

# Newsletter of the LCHR and BRCHR

Louisiana Council on Human Relations and the  
Baton Rouge Council on Human Relations

Dr. Paul Y. Burns, Editor  
pburns@tigers.lsu.edu

Volume 48, 4  
October, November and December 2012

The horrific shootings in Newtown, Connecticut along with a series of other such high profile shooting have renewed the gun debate. This newsletter contains two articles writtern by two board members of the Louisiana Council on Human Relations and Baton Rouge Council on Human Relations where their input to the discussion is given.

## ***Gun Violence in the Council Community***

by Richard Haymaker, Past President of BRCHR; rhaymaker@aol.com

On October 17, 1992 our 16 year old Japanese exchange son Yoshi Hattori, a goodwill ambassador to America welcomed as a member of our family, was shot and killed at the front door of a suburban home. He and our son Webb were invited to an exchange student party in a white section of Central. They knocked on the wrong door. Bonnie Peairs first engaged in a discussion with Webb, but the moment Yoshi came around a corner she slammed the door and told Rodney Peairs to “get the gun”. At the criminal trial, when their defense attorney, Lewis Unglesby, asked her what she saw that evening she replied that Yoshi looked “oriental, Mexican or whatever”. Bonnie’s testimony implied to the jury that darker skin equated to a threat.

The next year shortly after the acquittal of Rodney Peairs I was the speaker at the annual meeting of the Baton Rouge Council on Human Relations. My topic was gun violence. My most lasting memory of that evening was a statement by a black member of the audience concerning Yoshi’s appearance saying that this was the case of “mistaken identity”. Thus was my introduction to BRCHR and the beginning of twenty years of involvement with the Council.

Two days after Yoshi was killed, his father, Masa, and his mother Mieko arrived in New Orleans broken hearted. We were huddled into a private room by airport officials and Mieko greeted my wife Holley and me by asking “How is Webb?” In those two days they had learned everything they could about American “gun culture”. The memorial service was at the Unitarian Church of Baton Rouge where Yoshi was in the youth group. Many hundreds of people present with standing room only inside and outside, along with Mayor President McHugh and

Police Chief Phares. Mieko spoke in English expressing compassion for the shooter because he was guided by the American gun culture. Our minister Steve Crump led his words at the service with the question “How could it **not** happen here?”

It seems the whole country of Japan knew about the killing and learned for the first time, as Masa and Mieko did, that Americans were arming themselves against each other in vast numbers. The Japanese, most of whom have enormous admiration of and affection for America and were stunned.

On their flight home with Yoshi’s body, Yoshi “spoke” to Mieko asking her to collect petitions addressed to the president to help Americans see a better way. In a month or two they had almost two million signatures on paper petitions (no Internet then, and no Facebook). They proposed delivering them to the American ambassador to Japan, Mike Armacost. We requested that in meeting the ambassador they give a small number but hold the majority until the incoming president, Bill Clinton, was in office and we would work to see that they could deliver the petitions in person.

Their petition gave us the go ahead to engage as activists on gun violence in Yoshi’s name. Indeed America must respond similarly and we must lead it. With Holley overloaded with other social activism, the task principally fell to me. The petition we asked people to sign, addressed to The President was: “We protest the easy availability of guns in the US”.

The story of the petition drive is much too long to detail here. The poignancy of the story of Yoshi’s death opened doors to us.

For example, the Children's Defense fund turned over a list of contact addresses. Senator Chaffee, R RI signed it and turned over more. Betty Bumpers, wife of senator Dale Bumpers of Arkansas worked on getting signatures with the help of the organization of the spouses of senators. Family Circle with a circulation of twenty five million published Yoshi's story with our address for readers to participate in the petition drive.

Our church, the Unitarian Church of Baton Rouge and Minister Steve Crump were hugely supportive helping in every way. The church's national office the Unitarian Universalists Association gave us a grant.

Most involved of all was the Coalition to Stop Gun Violence, a coalition of mostly churches and synagogues. I sent a small check to them shortly after the killing asking them what I could do. The founder of the first gun violence prevention organization in the 1960's, Mike Beard called me up in response asking what can they do. I went to Washington and became good friends with a staff member, Josh Horwitz and we worked together very productively for most of a year. CSGV hosted the Hattori's visit to Washington when we met with President Clinton to deliver the 2 million Japanese petitions and the 150,000 from the US.

