not be able to stop the next mass shooting, but as a community whose votes Congress cares about, we can “hire” it to act on our behalf. We can do so by voting against our own legislators if they oppose stricter measures, and we can donate to campaigns outside our districts to defeat such NRA heroes as Mitch McConnell.

Jewish law requires no less from us. “Do not stand idly by the blood of your neighbor.”

Shammai Engelmayer is rabbi emeritus of Congregation Beth Israel of the Palisades. He can be reached at shammai@shammai.org.