Our petition goal was not so much in number of signatures but in building a coalition of organizations and individuals to work on gun violence prevention after the drive was over. I turned over to CSGV contact information on about 700 organizations after our meeting with the President. Clementine Barfield, a nationally known inner city activist in Detroit told me that our petition drive was the first such grass roots effort and she had no suggestions to change it. It laid the foundation for CSGV to involve grass roots activists in their effort.

Our story of all our activities for a few years working against gun violence appears in my collected papers, archived on acid free paper as a historical record in the LSU library special collections. An index to 10 file boxes of material can be found on the web at [lib.lsu.edu/special/findaid/4698.pdf](http://lib.lsu.edu/special/findaid/4698.pdf).

In June 1993, the Hattori family alerted us to the fact that President Clinton was going to call them when he visited Japan. We have a recording of the call in my LSU archive. Masa requested a meeting with the President in the coming November and the president obliged. Many months of concerted effort by Holley and me and friends made it happen. We received a fax at the last minute from Dee Dee Myers that we were on his schedule.

Following the not guilty verdict of Rodney Peairs, with no acknowledgement by America's legal system that anyone had done anything wrong, the Hattori decided to sue in civil court. A year later the outcome of the civil trial was a judgment that Rodney Peairs was 100% responsible for Yoshi's death, 0%

Yoshi's fault, similarly for Webb and the Haymakers, ..., and the Hattori were awarded \$650,000. They have collected \$100,000 from the homeowner's policy and nothing from Rodney Peairs himself. All these monies stayed in the country, none went back to Japan. About half went for lawyer's costs and the rest donated to organizations who fight against gun violence.

Our activism was not directed at a specific bill in congress but rather was a consciousness raising action relying on the news media to tell the story to the country and prompt citizen lobbying for gun violence prevention laws, i.e. an educational initiative. A couple weeks after we met with President Clinton, the Brady background check law was passed by congress. Eight months later the assault weapons ban passed.

### *A Twentieth Anniversary Conference*

Last October the Hattori family arrived in Baton Rouge for the twentieth anniversary of their son's death. The BR Advocate published front page pictures of them for three days during their visit. In 1993, the Advocate staff reported that this was the second biggest, i.e. second most important story for the year in Louisiana and in 1994 I recall it was fourth or so from the top. The news covered the shooting, the trials- criminal and civil – and the activism by our family and others and the Japanese reaction and activism by the Hattori.

We held a two day conference on gun violence prevention at the Unitarian Church during their visit. The speakers from Washington included Josh Horwitz, now president of CSGV and one of the countries leaders in gun violence prevention, and Jim Atwood a Presbyterian Minister closely aligned with CSGV. Retired CSGV president Mike Beard accompanied them. Locally, Chief of Police Dewayne White and Law Professor at Southern, Shenequa Grey, spoke. Mieko was also a featured speaker along with colleagues from Japan.

The whole conference will be available on utube.com shortly. Josh gave perspective on the two steps forward, one step back for twenty years. He also put in perspective the contributions by the Baton Rouge activists following Yoshi's death. Jim Atwood has worked with CSGV ever since one of his parishioners was shot and killed back in the 1960's. He has little regard for the argument that churches should not talk about gun violence; it is first and foremost a moral issue not a political subject.

### *Twenty years later*

Are we better off with regard to gun violence. No. The gun lobby, principally the National Rifle Association, the NRA, is slowly eroding our freedom to be safe from guns. Concealed weapons; gun stores almost free from government regulation and oversight; concealed weapons allowed in ever more public places; state constitutional amendments protecting not the public

but gun owners and gun abusers; limiting government funding to gather data and study gun violence; stopping Congress from appointing a director of the Alcohol Tobacco and Firearms Agency, the ATF; making it difficult or impossible for police to trace weapons used in crimes; calling for databases on mental states of Americans but no database on guns, limiting doctors questions about guns in the patient's homes.

I have often heard that any restriction on firearms at all will only affect law abiding citizens, so there is nothing we can do about the wrong people getting guns, that we can't imagine how to solve the problem! It is as though we are at a war and have a quartermaster passing out guns to both sides saying go to it. "Nothing we can do about it!" Do I hear a total failure of ability to solve a problem? **A country that can do anything when we Americans put our mind to it.** Those who say we can do nothing display a lack of faith in the American People.

What the "H" is going on? The NRA uses the power of money to affect elections and influence congress -- about \$300,000,000/year mainly from NRA membership fees, including fees from those interested only in hunting and other recreational activities. The political agenda of the NRA leadership certainly does not represent the rank and file NRA members. Elected public officials who argue they are the image of the rugged individualist with true conservative values still kowtow (a Chinese term of bowing to the leader) to the NRA rather than representing their constituents. It seems that their chief concern is having the NRA by their side in the next election. Is leadership of elected officials obsolete?

Our friend Josh Horwitz who spoke at our conference and co-author Casey Anderson make a case that it is more than just power, influence and money that motivates the top echelon of the NRA. In their, book Guns, Democracy and the Insurrectionist Idea they make a thorough case that the leadership believes the Constitution includes the right to act outside it and to do so requires guns of all kinds at all times. Horowitz and Anderson review the historical record of the drafting of the constitution and find that all insurrectionist clauses were defeated in the final document. The insurrectionists were motivated by the oppression of European governments at the time. The NRA insurrectionists view of history is completely self serving and bogus. This helps give an answer to my "H" question. Anyway, we have already tried insurrection by disgruntled citizens -- the American civil war, Oklahoma City bombings etc. and I don't think there is stomach for more.

### *The next step -- What can we do?*

I became a public person for a few years. I testified in the Legislature, helped form Louisiana Ceasefire to stop the concealed weapons bill, wrote op-ed pieces and letters to the

editor, engaged in gun conversations with all comers, was invited to speak all over our country and in many venues in Japan. I helped organize state and national demonstrations. I spoke on the steps of the Louisiana Capitol and the Colorado Capitol following the Columbine shootings. I welcomed every opportunity to tell Yoshi's story to the press.

The Newtown massacre was so horrendous, small children subject to battle field fire, that the political stage can not continue as before as it did after Columbine, Virginia Tech, Travon Martin and Peace Ambassador Yoshi Hattori, Aurora, Tucson, etc. and the knowledge that about 30,000 Americans are killed each year by guns. I predict that we will hear President Obama confront the problem as never before in the coming month with extremely articulate words.

My head is packed full of 20 years of musings! I no longer follow detailed statistics. I say to myself conserve your energy and pick your battles. However in this information age it is easy for anyone to find any information. Every day now one can get from all news media the pro and con arguments about guns hence I leave that aspect incomplete in this piece. One can learn from endless web pages and Facebook pages.

Let me only add only some innovative ways of listening and reading: As you listen and read ask yourself this: Is the person identifying with the shooter or the victims? Is he speaking about better defensive use of guns perhaps in his hands or is he thinking -- my god my own children are never safe in this world of guns. We hear talk that concealed weapons will lead to a safer America. One's children are going to go out in this world, as Yoshi did, and not be under parent's protection and not grown up. If rampant concealed weapons are a deterrent to crime, then you are creating a society that is concerned only with the safety of adults, our most beloved Americans -- our kids are on their own. And possibly you are encouraging an increase in attacks on people who by law can not be carrying guns -- your children -- there is no deterrent for kids.

What can we do? Get information! Go to the NRA website [nra.org](http://nra.org) and learn about the opposition. Act as a citizen lobbyist. Work to elect people who have low NRA ratings. My experience described above was an exceptional circumstance. But some things I did are applicable to all cases. Get your church to become involved. Seek out activist organizations to join. Form your own. Testify.

Read Josh Horowitz's book. And read America and Its Guns: A Theological Expose by our speaker Rev. James Atwood. It is a fascinating examination of the moral issue we all face in a country with a large number of people in love with guns.

Freedom can be seen in two opposing ways. The American civil war offers a clear distinction: The South's position was leave us North regarded slavery as so evil that their moral duty was to **free** the slaves. In the first case of freedom the consequences are not considered relevant. It is the same sense of freedom by an adolescent who can not see the bigger picture. The adolescent needs a nanny to understand the effect of their behavior, and many rugged individualists are admitting to being adolescent by decrying the "nanny state." The policy of easy access to guns again is also adolescent. It can not look at the larger implications, guns are for me, it is only my business. We of course know from our tragic history that there are wider consequences to this act of freedom by the gun buyer.

Shortly after Yoshi died, in my first appearance on national TV I blurted out "This country needs to grow up." I was thinking about all the myths about our young country, and that we need to mature. We no longer are expanding our land. We live in cities. The rugged individualism of TV westerns must not carry the day. Recall that the Gary Cooper character in High Noon was a community activist! He was not first the ultimate rugged individualist. He first called a community meeting to get support to confront the outlaws. Only after they were scared away did he go out on his own with his gun. The Grace Kelly character shot one of them.

A few moments after my comments were broadcast on ABC TV, my phone rang. There was a country male voice on the line warning me that I better keep my comments to myself. I regard anonymous comments as an act of cowardice. Over the twenty years I heard many from that sector of society.

I had touched a nerve!

There surely is a way to preserve freedom and security of all Americans. Lets try with open minds to think what freedoms we truly cherish and put security of our children above all else.

### **The Broader Conversation on Gun Control: Some Anticipated Aspects and Outcomes** by James E. Cross; [cross4153@aol.com](mailto:cross4153@aol.com)

In anticipating passing some legislation on gun control, one needs to begin with examining the Second Amendment to the US Constitution. The next logical step would be to review rulings that the Supreme Court has made concerning the interpretation of the Second Amendment. To move the process along, the next step might be to review the 1994 law on Gun Violence (that has expired). The final step might be to try forming a consensus on common sense legislation and obtaining enough votes in Congress to enact it. Some are likely to say "talk is cheap" and may engage in the conversation with the anticipation that no action will be taken. But let us be hopeful

alone to be **free** to do what we want. The abolitionist that as a result of the conversation, action will be taken to decrease gun violence.

Considering the Second Amendment, after crafting several versions of the bill, the House voted on September 21, 1789 to accept the changes made by the Senate (but amended to include the words "necessary to"). This bill became the Second Amendment to the US Constitution, the final version reading: "A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed." On December 15, 1791, the Bill of Rights (the first ten amendments to the Constitution) was adopted, having been ratified by three-fourths of the States. (Note: Information from the Wikipedia free encyclopedia is being widely used for this presentation.)

The US Supreme Court has examined the Second Amendment on several occasions, dissecting it nearly word for word. With the amendment being ratified in 1791, the Court has had the task of determining its relevance for today. We find that in such cases, a court will rely heavily on the concept of the "original intent" of the law in determining its application. From Wikipedia, the free encyclopedia, we find the following: "Original intent is a theory in [law](#) concerning [constitutional](#) and [statutory](#) interpretation."

"Original intent maintains that in interpreting a text, a [court](#) should determine what the authors of the text were trying to achieve, and to give effect to what they intended the statute to accomplish, the actual text of the legislation notwithstanding."

One aspect of the analysis has centered on the purpose of bearing arms. It was noted that the drafting of this bill was influenced by the English Bill of Rights of 1689. The people of England had protested against the government attempting to disarm them so as to make certain that the people could not rise up against the Crown.

The issue has been debated as to whether the right was being granted to each state of the Union to have a well regulated or armed militia (army) or was the right being granted to individuals to be well armed. For those arguing that this right was being granted to individuals, the purposes of bearing arms have been considered. Three purposes have been discussed: "for the purpose of self-defense," "for the purpose of killing game," and (considering the original intent and the influence of the English Bill of Rights) "to make war against the King."

Another important issue that has been analyzed is the type of arms individuals can bear. This is the aspect that is most relevant to the current conversation. What control should there be on the type of arms that an individual can bear? Some would

give a quick answer that there should be no control. But, they certainly would agree that individuals should be prohibited from owning atomic bombs, anti-air craft missiles, poisonous gases, etc.

As a second aspect, the 1994 law introduced in Congress by Senator Joe Biden should be examined. (This section references Wikipedia, the free encyclopedia.) “The Federal Assault Weapons Ban (AWB), or Public Safety and Recreational Firearms Use Protection Act, was a subtitle of the [Violent Crime Control and Law Enforcement Act](#) of 1994, a federal law in the [United States](#) that included a prohibition on the manufacture for civilian use of certain [semi-automatic firearms](#), so called ‘assault weapons.’ The 10-year ban was passed by [Congress](#) on September 13, 1994, and was signed into law by [President Bill Clinton](#) the same day.”

The Federal Assault Weapons Ban expired on September 13, 2004, as part of the law's [sunset provision](#). There have been multiple attempts to renew the ban, but no bill has reached the House floor for a vote.

“The Federal Assault Weapons Ban was only a small part (title XI, subtitle A) of the *Violent Crime Control and Law Enforcement Act*. The Act created a flowchart for classifying ‘assault weapons’ and subjected firearms that met that classification to regulation. Nineteen models of firearms were defined by name as being ‘assault weapons’ regardless of how many features they had. Various semi-automatic rifles, pistols, and shotguns were classified as ‘assault weapons’ due to having various combinations of features.

The Act addressed only semi-automatic firearms, that is, firearms that fire one shot each time the trigger is pulled. Neither the AWB nor its expiration changed the legal status of fully automatic firearms, which fire more than one round with a single trigger-pull; these have been regulated by the [National Firearms Act](#) of 1934 and [Firearm Owners Protection Act](#) of 1986.

The Act also defined and banned ‘large capacity ammunition feeding devices,’ which generally applied to magazines or other ammunition feeding devices with capacities of greater than a certain number of rounds, and that up to the time of the Act was considered normal or factory magazines. Media and popular culture referred to these as ‘[high capacity magazines](#) or feeding devices.’ Depending on the locality and type of firearm, the cutoff between a ‘normal’ capacity and ‘high’ capacity magazine was 3, 7, 10, 12, 15, or 20 rounds. The now defunct federal ban set the limit at 10 rounds.”

In considering a way forward at this time, it might be considered if some parts, or if all of the above reference law should be reinstated. In particular, should some types of weapons be banned? This is the topic that is most relevant to the current

conversation. Considering the Second Amendment, what control should there be on the types of arms that an individual can bear?

The sale of guns is a big business. Lots of money is involved and where there is money, there is power. “Money talks.” Considering the influence of the gun lobbyist, it is unlikely that any legislation can pass Congress without the support of the gun lobbyist. Isaiah 1:18 says “Come now, and let us reason together, said the LORD.” For all involved in the conversation, by coming and reasoning together, perhaps some meaningful ways of addressing gun violence can be achieved.

### **LCHR Board of Directors**

- Joseph Dennis, Lafayette, President
- Thelma Deamer, Baton Rouge, Vice President
- Doris White, Plaisance, Corresponding Secretary
- Richard Haymaker, Baton Rouge, Membership Secretary
- John Mikell, Lafayette, Treasurer
- Eva Baham, Slidell
- Peter Bonhomme, Breaux Bridge
- Paul Y. Burns, Baton Rouge
- James E. Cross, Baton Rouge
- Julia Frederick, Lafayette
- Marjorie Green, Baton Rouge
- Melanie Harrington, Lafayette
- Ted Hayes, Lafayette
- Elnur Musa, Baton Rouge
- Joe McCarty, Lafayette
- Anthony Navarre, Lafayette
- Rogers J. Newman, Baton Rouge
- Eileen Shieber, Baton Rouge
- Cecil Wiltz, Lafayette
- James D. Wilson, Jr., Lafayette
- Phil Woodland, Baton Rouge

### **BRCHR Board of Directors**

- Thelma Deamer, President
- Gloria Jordon Hall, Secretary
- Bridget Udoh, Treasurer
- James E. Cross, Membership Secretary
- Donna Collins-Lewis
- Rabiul Hasan
- Horace White
- Richard Haymaker
- Elijah Jackson
- Aileen Henricks
- Hazel Bradley
- Jann Briesacher
- Richard Haymaker

**Membership Information**

(For fiscal year beginning July 1, 2012)

**Single Membership ..... \$15.00**

**Family Membership ..... \$20.00**

**Student / Low Income Membership ..... \$1.00**

**Name** \_\_\_\_\_

**Street Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Email** \_\_\_\_\_ **Telephone** \_\_\_\_\_

(Baton Rouge area residents make checks payable to BRCHR.  
Other residents make checks payable to LCHR.)

**Send all payment to:  
James E. Cross  
13608 Alba Drive; Baker Rouge, LA 70714**

Louisiana Council on Human Relations  
13608 Alba Drive  
Baker, LA 70714

**ADDRESS SERVICE REQUESTED**

**Non-Profit Org.  
U.S. POSTAGE  
PAID  
Permit 413  
Baton Rouge, LA**